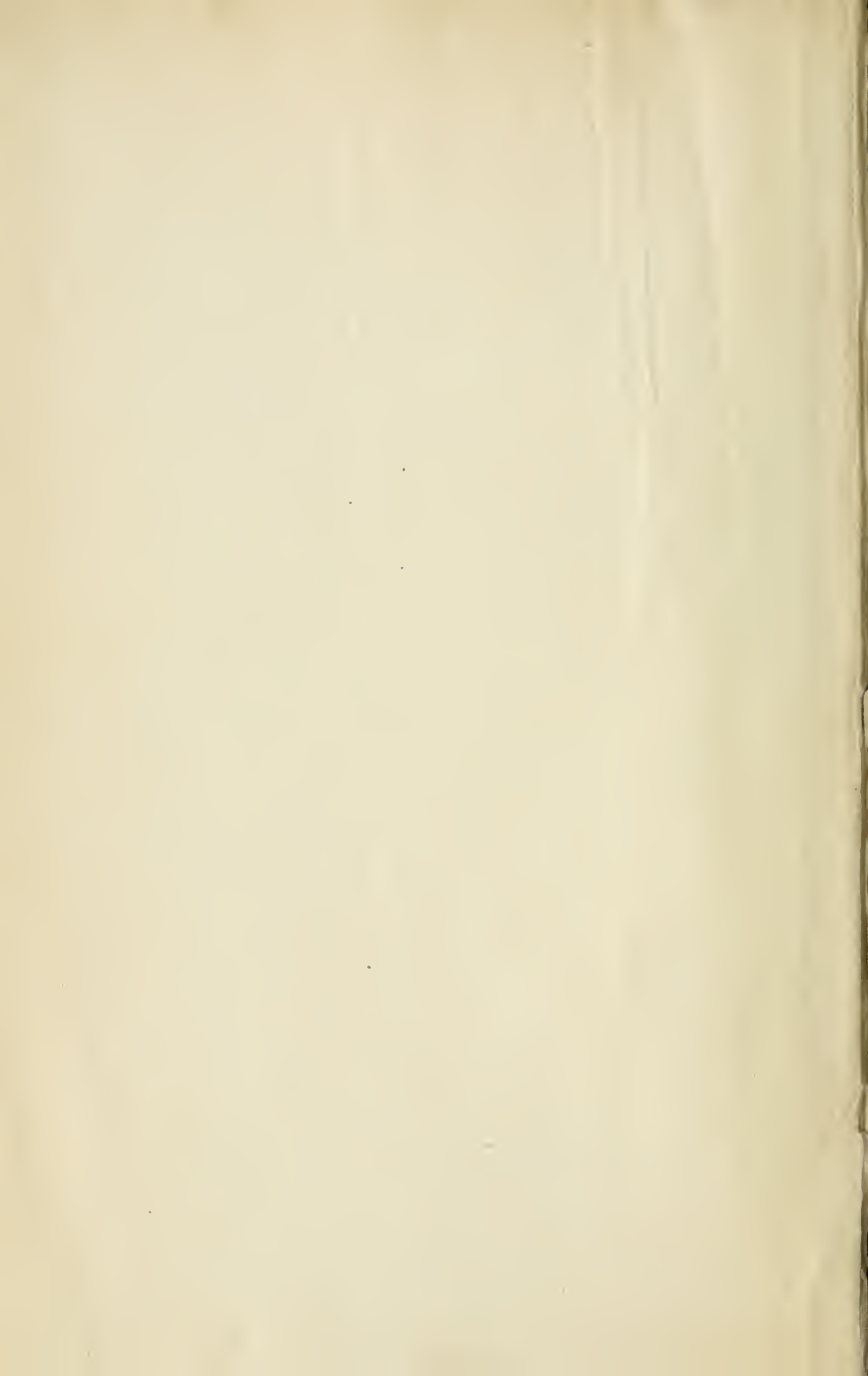








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Ontario Legislative Assembly

SESSIONAL PAPERS.

(145)

VOL. XXXV.—PART X.

FIRST SESSION, TENTH LEGISLATURE

OF THE

PROVINCE OF ONTARIO.

SESSION 1903.

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1903.

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- No. 47.. Report of the Librarian on the state of the Library. Presented to the Legislature, 10th March, 1903. *Not Printed.*
- No. 48.. Return from the Records on the vote for and against the adoption of the Liquor Act, 1902, shewing:—(1) The number of Polling Subdivisions. (2) The number of votes for and against the adoption of the Act. (3) The total number of Votes polled. (4) The number of votes remaining unpolled. (5) The number of names on the Voters' Lists. (6) The number of Ballot papers sent out to each sub-division. (7) The number of Ballot papers used. (8) The number unused. (9) The number of rejected and spoiled Ballots, and (10) The Population of each Electoral District. Presented to the Legislature, 10th March, 1903. *Printed.*
- No. 49.. Report of the Temiskaming Northern Railway Commission for the year 1902. Presented to the Legislature, 21st March, 1903. *Printed.*
- No. 50.. Report upon the Sugar Beet Experiments in Ontario for the year 1902. Presented to the Legislature, 12th May, 1903. *Printed.*

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- No. 52.. Report into the loss and damage caused by the Cyclone which devastated a portion of the Province, in Dundas and Stormont during the year 1902. Presented to the Legislature, 25th March, 1903. *Not printed.*
- No. 53.. Copies of Orders-in-Council under the provisions of the Judicature Act commuting fees J. F. Hare, Local Master in Essex, and authorizing certain payment to Judge McHugh, of Essex. Presented to the Legislature, 21st March, 1903. *Not printed.*
- No. 54.. Report of the Commercial Work of the Canadian Section of the Imperial Institute, during the year 1902. Presented to the Legislature, 21st March, 1903. *Not printed.*
- No. 55.. Copy of Order-in-Council with respect to Regulations under the Succession Duties Act. Presented to the Legislature, 21st March, 1903. *Not printed.*
- No. 56.. Copies of Orders in-Council *in re* recommendations of the Education Department. Presented to the Legislature, 21st March, 1903. *Not printed.*
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- No. 60.. Copy of Order-in-Council *in re* Regulations governing Public Schools. Presented to the Legislature, 21st, 1903. *Printed.*
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- No. 65.. Report of the Master of Titles in respect to the working of the Land Titles system, in the Province, during the years 1900, 1901 and 1902. Presented to the Legislature, 23rd March, 1903. *Printed.*
- No. 66.. Agreement between His Majesty, represented by the Commissioner of Crown Lands, and the Rainy Lake Pulp and Paper Company, Limited. Presented to the Legislature, 19th May, 1903. *Printed.*
- No. 67.. Return to an Order of the House of the twenty-third day of April, 1903, for a Return showing account in detail of timber dues paid or owing to the Province in respect of timber cut upon Crown lands in the Townships of Elzevir and Grimsthorpe in the season of 1901-2. Also, shewing amount due to the said municipalities during same period. Presented to the Legislature, 30th March, 1903. Mr. Pearce. *Not printed.*
- No. 68.. Report of the Ontario Historical Society, 1901, 1902. Presented to the Legislature, 1st May, 1904. *Not printed.*
- No. 69.. By-law No. 16, under the University Act *in re* Faculty of Medicine as to expenditure of \$50,000 towards completion of Building. Presented to the Legislature, 6th May, 1903. *Not printed.*
- No. 70.. Statement of fees received by the Master of Titles during the years 1900, 1901 and 1902. Presented to the Legislature, 8th May, 1903. *Not printed.*
- No. 71.. Return to an Order of the House of the twenty-fourth day of April, 1903, for a Return from the Office of the Master of Titles, shewing
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- No. 72.. Return to an Order of the House of the fourth day of May, 1903, for a Return shewing the number of young Boys and Girls committed to the County Gaols of the Province during the years 1900, 1901 and 1902 respectively. Presented to the Legislature, 11th May, 1903. Mr. Hoyle. *Not printed.*

- No. 73. . Return to an Address of the eighth day of May, 1903, to His Honour the Lieutenant-Governor praying that he will cause to be laid before this House a Return of copies of all Awards made by the Arbitrators between the Dominion and the Provinces, since the date of the last Return. Also, a statement of the Account between Ontario and the Dominion from 31st December, 1892, to 31st December, 1902, as settled by the Counsel for the Province and the Dominion. Together with copies of correspondence between the Minister of Finance of the Dominion and the Provincial Treasurer of Ontario. Presented to the Legislature, 14th May, 1903. Mr. *Matheson*. *Printed*.
- No. 74. . Return to an Order of the House of the Eleventh day of May, 1903, for a Return of copies of all correspondence, agreements and other documents, relating to any application, or agreement between the Government and the Toronto and Niagara Power Company, or any other person, or persons, since the first day of January, 1902, for a grant, or proposed grant of water power from the Niagara or Welland Rivers, for the purpose of generating pneumatic, or other power. Presented to the Legislature, 21st May, 1903. Mr. *Foy*. *Not printed*.
- No. 75. . Return to an Order of the House of the Twentieth day of May, 1903, for a Return of copies of all correspondence between the Department of Public Works, or any officer thereof, and any applicant or applicants, for fishing rights or fishing concessions for commercial purposes, in Lakes Nepigon, Manitou and other Lakes in Ontario, since the first day of May, 1902, together with copies of all agreements for fishing rights, or fishing concessions, since said date. Presented to the Legislature, 28th May, 1903. Mr. *Hendrie*. *Not printed*.
- No. 76. . Return to an Order of the House of the Twentieth day of May, 1903, for a Return of copies of all correspondence, papers and documents relating in any way to the appointment of one John McMaster, in or about the month of May, 1902, as overseer of work to be performed on Markstay and Warren Road in Algoma or Nipissing, and to the work done, security given and money advanced or expended in connection therewith. Presented to the Legislature, 28th May, 1903. Mr. *Nesbitt*. *Not printed*.
- No. 77. . Return to an Order of the House of the twenty-seventh day of May, 1903, for a Return shewing the amount of money annually expended by the Province under the "Mines Act," for the encouragement of iron mining. The names of the persons, companies or firms to whom the money has been paid. The amount of iron ore annually mined and smelted in the Province; shewing as well the amount of foreign ore annually smelted in the Province. Presented to the Legislature, 29th May, 1903. Mr. *Hoyle*. *Not printed*.
- No. 78. . Copy of Order in Council approved by His Honour the Lieutenant Governor, on the eleventh day of June, 1902, respecting a certain

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- No. 79.. Copy of an Agreement bearing date of the seventh day of May, 1903, by and between the Sturgeon Falls Pulp Company, Limited, and the Imperial Paper Mills of Canada, Limited. Presented to the Legislature, 1st June, 1903. *Printed.*
- No. 80.. Return to an Order of the House of the fourth day of June, 1903, for a Return of copies of all correspondence between the Attorney-General or any other Member of the Government and the County Council of Frontenac, with reference to a Resolution of the County Council asking for the dismissal of the Sheriff of the County; together with copies of all correspondence between the Government, or any Member thereof, and James Dunkin Thompson, Registrar of the County of Frontenac, and Thomas Dawson, Sheriff of the said County, as to the appointment of a Returning Officer for the County, at the last Provincial Election. Presented to the Legislature, 16th June, 1903. Mr. *Gallagher*. *Not printed.*
- No. 81.. Return to an Order of the House of the twenty-eighth day of May, 1903, for a Return of Copies of all correspondence between any Member of the Government and James A. Browning of Bellingham, Ontario, relating to the imprisonment of the latter, on a charge of obtaining property on false pretences. Presented to the Legislature, 26th June, 1903. Mr. *Smyth*. *Not printed.*

REPORT

OF THE

Royal Commission *re* Gamey Charges

BEFORE

The Honourable SIR JOHN A. BOYD, Chancellor,

AND

The Honourable CHIEF JUSTICE FALCONBRIDGE.

EVIDENCE.

PRINTED BY ORDER OF
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IN THE MATTER OF THE ROYAL COMMISSION

TO THE HONOURABLE SIR JOHN A. BOYD, CHANCELLOR,

AND

THE HONOURABLE CHIEF JUSTICE FALCONBRIDGE

RESPECTING THE GAMEY CHARGES.

Proceedings opened before their Lordships at the Court House, Toronto (Non-jury Court Room), April 3rd, 1903, 11 a.m.

The Honourable S. H. BLAKE, K.C., Mr. C. H. RITCHIE, K.C., and Mr. W. D. McPHERSON appeared as counsel for the accuser.

Mr. E. F. B. JOHNSTON, K.C., Mr. W. R. RIDDELL, K.C., and Mr. J. M. McEVoy appeared as counsel for the accused.

Mr. CHAS. GRANT was appointed Registrar to the Commission, and the oath of office was duly administered by the Honourable Chief Justice FALCONBRIDGE.

(1)

The Chancellor: Mr. Grant, will you read the Commission?

Mr. Grant, the Registrar, then read the Royal Commission, as follows:

O. MOWAT,

Canada, Province of Ontario.

Edward the Seventh, by the Grace of God of the United

(2)

Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King Defender of the Faith, Emperor of India.

To the Honourable Sir John Alexander Boyd, Knight Commander of our most distinguished Order of St. Michael and St. George. President of the High Court of Justice of our Province of Ontario, and to the Honourable William Glenholm Falconbridge, Chief Justice of the King's Bench, our Commissioners in this behalf. Greeting:

Whereas, in and by Chapter 19 of the Revised Statutes of our Province of Ontario, entitled an Act respecting inquiries concerning public matters, it is enacted that whenever the Lieutenant-Governor of our said Province in Council deems it expedient to cause enquiry to be made into and concerning any matter connected

with the good Government of our said Province, or the conduct of any part of the public business thereof, or the administration of justice therein, and such enquiry is not regulated by any special law, the Lieutenant-Governor may by the Commission in the case, confer upon the Commissioners or persons by whom such enquiry is to be conducted, the power of summoning before them any party or witnesses and of requiring them to give evidence on oath, orally or in writing (or on solemn affirmation if they be parties entitled to affirm in civil matters), and to produce such documents and things as such Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine, and that the Commissioners shall then have the same power to en-

(3)

force the attendance of such witnesses, and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

And whereas certain charges were on the 11th day of March, 1903, made by Robert Roswell Gamey, a member of the Legislative Assembly of our Province of Ontario, for the electoral district of Manitoulin, affecting the good Government of the Province, whereby the said Robert Roswell

Gamey from his place in the said Legislative Assembly, and whilst the Legislative Assembly was in session, charged and declared that James Robert Stratton, another member of the said Legislative Assembly, and a member of the Executive Council of our said Province, did certain corrupt and unlawful acts, by attempting to bribe the said Robert Roswell Gamey by the payment to him of certain moneys, to wit, the sum of Three Thousand Dollars, on Wednesday, the 10th day of September, one thousand nine hundred and two, at the Parliament Buildings in the City of Toronto, in our said Province, and by the further payment to him of the sum of One Thousand Dollars on Thursday, the 29th day of January, one thousand nine hundred and three, at the place aforesaid, to influence and induce corruptly and unlawfully the said Robert Roswell Gamey, who was at said times a member of the said Legislative Assembly as such member to vote for and support the Government of which the said James Robert Stratton is now and was at the said times a member.

And whereas the said Robert Roswell Gamey further charged that by the offer of patronage he the said James Robert Stratton did endeavor to bribe

(4)

and corruptly induce and influence the said Robert Roswell Gamey as such member to vote for and support the said Government.

And whereas the three several papers accompanying this our Commission, and marked respectively A, B and C by the Clerk of the Legislative Assembly, taken from the issues of the Toronto Globe, Mail and Empire and World, respectively of date the 12th day of March, one thousand nine hundred and three, contain and fully set forth the said charges so made by the said Robert Roswell Gamey, against the said James Robert Stratton.

And whereas it is deemed expedient by the Lieutenant-Governor of our said Province of Ontario in Council to cause enquiry to be made into and concerning the truth of the said charges made as aforesaid.

And whereas the said Legislative Assembly presented to the Lieutenant-Governor of our said Province an address praying that he would issue a Commission to investigate the said charges set forth in the said papers herewith, and to enquire into and investigate all matters and things which in the judgment of the Commissioners relate thereto or affect the same, and that such Commission should be directed to two of the Chief Justices or

to one of the Chief Justices of the Supreme Court of Judicature of Ontario and the President of the High Court of Justice.

And whereas our said Lieutenant-Governor in Council deems it expedient to accede to the request of the said Legislative Assembly,

Now know ye, that we, having and reposing full trust and confidence in you the said John Alexander Boyd, and

(5)

you the said William Glenholm Falconbridge, do hereby and with the advice of the Executive Council of our said Province appoint you the said John Alexander Boyd and you the said William Glenholm Falconbridge, to inquire into and investigate the said charges and all matters and things which in your judgment are relevant thereto.

And we do hereby confer on you our said Commissioners full power and authority to proceed with all reasonable despatch to hear, inquire into and investigate the said charges against the said James Robert Stratton, contained in the said papers, marked respectively A, B and C, and to report the result of such investigation within a reasonable time, together with all evidence, documents, papers and things that may be given, produced or laid before you, touching the charges aforesaid.

And we do hereby empower you to hear and examine all witnesses on oath, and do require them to give evidence and produce documents and things and to issue subpoenas for enforcing the attendance of such witnesses at the instance of either of the said parties to said charges, and to cause the evidence given before you to be taken in shorthand, and to administer or cause to be administered by the Clerk of the said Commission (to be appointed by you), all necessary oaths to witnesses, criers, constables, stenographers and others to whom an oath may be administered, to the same extent and effect as may now be administered in a Court of Law.

And we do hereby confer on you all the powers, rights and privileges concerning the hearing and investigation of the said charges, the making of the said enquiry, the execution of

(6)

this Commission, the examination of witnesses, the taking of evidence, and the production of documents and things, which are possessed by or conferred on a Judge in the trial of causes, either by Common Law or by Statute, it being intended that you, our said Commissioners, shall have the same rights, powers and privileges as Judges

of the High Court have in the trial of causes and in respect of all matters incidental thereto.

And we direct that upon the said enquiry no witnesses shall be excused from answering any question upon the ground that the answer may tend to criminate him, but that no evidence given by any person or witness before you shall be receivable in evidence against him in any criminal trial or other criminal proceeding against him hereafter taking place, other than a prosecution for perjury in giving such evidence.

And we do further empower you to permit each party to the said enquiry to be represented by counsel, who shall be entitled to conduct the presentation of said charges and the answer thereto respectively in accordance with the practice and law applicable to counsel in trials of causes.

And we do further empower you to direct that the evidence taken by the stenographers shall be extended and certified to by them, and the same, when so extended and certified, shall be returned with your report as the evidence taken before you.

And we do further empower you to appoint the places where and the times when the sitting of the said Commissioners shall be held, and to adjourn if necessary from day to day, or from time to time to enable the presentation of the said charges, and the answer thereto, to be fully and completely made, heard and investigated.

(7)

And we do further empower you to enquire into, investigate

and report upon any charges arising out of or connected with the charges aforesaid against the said James Robert Stratton, contained in the said papers A, B and C, which may be preferred in writing by any member of our Legislative Assembly against any member of our said Executive Council, other than the said James Robert Stratton, and under and with the like power and authority herein contained, and subject to such notice and terms as may appear to you reasonable and proper to be given to the member so charged.

To have, hold and enjoy the said office and authority of Commissioners for and during the pleasure of our said Lieutenant-Governor.

In testimony whereof, we have caused these our Letters to be made Patent and the Great Seal of our said Province of Ontario to be hereunto affixed.

Witness the Honourable Sir Oliver Mowat, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Member of our Privy Council for Canada, and Lieutenant-Governor of our Province of Ontario.

At our Government House in our City of Toronto, in our said Province, this twenty-eight day of March, in the year of our Lord, one thousand nine hundred and three, and in the third year of our reign.

By Command,

G. E. LUMSDEN,
Assistant Secretary.

(7½)

No. 110.]

BILL.

[1903.

An Act respecting Evidence.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Protection of
persons giving
evidence upon
commission to
investigate
charges made
by R. R.
Gamey.

1. Notwithstanding anything contained in section 2 of *The Act respecting Inquiries concerning Public Matters* or in any other Statute, no person giving evidence before the commissioners appointed by Royal Commission, bearing date 28th day of March, 1903, for the purpose of hearing and investigating certain charges preferred on the 11th day of March, 1903, by Robert Roswell Gamey, a member of the Legislative Assembly of the Province of Ontario, shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or to render him liable to any punishment, penalty or penal proceeding, and any person so giving evidence, as aforesaid, shall be entitled to the like protection as if the evidence was given by him after objection under the provisions of section 5 of *The Canada Evidence Act, 1893*, and amendments thereto.

Application
of Act to per-
sons giving
evidence on
other charges.

2. The preceding section shall extend to and include all persons giving evidence on the hearing of any other charges which may be preferred and heard under the said Royal Commission.

Statement
made by
R. R. Gamey
on 27th March
to be included
in commis-
sion.

3. The statement made in the House on 27th March, 1903, by the said Robert Roswell Gamey shall be deemed to be a charge coming under the last clause of the said commission.

(8)

Mr. Grant administered the oath of office to Nelson R. Butcher, Official Stenographer. He also administered the oath of office to Mr. Kemp, the crier, as also the several constables appointed by the Sheriff.

The Chancellor: We have called this preliminary meeting to arrange as to the method and manner of proceeding with the Commission. It is desirable that the matter should be prosecuted with expedition. I suppose it is intended that the proceedings should be closed by the 21st of the month (I hope they will be closed much earlier), but that indicates at all events that the proceedings should be *de die in diem*. Our suggestion is, subject to what counsel may say, that we should commence next Monday with the working sessions of the Court, when witnesses will be examined, and so on, and we suggest that a very good time would be from 10 a.m. until 4 p.m., with an intermission of one hour. We should be glad to learn from counsel if that will meet their views, and if they will be ready to go on, or indeed any suggestions they may wish to make.

Mr. Riddell: As regards the time during which the Commission is to sit, my Lord, has it been considered that if we sit from 10 a.m. to 4 p.m., the evidence can be extended from day to day?

The Chancellor: I believe so.

The Hon. Chief Justice Falconbridge: We understand there is no difficulty about that.

Mr. Riddell: As regards the time, speaking for my learned colleagues and myself, we are quite desirous, and

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quite anxious to get on as fast as possible, consistently with getting the evidence out. I do not know what my learned friends who are prosecuting have to say about that.

Mr. Johnston: We are ready, my Lord. We, like the other side, have had now two or three weeks, or two weeks at any rate, in which no doubt there has been a good deal of preparation made, both on behalf of the accuser and the accused. We have foreseen the fact that it would be necessary to proceed with very great diligence, particularly if the House is to re-assemble on the 21st of April. We are therefore in a position to go on at such time as may suit your Lordships' convenience. We are ready.

The Chancellor: Well, we suggest Monday as the earliest day.

Mr. Riddell: That will suit us.

Mr. Blake: We have no desire, my Lords, to prolong the matter. I

should certainly like a copy of the Commission, which we have not yet had. And, I should like an order to produce all documents, as was made in the Parnell Commission. I should like a reasonable time to consider the answer that may be made to that, and the documents that may be produced under it. I should like an opportunity, having had the Commission, and having seen it, to present the charges in as intelligible a shape as we can to your Lordships. Whatever time may be necessary for that, I presume will not be something granted as a matter of any indulgence on our request, but as something that will be absolutely necessary in order to the due investigation of the matters.

The Chancellor: As I understand the onus is on you, and of course you

(10)

have your own time to prepare. You initiate the proceeding, I suppose?

Mr. Blake: I am in the hands of the Commission.

The Chancellor: Well, the charge being made as I understand by the gentleman you represent, you necessarily will open the matter, and lay the foundation.

Mr. Blake: We want to meet your Lordships in whatever way is reasonable.

The Chancellor: You wish time to prepare the preliminaries? That seems reasonable enough.

Mr. Blake: I have thought this. Your Lordship will understand we had no notice of this meeting to-day at all. I did not until 10 o'clock know that it was expected we were to be here. I have had a hurried conference with my learned friends, Mr. Ritchie and Mr. McPherson, who are with me. The first step for us is to procure the productions. There are many documents and matters.

The Chancellor: I suppose mutual production will be asked?

Mr. Johnston: Oh, yes.

The Chancellor: On both sides in the fullest way?

Mr. Blake: Oh, yes. And then an affidavit verifying on the part of each of the persons interested in it—verifying the production.

The Chancellor: Yes, the usual order for production, and verification on both sides, is quite right.

Mr. Blake: Yes, my Lord. Then, a copy of the Commission?

The Chancellor: Yes, of course, you will have that. I had supposed this

(11)

being so frequently published in the papers, that the contents would be very well known, but you can have the exact *ipsissima verba*.

Mr. Blake: Your Lordship will understand that up to the present date I do not know in what way that ultimately was settled.

The Chancellor: Very good, a copy of that will be furnished.

Mr. Blake: If I were to act upon what may have appeared from time to time, I may have been entirely misled. I asked my learned friend Mr. McPherson about it, and he said I have not seen it, I do not know, and I cannot tell you.

The Chancellor: That will be furnished at once.

Mr. Blake: Yes, my Lord.

The Chancellor: There are a number of papers and clippings from papers attached. Those you do not want? Those are simply from the public press. But the body of the Commission you want.

Mr. Riddell: My learned friend will have a copy.

The Chancellor: There are the three morning papers.

Mr. Blake: Oh, certainly, my Lord. We do not want anything unreasonable. It being indicated whence they can be procured, we can get the papers.

The Chancellor: The body of the Commission shows that.

Mr. Blake: Then, in regard to the question of presenting the charges upon the Commission. After a few moments of hurried conference with my learned friends, I had thought of presenting the charges signed by Mr. Gamey, in what would be thought to be a proper shape under the Commission.

(12)

The Chancellor: You mean additional charges?

Mr. Blake: No, my Lord. I mean, to put the charges in shape. There is a long statement, your Lordship will understand.

The Chancellor: You will formulate them?

Mr. Blake: Yes, my Lord. Then, I did not know when we could get these documents which are to be produced. I had supposed, if we had a couple of days to consider those, that we could prepare our charges, and then would be ready to meet your Lordships.

The Chancellor: Then, as to the production. How soon can you make that production, Mr. Johnston, or Mr. Riddell?

Mr. Johnston: We can make the production at once. Let my learned friend comply with the terms of the order which your Lordships are making—let them comply with the directions of that order by to-morrow, and we will.

Mr. Blake: That is a statement under oath. Your Lordship will remember the Parnell Commission, and the orders there made from time to time for the production of all documents and papers.

Mr. Johnston: An affidavit on production. The same as an affidavit on production. We will file that affidavit with the Registrar.

The Chancellor: You will produce generally all documents, and if any particular ones are omitted, those can be supplied by subsequent orders afterwards, but those you have you will produce, so as to satisfy what is wanted.

Mr. Riddell: We can do that to-morrow.

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Mr. Blake: Then, when can we have the documents to be inspected?

The Chancellor: You will have a copy of the Commission at once. Furnish that, Mr. Grant, at once.

Mr. Blake: Have you a copy of it?

Mr. Grant: No.

Mr. Johnston: There will be copies printed.

The Chancellor: You are entitled to have a copy of the document itself.

Mr. Blake: Your Lordship will understand I am not aware that up to the present that that, as authoritatively issued, has at all appeared.

The Chancellor: You are entitled to a copy of the very thing. Everything will turn upon the wording of that, of course, not what is printed in the papers. Then, when will you furnish your documents to the other side, Mr. Blake?

Mr. Johnston: I will give my learned friend a copy now of the Commission. It was supplied to me. That is copied by the Department.

Mr. Blake: But we are not depriving you of your copy?

Mr. Johnston: Oh, no., I only got it to-day.

The Chancellor: Then, that is considered satisfied?

Mr. Blake: Oh, yes.

The Chancellor: That can be compared with the original.

Mr. Blake: You will in due time compare it, Mr. Grant.

The Chancellor: Then, as to your productions, Mr. Blake, when will you be able to furnish them?

Mr. Blake: I think we will be able to furnish them on Monday. It will have to be an affidavit with the regular

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schedule, with all the papers and documents we have. Then, as to the documents produced, and the convenience of their being seen. I do not know whether we could arrange with my

learned friend that his productions should be at his office, and ours at the office of Mr. McPherson, or whether they should be with the Registrar?

Mr. Johnston: I think the documents, if it suits my learned friend's convenience, ought to be with the Registrar of this Commission.

Mr. Blake: I am just indicating some convenient place.

The Chancellor: That would be the most convenient place.

Mr. Blake: Then, that is considered to be the most convenient place.

Mr. Johnston: Open to inspection by either party.

The Chancellor: You mean the Registrar's office at Osgoode Hall?

Mr. Blake: Your Lordship's Registrar.

The Chancellor: Of course, we will not be sitting here always.

Mr. Blake: Oh, at his office at Osgoode Hall.

The Chancellor: That is the better way. That is a fixed place.

Then, I may interject, in order that we may not overlook it, that the subsequent sittings of the Commission will be in the Jury Court room. It was a mistake that the Non-Jury Court room was mentioned this morning. It will be the Jury Court room in this building.

Then the productions will be on Monday, and the formulated case, or the case in such shape as you wish to

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present it, will be ready, when do you think, Mr. Blake?

Mr. Blake: I should hope, by Tuesday.

The Chancellor: Then, would you begin on Tuesday, or do you want time after that is in?

Mr. Blake: It would depend, my Lord, upon what investigation we may need in regard to the documents, what light they may throw. I am trying to give the earliest possible day, Wednesday. What do you say, Mr. McPherson?

(Mr. Blake, Mr. McPherson and Mr. Ritchie now consult in reference to this matter.)

Mr. Blake: After conferring with my learned friend, Mr. McPherson, who has had most to do with it, he says he thinks that by Monday we could have the charges formulated, but there is a difficulty getting some of the witnesses from Manitoulin Island, as he suggests, and a difficulty in preparing the case. He desires me to request that Monday week would be the earliest day.

The Chancellor: Monday week?

Mr. Blake: Yes, before he could have the case prepared for counsel. Of

course, your Lordship must understand that if we were going down to an ordinary trial we would be entitled to ten days or a fortnight as notice. I do not want anything unreasonable. We would be entitled to have all the productions, and have ample time for investigation. My learned friend, Mr. McPherson, makes that statement to me, and I convey that to the Court. I cannot therefore suggest any earlier date than that which he mentions.

The Chancellor: Of course, if you required witnesses from Manitoulin whom you have not seen, in order to

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frame your case, that is one thing, but I suppose the chief actor in the matter being here, as I understand, his evidence will be available, and the matter might be gone on with him. Still, if you say you cannot go on until Monday week, I do not think we are in a position to force you on at all.

Mr. Blake: Well, my Lord, I have pressed my learned friends. It is not in my interest, certainly, to keep the thing standing, and certainly it is not in the interests of your Lordships. I have sought to meet your Lordships as well as I can. That is the answer that is given to me. I have spent a quarter of an hour trying to persuade my learned friend to get on earlier, but he says he cannot, and I am obliged to convey that to the Court.

Mr. Johnston: This may facilitate my learned friend. We appreciate the difficulty of reaching the island at this time of the year, but provision will be made by which a special boat will go to the island at once for the purpose of bringing down all witnesses that may be required on either side. We will send at once for that purpose. That means that communication will be open to my learned friend's witnesses. We hope, by that means, the witnesses will be here.

The Chancellor: Do you think they would all come in one boat?

Mr. Johnston: We can send two boats.

The Chancellor: That may meet you. Mr. Blake. That may expedite the matter.

Mr. Johnston: We will arrange transportation.

Mr. Blake: I have not the slightest idea, my Lord, how long that will take.

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Mr. Riddell: It is ten hours from land to land, I understand.

Mr. Blake: Nor do I know how far the ice is out of the bays, and all that kind of thing—practical matters. It is all very well to wave the hand and say, "We will have a boat up and down."

but there are practical difficulties in the way.

Mr. Riddell: I presume it is somewhat probable that the examination and cross-examination of the person who is making the charge will probably take one or two days at all on the witnesses may be brought down from Manitoulin.

Mr. Blake: It is not a possibility or probability. If your Lordship asks me as to dates, these are the dates.

The Chancellor: Monday week?

Mr. Blake: Monday week, as the earliest day.

Mr. Johnston: Then, when do we understand the productions are required on our part, and on the part of the other side?

Mr. Blake: On Monday I thought your Lordship said.

The Chancellor: Next Monday.

Mr. Blake: If that is convenient.

Mr. Johnston: Oh, yes. In view of what was said about opening on Monday, I was making an effort to have it on Saturday.

Mr. Blake: If you think Tuesday will be more convenient?

Mr. Johnston: Oh, no. Monday will do.

The Chancellor: Production on both

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sides then on Monday. Is that understood?

Mr. Blake: Yes, my Lord.

The Chancellor: And you will present your case when?

Mr. Blake: Wednesday or Thursday; we may as well make it Thursday.

Mr. Riddell: That may be rather awkward, because when we have that case as formulated, it may be necessary for us to have other witnesses from Manitoulin than those we intend at present.

The Chancellor: But your witnesses will not be reached for some time.

Mr. Riddell: We want to bring them all down together.

Mr. Johnston: My learned friend, Mr. Blake, thinks the charges will be ready by Wednesday, and we accept that.

The Chancellor: Then, as to the hours we mention?

Mr. Johnston: That is satisfactory, as far as we are concerned.

Mr. Blake: Your Lordship thinks those are the most satisfactory hours?

The Chancellor: Unless you wish to work longer?

Mr. Ritchie: I have not seen any of the evidence, nothing further than in the newspapers.

Mr. Blake: We have been suggesting the question of getting the copies of evidence the next day?

The Chancellor: That is arranged with Mr. Butcher.

Mr. Blake: 10 a.m. to 4 p.m. We accept that.

The Chancellor: Then, Mr. Johns-

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ton, do you object to that arrangement, Monday week at 10 o'clock?

Mr. Johnston: Well, of course, we would rather go on, but we are in the hands of your Lordship, and Mr. Blake's statement as to his inability to proceed next week.

The Chancellor: I should think it would have to stand.

Mr. Ritchie: I would suggest that the case should be formulated on Thursday, instead of Wednesday. My learned friend will be away.

Mr. Blake: We will try to have it on Wednesday; if not Wednesday, on Thursday.

The Chancellor: Then you may adjourn this Commission until the 13th at 10 o'clock.

Mr. Blake: We can get all the subpoenas we want from Mr. Grant?

The Chancellor: Yes, Mr. Grant will issue subpoenas.

Mr. Johnston: Has your Lordship determined upon any form of subpoena?

Chief Justice Falconbridge: They are framed.

The Chancellor: They are framed.

Mr. Johnston: They are duces tecum?

The Chancellor: You can have them duces tecum. You can add that clause.

Chief Justice Falconbridge: There is a general clause.

Mr. Johnston: Whatever we require in the way of printing, or otherwise, I am instructed to have it done, because the Government has undertaken to cover all the expense.

The Chancellor: Compensation to witnesses is available?

Mr. Johnston: Oh, yes.

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Mr. Blake: Then we will correspond with Mr. Johnston, and we will have no difficulty.

The Chancellor: Then we will adjourn until Monday, the 13th, at 10 o'clock, in Number One Court Room.

(The Commission then formally adjourned at 11.40 a.m., to meet on Monday, the 13th April, in No. 1 Court Room, Court House, Toronto, at 10 o'clock.)

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Proceedings resumed before the Royal Commission in re The Gamey Charges at the Court House, Toronto, April 13th, 1903, 10 a.m.

Present on behalf of the accuser:—The Honorable S. H. Blake, K.C., Mr. C. H. Ritchie, K.C., Mr. W. D. Mc-

Pherson, Mr. S. Price of St. Thomas, and Mr. J. A. Macdonald.

Present on behalf of the accused :— E. F. B. Johnston, K.C., Mr. W. H. Riddell, K.C., and Mr. McEvoy.

The Chancellor : Is Mr. Macdonald associated with you, Mr. Blake ?

Mr. Blake : My learned friend Mr. Ritchie, my Lord, and Mr. McPherson and Mr. J. A. Macdonald.

The Chancellor : Are you ready, Mr. Blake ?

Mr. Blake : Yes, my Lord.

Mr. Johnston : Mr. Riddell and myself appear for the accused, and Mr. McEvoy is junior.

The Chancellor : We have taken a note of the counsel. Mr. Blake says he is ready to go on.

Mr. Johnston : Yes, my Lord, but I desire to make a statement to your Lordships before my learned friend begins. We have been served with what are called "formulated charges."

The Chancellor : I was going to ask Mr. Blake if he had prepared his charges. I am not aware of that. You have prepared certain charges, Mr. Blake ?

Mr. Blake : Yes, my Lord, and they

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were filed on Thursday, and were served. Possibly I should have sent a copy to your Lordship, but I did not think it was necessary, as they were in the registrar's office.

The Chancellor : Do you object to those charges ?

Mr. Johnston : Certainly.

The Chancellor : A great many witnesses are here. Are your witnesses ready ?

Mr. Blake : Yes, my Lord.

The Chancellor : I think the best way is to mark in red ink what you object to in this. Mr. Johnston, and we will consider what you object to, and later, if necessary, have an argument upon the question.

Mr. Blake : Does your Lordship not think it would be but reasonable, if my learned friend makes an objection—we have heard of no objection until this morning—that we should have some notice ?

The Chancellor : I think he should serve on you these particulars with the red marking.

Mr. Blake : Yes, my Lord, if we had that.

The Chancellor : And then you can either agree on striking those out, or arguing them and submitting them to us, and we will consider them. At present it is very undesirable to have skirmishing on preliminary matters when so many witnesses are here. We have the text of the Gamey Charges before us, and this Commission is wide enough to investigate everything there is in those, so that we can go on without waiting for any formal

charges. We will take the charges in their artless shape in the way in which they are given in Mr. Gamey's own words.

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Mr. Johnston : But your Lordship will pardon me for a moment. The scope of the charges as formulated by my learned friend, Mr. Blake, is infinitely wider than the scope of the Commission.

The Chancellor : Then, if it is infinitely wider, we will never get through.

The Chief Justice : But there are so many things which are common ground, and which must be investigated, we can go on with those in the meantime.

The Chancellor : Here are all the Gamey charges in full, in his own words, before us, and we have the opportunity and means for going on with those. If there is more than that we cannot go into them. If there is less than that, we will still go into the Gamey charges.

Mr. Johnston : I am not desiring to restrict the Commissioners—

The Chancellor : You cannot restrict them. We have our authority.

Mr. Johnston : Or take any technical objection, but what I say is this, and we desire to state our position fully before the court.

The Chancellor : I think, Mr. Johnston, if you would take the course I suggest, of marking what you object to in this, you will be heard fully afterwards.

Mr. Johnston : I shall do that, my Lord, but that is not the crucial point at the moment. The charges that we are here to meet are three specific charges under the Commission. The question of what evidence may be admissible to establish those charges is quite another matter. With that I do

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not propose to trouble your Lordships for the moment. The first charge is the payment of \$3,000 to Mr. Gamey. The second is the payment of \$1,000, and the third is the corrupt exercise of patronage towards Mr. Gamey for the purpose of inducing him to leave his party to support the Liberal Government. That is the position which is made out by the Commission. That is the case which we were asked to meet. What we are asked to meet now by these charges is—

The Chief Justice : You are also asked to meet the last charge of Mr. Gamey on the floor of the House, conspiracy in which everybody is implicated. That you have to take into account.

Mr. Johnston : Certainly.

The Chancellor : Those are Mr. Gamey's own words, and those are the

words we are about to investigate, and those are the charges on which we propose to hear evidence now. What may be in those particulars is not of moment now. You are objecting to them. We will consider those in the shape they are formulated, but Mr. Gamey has formulated his own charges, and those are referred to us. When the evidence transcends those then objection will arise.

Mr. Johnston: Then it is understood that we do not assent in any way.

The Chancellor: They are not on the files of the court at present. This is a proposition on the formulation of certain charges to which you object, but the charges out of which this formula arise are those before us. This may be very useful in the way of pointing and condensing and direct-

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ing and so on, but the charges are Mr. Gamey's own charges, which we are now dealing with. This is a matter of form which you can discuss afterwards.

Mr. Johnston: If that is the position that is to be taken, we are perfectly content, because it is the charges he makes we are here to try, and are ready to try.

The Chancellor: These formal charges are before the court, and have to be dealt with sooner or later. I suggest they should be dealt with later, and not sooner, so as not to delay the evidence. They can go on perhaps for a day, and we will consider these if you mark your objections in red ink, and send them to the other side. After that we will be in a position to deal with them more intelligently at a later stage.

Now, Mr. Blake?

Mr. Blake: There are some witnesses we have subpoenaed duces tecum, and I desire to get their productions. I will call Mr. R. A. Grant.

The Chancellor: Does the witness answer?

Mr. McPherson: You had better have him called outside.

Mr. McEvoy: He is in the barristers' room.

The Chancellor: Have him sent for, so that there will be no delay.

Mr. Blake: He is called for the purpose of making production of documents. He was subpoenaed to produce. I do not want him to go into the witness box.

The Chancellor: You are just asked to produce documents. You are not being sworn at present.

Mr. Blake: If you will just leave the

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documents with the registrar of the court. All your correspondence, books,

papers, accounts, cheques, receipts and documents, which you have there.

The Chancellor: You are asked to produce certain things. He produces those. If you find there is more wanted, you will have to ask for them. You had better not delay now. You can go through those afterwards.

Mr. Grant: There are one or two entries in my firm's books that I wanted to produce.

The Chancellor: You can extract the entries; if there is anything connected with them of a private nature you need not disclose that, but any other entries you can make copies of, subject to their investigation afterwards.

Mr. Grant: Yes, my Lord. I will do that with pleasure.

Mr. Blake: And any papers there may be you will leave here.

The Chancellor: Are these witnesses in court, or are they in the room?

Mr. Blake: I think they are all to be permitted to be in court.

The Chancellor: It was said the court room would not be large enough if they were all in.

Mr. Blake: Call Frank Sullivan.

(Frank J. Sullivan called, but not present.)

(John Sullivan was then called by the Crier and came forward.)

Mr. Blake: You were subpoenaed to produce all books, papers, letters, documents and so on. Have you got them with you?

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Witness: No, sir. I have not got any papers, not in connection with this.

Mr. Blake: Call Frank Sullivan.

(Called, but not present.)

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Robert Roswell Gamey, sworn. Examined by Mr. Blake:—

Q.—You were the Conservative member for the District of Manitoulin at the last election for the Legislative Assembly held on the 22nd and 29th May? A.—Yes, sir.

Q.—And you were elected for that electoral district at the last elections?

A.—Yes, sir, I was.

Q.—By a large majority, some 340 votes? A.—About 340.

The Chancellor: That was the 29th May, was it?

Mr. Blake: 22nd and 29th May, my Lord.

Mr. Blake: Q.—The returns by the returning officer were made or declared on the 17th June following? A.—Yes.

Q.—And the result of the general elections as known gave how many Conservative supporters and how many Liberal? A.—Well, after everything was settled I think there was 49 and 48.

Q.—Yes, but I asked you as to the time of the election, when the declarations were sent in in the first instance? Was it not 51 to 47? A.—Yes.

The Chancellor: What is that?

Mr. Blake: That is how the parties stood, my Lord, upon the declaration of the elections.

The Chancellor: That is of the whole election?

Mr. Blake: Yes, my Lord.

Q.—Then Mr. Munro, I believe, died, who was a Liberal, and that left them fifty? A.—Fifty.

Q.—Fifty to forty-seven, and then subsequently to that there was a change made by the recount? A.—In the County of Lennox.

Q.—And what alteration did that

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make? A.—Left the Government 49 and the Opposition 48, with one vacant.

Q.—That was the position then in the month of June, 1902? A.—Yes.

Q.—Or as soon as the Lennox count was made known? A.—Yes.

Q.—Then when was a protest entered against your election? A.—Served about the 14th July.

Q.—And when was it you had the first interview with, I think, he calls himself Captain John Sullivan? A.—About the 7th of August.

The Chancellor: You were served with a protest in the island? A.—At my home.

Mr. Blake: And that is on the island? A.—Yes.

Q.—What is the name of the place you live? A.—I live in the Township of Campbell.

The Chancellor: You saw Captain Sullivan about when? A.—About 7th August.

Q.—Captain Sullivan is J. L. Sullivan?

Mr. Blake: There is no "L." in this gentleman's name.

Witness: Captain John Sullivan.

Mr. Blake: There was another hero with that name, John L., my Lord.

The Chancellor: You saw Captain Sullivan first, when? On the island? A.—No, sir.

Mr. Blake: Where did you meet him? A.—At Allandale.

The Chancellor: When was that? A.—7th August.

Q.—You knew him before that, I suppose? A.—Oh, yes; I knew him for years.

Mr. Blake: And I will just ask you

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this: For how long had you known Captain John Sullivan? A.—I think I have known him about fifteen years. I would not say exactly.

A great deal of talking going on in the room, his Lordship the Chancellor, made the following statement:—

The Chancellor: This is a judicial proceeding, and must be conducted as a court, both in the court and out of the court.

Mr. Blake: Now we can hear. Your Lordship's words being observed, we will get on much more comfortably.

Q.—You had known him fifteen years? A.—About fifteen years; quite that.

Q.—And what had been his occupation, so far as known to you? A.—When I remember him first he was working for a lumber company, manager or in some capacity for them at Little Current on Manitoulin Island, and later he was in the employ of the Government.

Q.—As what? A.—As timber scaler or inspector, or bush-ranger, and I have seen him a great many times in connection with the different political campaigns in the preparation of voters' lists, and all that sort of thing—in connection with his work in the timber department of the Government.

Q.—And what were his politics? A.—Why, he was always a Liberal, so far as I know.

Q.—And how long had he been acting for the Government in the various ways in which you have been speaking of? A.—I think it must be quite ten years since he first went into the employ of the Government, although I do not know for sure exactly how long.

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Q.—Then on this occasion of meeting him in Allandale, did he speak in regard to anything connected with election matters? A.—I only just saw him a few minutes there, and he spoke to me.

Mr. Riddell: I object to anything that was said at that time, my Lord. That just brings up the matter my learned friend Mr. Johnston was going to speak of.

The Chancellor: This is one of the matters complained of by Mr. Gamey.

Mr. Riddell: No, my Lord.

Mr. Blake: Yes, my Lord.

The Chancellor: "About the 7th August I was going to Toronto, and met Captain Sullivan at the lunch room at Allandale," and so on. That is one of the matters complained of.

Mr. Riddell: But that is not what is charged.

The Chancellor: We are going to investigate what Mr. Gamey has charged.

Chief Justice Falconbridge: And surely you must begin the history at the beginning and do it chronologically.

Mr. Riddell: Your Lordship perhaps will hear me for a few minutes. It has been pointed out that there is a charge against Mr. Stratton. Then in

addition to that there is a charge of conspiracy against the Government. There is no charge against any other persons, nor can your Lordships investigate any other charge under this Commission; nor can your Lordships investigate a charge against any other persons than those who are charged by Mr. Gamey. Now, that is the reason why we objected to the 7th, or rather the—

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The Chancellor: We have already disposed of these formal objections. They remain in abeyance to be dealt with. We are dealing now with the Gamey charges which he himself made on the floor of the House and which are sent to us for investigation.

Mr. Riddell: Not quite so, my Lord, with great deference.

The Chancellor: Well, someone has to have the last word in this matter. That is the construction we place upon the document.

Mr. Riddell: Perhaps your Lordship will let me say what I have to say about that. The Commission reads: "Whereas certain charges were on the 11th of March."

The Chancellor: You may take it for granted we have read the Commission.

Mr. Riddell: Now this is the first charge, that James Robert Stratton, a member of the Legislative Assembly, did certain corrupt and unlawful acts—

The Chancellor: It is not said Mr. Stratton did it himself.

Chief Justice Falconbridge: In other words, are we to exclude everything up to the point, if we ever do arrive at that point, where there is any personal communication between Mr. Stratton and the witness?

Mr. Riddell: No, my Lord.

The Chancellor: Agency will be established, of course, as in all cases. They must begin somewhere. They begin with the way in which it was initiated with Mr. Gamey. Unless

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they connect the person charged, Mr. Stratton, with Mr. Sullivan's actions, it will all go for nothing, but we cannot forecast that now. We cannot say what the outcome is going to be. They set up a conspiracy, and they must begin somewhere with it.

Mr. Riddell: If it were a fact that Sullivan, who is now spoken of, was charged with conspiracy, if your Lordships were investigating his conduct, that would be a different thing. Your Lordships cannot investigate the conduct of anyone, except those mentioned in the Commission, and mentioned in the charge made by Mr. Gamey, namely, the members of the Executive of the Government.

The Chancellor: I cannot take that view at all.

Chief Justice Falconbridge: No.

Mr. Blake: I should have thought the case of Queen v. Connolly, in which your Lordship—

The Chancellor: We have ruled against Mr. Riddell.

Mr. Blake: There cannot be a double ruling, I suppose.

The Chancellor: Except by the two Judges.

Mr. Blake, resuming:—

Q.—You were speaking of the 7th of August, and you were just giving to his Lordship shortly, what was said? A.—Captain Sullivan said to me, I understand they have strong evidence against you up there in the protest, and I said I did not know, I had not heard anything in particular about it. Well, he said he understood they had evidence to disqualify me, and I remarked to him that I knew they couldn't do

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that, but he seemed to insist that there was strong evidence against me.

Q.—Did he recommend you any course? A.—No, Captain Sullivan did not.

The Chancellor: He recommended no course.

Q.—Then you went on to Toronto? A.—Yes.

Q.—And where did you stay there? A.—At the Walker House.

Q.—And whom did you meet there? A.—I met his son, Frank J. Sullivan.

Q.—What date was it you arrived at the Walker House? You met on the 7th at Allandale. When did you arrive at the Walker House? A.—I was there the same afternoon.

Q.—And you met Frank J. Sullivan.

The Chancellor: That day?

A.—Yes, sir; I saw him that day.

Q.—The 7th August? A.—Yes, about the 7th August.

Mr. Blake: Then what position did Mr. Frank J. Sullivan hold at that time? A.—Well, he was in the employ of the Government.

Q.—Had you known him before? A.—Yes.

Q.—How long had you known him? A.—About six or seven years, or possibly longer.

Q.—What was his employment in the Government? A.—Recently I think he had been working in the Public Works Department, and some years ago I knew he was working for the Dominion Government on the canal at the Soo, in the capacity of a clerk.

Q.—How long had he been in the employ of the Provincial Government?

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A.—I could not say, sir. I do not know.

Q.—Whether it was months or years? A.—I could not say.

Q.—Then what did Frank Sullivan say to you in connection with this matter? A.—He spoke of my protest, and said he understood they had strong evidence against me, and would likely unseat and disqualify me, and I spoke to him and said, I couldn't understand anything of that kind, that I knew they could not disqualify me, I knew they could not have the evidence, and he said, from what he had heard, they would be able to disqualify me, he thought; he said evidence could be got all right; it was not always the evidence that was there, it was the evidence they could get for use.

Q.—And that that could be got? A.—Yes.

Q.—All right? A.—Yes.

Q.—Did he state the means that might be used?

The Chancellor: I think you had better let him tell the conversation as he remembers it.

Mr. Blake: Q.—As you remember, what did he say further about it? A.—He said evidence could be changed and fixed or switched around, or bought, or got as had been done in the past. He said there was no trouble. If they wanted to get the evidence they could get it to disqualify me. He did not know what the real evidence would be or was, but it might be got all right.

Q.—And in answer to that what did you say? A.—I told him I felt satisfied they could not disqualify me, and that I could not understand why they were talking that way. I said his father had spoken to me something

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in that matter, and I could not understand it. He said then that he advised me to resign if he was me, rather than to face the trial, or be disqualified, and I told him I did not think of doing that.

Q.—Then, what further did he say to you? A.—He said now you could get rid of that protest, the thing could be fixed up all right, and make a fairly good thing out of it. I said I didn't think that could be done at all. I said I think the Government is so close that no person would care to go into that sort of thing, and he said to me it could be done, he would prove to me that a good sum of money, say \$5,000, or something of that kind could be made out of it, and the protest got rid of, and if I would wait a few days he would get some person to come and convince me that that could be done.

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Q.—Did you say anything more than that? A.—I told him I would wait and see.

Q.—That you would wait and see. What did you determine then to do? A.—I made up my mind—

The Chancellor: I do not think we can take that. What he did is the question.

Mr. Blake: Yes, my Lord. I submit that question as being relevant. I will submit that later on, that those to whom he told it—

The Chancellor: What he told perhaps might be, that would indicate his action accompanied by words, but his determination at present does not matter.

Mr. Blake: Very well, my Lord. I thought that as what he said, under the authorities, would be evidence, that possibly under your Lordship, would consider that what he then determined to do—

The Chancellor: Unless it was communicated. It would be in his own breast then.

Mr. Blake: Very well, my Lord. I submit the question to your Lordship.

Q.—At all events, then you stated that you would wait? A.—Yes, sir.

Q.—For a few days and see. Then what did you do? A.—Well, I was out of the city, I think on the 8th and I was in again I think on the 9th and the 11th and 12th. I saw Frank Sullivan and his father, the Captain, at different times, and discussed the question a little with them, and I understood that they were—

Mr. Riddell: That is not evidence, please.

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The Chancellor: Not what he understood. You saw Captain Sullivan several times and discussed.

The Chief Justice: What he understood may be his best recollection of what they said.

Mr. Blake: Quite so, my Lord.

Witness: I understood they were telephoning out in the country some place.

The Chancellor: I think he ought to tell what was said.

Mr. Blake: Quite so. What did they say to you, either of them?

The Chancellor: He can tell the subject of the conversation, if he likes.

Witness: I cannot remember all, but some of the conversation was in regard to how they could convince me that this thing could be got for me, this sum of money, and the disposition of this protest.

Mr. Blake: To convince you that this which they had stated to you could be done? A.—Yes.

The Chancellor: And the disposition of what? A.—Of the protest filed against me.

Mr. Blake: Then, just proceed. Something was said to you, how they

could convince you that this would be done? A.—They said there was some party they wanted to communicate with that was out in the country some place, I understood, they did not give me the name, and they would telephone to him, he would be in the city the early part of the week, and he would meet me then, and some discussion would take place as to the payment of the money, and they would in that way convince me that it could be done.

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Q.—Anything further said as to the payment of the money, or otherwise? A.—Well, in regard to conversations with them. I understood from them that they thought—

The Chancellor: What did they say?

Witness: That they might get some timber limits, or something of this kind from the Government, and they could get some person over at Welland, or St. Catharines, or some place, who would put up the money at the time, and that it would be necessary for me, for the purchase of the limits—that was some of the conversation, too—I do not remember all that was said.

Q.—Then, you were speaking about telephoning to somebody that was out, or somebody that was to be seen. Go on and tell me further as to that? A.—Well, on Tuesday, the following Tuesday, that would be about the 12th of August I guess, Frank Sullivan came to me and said that they had this party there then in his father's room in the Walker House, and that he and I would go up to the room and meet the man, and that the party would tell me that he understood I wanted to go into a stock speculation that would

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net me \$3,000 in cash within five or six weeks, and \$2,000 after this Session. And he said that that would be all practically that would be spoken about. So Frank Sullivan and I went up to his father's room at the Walker House, on the third floor, I have forgotten the number of the room, 60 something, and this gentleman was there, Mr. Grant—R. A. Grant, and Mr. Grant was introduced to me by Mr. Frank Sullivan, and Grant said, I understand you want to go into some stock proposition that will net you \$3,000 in cash in five or six weeks, and \$2,000 after this, some time towards spring, later on in the winter, something of that kind, and I said yes, that was what had been talked about, and he said I think that can be arranged all right, and we will see about it later, something of that kind, and that was all that was said with him. He went away.

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Q.—Then, what passed, if anything, between you and Frank Sullivan? A.—Well, I do not remember the exact words. We were discussing the outcome of this talk with Grant a little, and discussing something about in the event of my going into that, how we could satisfy the people up on the island, and all that sort of thing, in reference to the patronage, what would be done in regard to it, and a good deal of conversation of that kind.

Q.—Then, did anything more pass between you and Frank Sullivan at that time? A.—I cannot remember exactly all that took place at that time, it was so long ago.

Q.—Anything more that you do remember, or is that all that you remember of that interview?

The Chancellor: Was this in Frank's father's room? A.—Yes, in Frank's father's room.

The Chancellor: The father was there? A.—No, sir, just Frank Sullivan, Grant and I together.

Q.—Then, when you went into the father's room, the father was not there? A.—No, sir.

Q.—This was the father's room, but he was not there.

Mr. Blake: Then, did all of this conversation that you have been giving portions of, did that take place at the same time and in the same place or not?

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A.—No, sir, they took place at different times around the hotel—different places. I think perhaps during that time we also discussed the question of whether Smyth of Algoma could be bought or not, although I would not say as to the exact words in regard to that.

The Chancellor: That Smyth in Algoma could be bought. Are you giving a compendious method of describing it, or was it spoken of in that way, how Smyth could be bought? A.—I would say those very words were used some time during the discussion.

Mr. Blake: Then just tell his Lordship who Smyth was? A.—He is the member-elect for Algoma riding, the next riding to me.

Q.—Is that W. R. Smyth? A.—Yes.

Q.—The next riding to yours, and elected as a Conservative? A.—Yes. And I might say that during that time I was in Toronto I also met D. A. Jones, who was talking along the same line.

Q.—I am asking now between the 7th and 12th August. You met Mr. D. A. Jones? A.—Yes.

Mr. Riddell: We raise the same objection to that evidence.

The Chancellor: Yes, and the same ruling.

Chief Justice Falconbridge : We understand your objection covers all this class of evidence ?

Mr. Riddell : Yes.

Mr. Blake : D. A. Jones of Beeton ? A.—Yes.

Q.—Is he any connection of yours ? A.—He is an uncle of my wife.

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Q.—And what was his employment, so far as the Government was concerned ? A.—Well, I do not know that he was in the Government employ directly, but I had always understood that he had a good deal of influence with some of the Ministers.

Mr. Johnston : That is not evidence.

The Chancellor : I do not think so.

Mr. Blake : I am not asking it.

Mr. Johnston : My learned friend is not trying to stop the witness.

Mr. Blake : There is no use of both of us trying.

Mr. Johnston : You are just a little slow.

Mr. Blake : And you are just a little quick.

The Chancellor : You are to tell only what you know of your own knowledge.

Witness : I might say D. A. Jones told me that. At different times he told me he had a good deal of business relations with the members of the Government, and that he could get into Mr. Gibson's office at any time he liked under almost any circumstances, and that he had done a good deal of work for him directly and indirectly. He never told me exactly how.

Mr. Blake : What did he say then in regard to the Smyth election ? A.—Well, he wandered if Mr. Smyth could be bought or got to support the Government in some way or another, and he also spoke about that if he could not be induced to support the Government they would get evidence and unseat him. He spoke as if they had a good deal of evidence against him then.

The Chancellor : I do not know as we are concerned so much with the

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Smyth matter under these charges. Perhaps you are getting out of the furrow now.

Mr. Blake : Oh, no, my Lord. Your Lordship will find that is distinctly stated.

Chief Justice Falconbridge : Oh, yes; I see it is.

Mr. Blake, resuming : Q.—And was there anybody else besides Smyth that he asked you about—any other member ? A.—He spoke about getting evidence against Miscampbell, the member at the Soo, but he did not

speak about buying Miscampbell at all.

Q.—What constituency did he represent ? A.—Sault Ste. Marie, immediately west of Algoma.

Q.—These three were together, Manitoulin, Algoma and the Soo ? A.—Yes.

Q.—What were the politics of Mr. Miscampbell ? A.—Conservative.

Q.—Whom did he say were desirous of having this done ? A.—Well, he spoke of the Government generally. I do not remember him mentioning any particular member of the Government. He spoke of the Government.

Q.—As desirous of having this done.

Mr. Johnston : My learned friend is repeating.

The Chancellor : Let the witness say what Jones said. Do not suggest.

Mr. Blake : No, my Lord, I do not suggest.

The Chancellor : If he has a recollection of the conversation with Jones, let him give it. I suppose he has told it. He has exhausted it, or can he add anything ?

Mr. Blake : Anything further he said as to the Government in connection

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with these two men, Smyth or Miscampbell ? A.—Well, he just spoke of them having a good deal of evidence against them, and that they were anxious to get more evidence against them. If they could not get Smyth to support the Government then they would have him unseated if they could, and they would have Miscampbell unseated.

Q.—Then when did you return from Toronto ? A.—I left Toronto about the 12th August, Tuesday.

Q.—You say Tuesday ? A.—Yes.

Q.—And on your return home what did you do in connection with this matter ? A.—Well, I spoke of the approaches that had been made to me to one or two parties—two or three parties.

Mr. Johnston : Wait for a moment.

The Chancellor : I think that can be given.

Mr. Blake : Who were the persons to whom you spoke ? A.—Well, I think I spoke to I. R. McGregor and Chas. C. Platt at Gore Bay, and R. J. Porter Gore Bay.

Q.—You spoke to those persons ? A.—And my father.

Q.—What did you tell them ?

The Chancellor : He spoke to them about the approaches. I think you will have to stop there.

Mr. Blake : I submit that in order to show the intent of the witness it would be permissible to state what it was that he said. That is spoken of in the case of the Bank of Toronto vs. The Quebec Fire Insurance Company.

Stevens' Digest, 1886. I do not know where Bank of Toronto is reported. I do not know that it is reported.

Mr. Riddell: Not reported.

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Mr. Blake: I have a copy of the judgment given in it. Stevens' Digest, 1886, page 180, American notes.

And Best on Evidence, 8th American edition, page 604.

The Chancellor: I very much doubt that, in view of certain cases. In cases, for instance, of attacks on women, they are allowed to make instant report and complaint of what was done as evidence of bona fides. That is a case in which the evidence is admissible, as it were, but here is a conversation several days after he goes home, and he tells these people of approaches made. As a matter of fact, it is all right to tell that, but to tell the details of it merely goes to corroborate his own evidence by statements repeated to these men, which are not binding upon anybody.

Mr. Blake: I do not think it was as part of the *res gestae* that it was admitted.

The Chancellor: Have you the books here?

Mr. Blake: No, my Lord. But, it was upon this ground—

Chief Justice Falconbridge: Are there any other authorities?

Mr. Blake: No, my Lord. It was not upon the question of its being a part of the *res gestae*. It was a question of the motive prompting the party.

The Chancellor: His actions will tell the motive. What he did is the question. I suppose he wants to exculpate himself in some way or another.

Chief Justice Falconbridge: If it was a question of showing his party loyalty, or anything of that kind, he might exonerate himself by telling a hundred people what had taken place. That could not be done.

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Mr. Blake: I quite admit that generally it is not the case, but here it is said, you were proceeding simply for the purpose of self-aggrandizement, or getting some benefit.

The Chancellor: I think perhaps you had better leave this and go on at present. We will get the cases. It is a minor point, any way. It is only a passing element. It does not help or strengthen the case against the accused.

Mr. Blake: Perhaps your Lordship would be right in that, although I would have thought it would become material. Then your Lordships permit me to show that, without going into details, he told them about it.

The Chancellor: Yes, he told them the approaches made to him.

Chief Justice Falconbridge: Yes. I am inclined to think that is as far as you can go.

Mr. Blake: And I dare say that is really as far as his Lordship the Chancellor says it would be useful to go. At all events, at the present I do not press that any more.

Q.—You mentioned that to them, and of course your Lordships would not allow me to ask what it was they resolved then to do.

The Chancellor: If he did anything on their resolve, that would be evidence.

The Chief Justice: Not what they resolved, but he may state that in consequence of consultation with them he did something.

The Chancellor: That is what I meant. The ordinary technical phrase, in consequence of information received, and so on.

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Mr. Blake: In consequence then of this conference, what did you proceed and do? A.—Well, I decided to go on and see just what the Government would do.

Mr. Riddell: Wait a minute, please.

Mr. Blake: You must listen.

The Chancellor: In consequence of this conference you proceeded to do what?

Mr. Blake: What did you do, not what you determined to do, but what did you actually do? A.—Well, whenever approaches were made to me afterwards I went on and received them and made up my mind to receive them, to entertain them, and find out just how far they would go, and do just exactly so far as politics were concerned as I had done in the past.

Q.—Did you tell any person in Toronto? A.—Yes.

Q.—As to that? A.—I spoke to a party in Toronto, but I cannot recollect whether it was between the 7th or 12th, or the latter part of August, later on.

Q.—Then, we will not deal with that just at the moment. You did mention to another person in Toronto.

The Chancellor: About the approach? A.—Yes.

Mr. Blake: About the approach? A.—I told him they had approached me.

Mr. Blake: Have you ever had any dealings with Mr. Jones of Beeton? A.—Well, I had no dealings with him for two or three years back of any kind—no dealings for four years, I fancy.

Q.—You had a talk with him then, you stated, and have you given to us

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so far as you can recollect it all that

was material in the matter of what passed between you and Mr. Jones then? A.—Well, perhaps I have. I do not recollect exactly all that may have been said between me and him. I recollect distinctly of him speaking of Mr. Smyth and Miscampbell.

The Chancellor: You have gone over that. Do not repeat that.

Mr. Blake: Yes.

Q.—Then, did you or did you not make him any promise as to Smyth and Miscampbell? A.—No, I did not make him any promise.

Q.—Then, did you receive a letter from Mr. Jones? A.—Yes.

Q.—That is the letter dated 16th August? A.—Yes, that is one letter.

The Chancellor: Where is that from?

Mr. Blake: From Jones, from Beeton.

Chief Justice Falconbridge: That will be Exhibit No. 1.

(Exhibit No. 1. Letter Jones to Gamey.)

(Copy of this letter will be found on next page.)

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Exhibit 1.

(Copy.)

(Addressed to Mr. Thomas Gamey, M.P.P.)

August 16th.

In accordance with our conversation, I saw the present acting manager, and talked over our arrangement, and I explained the whole matter, as arranged between us, and it was entirely satisfactory, and steps will be taken to carry out the deal fully, and I am now prepared to say that you will receive better treatment than you expected. You will be given certain powers that will place you in a position that you could not otherwise occupy, and I will assist you, so no other will dare to oppose you with any chance of success. In the meantime be shaping things and paving the way. You know how to manoeuvre, and I will be fixing things here for you. I wish you would send me further pointers as we talked, and I will pull things in line to suit, and we can pull together now as we can pull so as to make some money.

I can tell you how we can make a good haul at once. Now, you being an outsider, and a Conservative, having agents and friends in Algoma and Sault Ste. Marie, you can find out certain important information that will be sufficient to answer the purpose desired. You can communicate it privately to me, and I can pop it, and to proper place. No one can ever learn the origin of the information. That will make a clear sweep of the three, and you can be more liberal with the funds when they are thus easily got. Get all

information as soon as possible, and state figures, value of same, and it will come to hand quick, sure. If I was situated like you I could pick up thousands of dollars' worth soon, and no

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one would ever dream of you or me in the matter. It is a snap worth trying for. Let me hear from you as soon as possible, so I can shape things in time. Address all my letters to Beeton, marked "personal," and I will get them. No other will see them.

Yours in haste,

(Sgd.) D. A. Jones.

The Chancellor: That is to you here in Toronto? A.—I received it at Gore Bay, sir.

Mr. Blake: Whereabouts is Gore Bay relatively to where you live? A.—About ten miles from where my farm is. I live south of Gore Bay or a little southeast. I get most of my mail at Gore Bay, in fact, nearly all. We have a post office right at my farm, or on the next farm, but I do not get much mail there.

The Chancellor: What is that post office, the one near your place? A.—Long Bay, but I do not get any mail there, but very seldom.

Mr. Blake: Then I will read that letter to you. I received a letter from Mr. D. A. Jones of Beeton as follows: "In accordance with our conversation, I saw the present acting manager." What is meant by that?

Mr. Riddell: I object.

The Chancellor: Can he tell?

Mr. Blake: He may or may not, depending upon what passed between them. Can you tell who the present acting manager is?

The Chancellor: From anything that Jones said to you?

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Witness: I cannot say any more than it would be whoever was in charge of the Government.

Mr. Blake: But what leads you to the conclusion that it is whoever is in charge of the Government?

Witness: He gave me the impression in talking with him that it was the Government that wanted this information about Smyth and Miscampbell.

Mr. Blake: He led you to the impression that it was the Government that wanted the information as to Miscampbell and Smyth and it is from that that you supposed that the present acting manager meant whom?

A.—Somebody in the Government or whoever was in charge of the Government.

Q.—Where was the Premier then? A.—I think he was away in the old country. I do not remember what

date he got back, attending the coronation, I understood.

Q.—“And talked over our arrangement and I explained the whole matter as arranged between us.” What was arranged between you? A.—Practically there was not anything arranged more than this, that he was trying to get me to consent to do these things for them and he was sort of pressing himself on me in a capacity of agent of the Government or something of that kind, and I was really putting Jones off and trying to show him that I did not particularly want to do any business with him, although he was very anxious to do business.

Q.—He continues, “It was entirely satisfactory, and steps will be taken to carry out the deal fully and I am now prepared to say that you will receive better treatment than you expected.” What is the deal? Can you say any-

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thing more than what you have about what the deal was? A.—I could not say anything more than he meant myself, and—

Q.—“You will be given certain powers that will place you in a position that you could not otherwise occupy, and I will assist you so no other will dare to oppose you with any chance of success.” Oppose you in what?

Mr. Riddell: I suppose we ought not to have this gentleman's interpretation of the letter?

The Chancellor: He is not able to interpret it. He says he cannot explain the “deal” any more than he has told.

Mr. Blake: But I am asking, “Will dare to oppose you with any chance of success.” What is the meaning of that? Can you give it from anything Mr. Jones said to you. A.—I would gather I would have the Government's assistance in any way I wanted it, if I went on and got this evidence, and supported the Government myself.

The Chancellor: You gathered you would have the Government's assistance? A.—The Government's assistance in any way. That would be the meaning I would gather from that letter, although I would not rely a great deal upon that.

Mr. Blake: Q.—In the meantime he shaping things and paving the way, you know how to manoeuvre, and I will be fixing things here for you. I wish you would send me further pointers as we talked, and I will pull things in line to suit, and we can pull together now as we can pull so as to make some money. I can tell you how we can make a good haul at once. Now, you being an outsider, and a Conservative, having agents and friends in Algoma and Sault Ste. Marie, you can find out cer-

tain important information that will be sufficient to answer the purpose desired.”

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Can you give their Lordships any light upon that, or must the letter just speak for itself? I mean, light from anything that passed between you and Mr. Jones? A.—In my conversation with Jones he spoke of my getting evidence against Smyth and Miscampbell. I assume he means that in the letter.

The Chancellor: But you did not promise to get it? A.—No, I did not. He said I would be well paid for it if I got it.

Mr. Blake: “You can communicate it to me privately, and I can pop it, and to the proper place. No one can ever learn the origin of the information. That will make a clear sweep of the three.” That is the three ridings? A.—Yes, Sault Ste. Marie, Algoma and Manitoulin.

Q.—“And you can be more liberal with the funds when they are thus easily got. Get all information as soon as possible, and state figures, value of same, and it will come to hand quickly, sure. If I was situated like you I could pick up thousands of dollars' worth soon, and no one would ever dream of you or me in the matter. It is a snap worth trying for. Let me hear from you as soon as possible, so that I can shape things in time. Address all my letters to Beeton, marked personal, and I will get them. No other will see them. Yours in haste, signed D. A. Jones.”

Then, did you do anything upon that? A.—I did not do anything to try to get evidence—no.

Q.—Did you make any answer to the letter? A.—I think I did answer it just telling him that I would be down

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shortly, or something of that kind.

Q.—We will have to get that from Mr. Jones. Cryer, will you call Mr. D. A. Jones, please?

D. A. Jones was called by the Cryer, and came forward.

Mr. Blake: You were subpoenaed duces tecum, Mr. Jones? Have you brought papers referred to in your subpoena?

Mr. Jones: I have a letter.

Mr. Blake: This you produce?

Mr. Jones: Yes.

Mr. Blake: Is that all you have produced under your affidavit on production? Just give me what papers you produce under that affidavit.

The Chancellor: Is that the letter in answer?

Mr. Blake: 20th August. Is that the letter you received in answer?

Mr. Jones: That is the letter I received in answer.

Mr. Blake (to Mr. Jones): These are all that you have?

Mr. Jones: Yes.

Mr. Blake: All the papers and documents you have, under your subpoena?

Mr. Jones: I believe so.

Mr. Gamey resuming:

The Witness: (Mr. Gamey) Yes, sir, that would be the letter.

Mr. Blake: Mr. Jones say he has told his wife to hunt for them, and if there are any more we shall have them.

Mr. Blake, resuming with the witness, Mr. Gamey:

Q.—This letter reads:

(Counsel reads letter, which is marked Exhibit No. 2.)

Letter Gamey to Jones, dated 20th August, 1902. (See next page.)

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Exhibit 2.

Dear Mr. Jones,—

Your letter to hand. Thanks for the same. My initials are "R. R.," instead of Thomas. Be sure to address correctly, as there are two brothers of mine here. I will be in Toronto first week of the Fair. If I go sooner I will write you and quite possibly I may be there next week.

Yours truly,

(Sgd.) R. R. Gamey.

Q.—Then, when did you next after the interview at the Walker House—when did you next see Captain Sullivan? A.—About the night of the 21st August.

Q.—Where were you? A.—At my home in Campbell Township.

Q.—That is at the farm ten miles from Gore Bay, at Campbell Township. Now, what took place then? A.—Well, I had gone to bed that night, and my brother told me that some person at the door wanted to see me, and I got up and went down to the door, found Captain John Sullivan there. He said he wanted to see me privately. So I went down to the barn with him. He had a horse and buggy. Unhitched the horse and put it in the stable. He and I sat down at the door of the stable and he told me that he had come from Toronto, and that he wanted to get some written agreement from me that

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I would support the Government. He wanted that for the purpose of, I suppose, showing—

The Chancellor: What he said.

Witness: He said he wanted it to show to the Government to convince them that I would support them, and I told him I would not give him that written agreement there that night,

that I would go to Toronto in a few days, and see him there, and we would discuss the matter when I got there.

Q.—And then, what came of Captain Sullivan? A.—Well, after conversing there a while and sitting there, he hitched up his horse and drove back to Gore Bay, so far as I know that night, he left me anyway about twelve o'clock. It was a clear, moonlight night.

Q.—That is the ten miles? A.—Yes.

Q.—He drove back then, that night?

And what did you do upon that? A.

—Well, the next morning my brother that was with me that night and I—

Mr. Riddell: Let us not have any conversation with the brothers.

Mr. Blake: Go on, witness. Your brother and you did what? A.—We drove in to Gore Bay the next morning and I asked my brother if he would remember the man who was there, if he knew the man at my door that night.

Mr. Riddell: We object to this.

The Chancellor: Did they see Captain Sullivan the next day?

Witness: Yes, we saw Captain Sullivan the next morning; my brother and I both. He went over on the

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steamer with us from Gore Bay to Cuttler, and on the train from Cuttler to Sudbury on the 22nd August—about the 22nd August. He went on the boat from Gore Bay to Cuttler and on the train from Cuttler to Sudbury. I got off the train at Sudbury, and the Captain was still on the train when I got off. He told me he was going back to Toronto. I assume he went.

Q.—Did you speak again to Mr. McGregor at Gore Bay about this? A.

—Yes, I spoke to Mr. McGregor and others.

Q.—I asked you about Mr. McGregor first. And what was the conclusion? A.—Well, I concluded to go on and see just what they would do.

The Chancellor: Same ruling as before. He got advice, and then he acted on the conclusion.

Witness: I concluded to go on and see what Sullivan and the Government would do with the combination they had.

Mr. Blake: Did you mention what position Mr. McGregor held in the Conservative Association? A.—He is the Secretary of the District Association for Manitoulin.

Q.—Did you speak to any others at that time in regard to this matter? A.—Yes, sir, I spoke to Mr. C. C. Platt, who was the Secretary of the Conservative Association for the town of Gore Bay.

Q.—And to anybody else? A.—Well, I do not recollect speaking to anybody else that morning, but I recollect

speaking to McGregor and Platt that morning, and my brother, of course, was with me. I spoke to him that morning.

Q.—You parted at Sudbury, and where did you go down to? A.—I

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stayed at Sudbury that night, and the next day I went to Arnprior.

Q.—And then, when did you next see Captain Sullivan? A.—I went from Arnprior to Toronto, it seems to me, some time the early end of the next week. It must have been about the 25th August or 26th. I am not sure of the date.

Q.—You arrived in Toronto, and when did you see either Captain Sullivan or his son? A.—I saw both of them the day I arrived in Toronto.

Chief Justice Falconbridge: What day was that? A.—About the 25th or 26th August. I could tell you if I had my book.

Mr. Blake: Never mind. You are asked and you give that day. It is immaterial which day, I presume. You saw them both at the same time or had you different interviews? A.—I saw them a number of times during the day, and had interviews together and separately, both.

Q.—Now, what, if anything, was done at that visit? A.—Well, in Captain Sullivan's room in the Walker House they drew up two agreements.

The Chancellor: Who were there? A.—Frank Sullivan and Captain J. Sullivan and myself.

The Chancellor: Father and son? A.—And myself. Frank Sullivan drew up two agreements.

Mr. Blake: What came of those agreements? A.—They were afterwards destroyed.

Q.—By whom? A.—By Sullivan and I together—Frank Sullivan.

Q.—How long after the 25th or 26th of August were they

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destroyed? A.—A very short time. I do not remember exactly.

The Chancellor: Were they signed? A.—They were signed, yes, sir, one signed by Frank J. Sullivan and the other by myself.

Mr. Blake: I will get the contents. About how long afterwards? A.—I think a couple of days, although I am not sure.

Q.—Now you say two agreements. Will you tell their Lordships what the contents of these agreements were as nearly as you can give? A.—One agreement that I signed was that I should support the Government—the Ross Government—on all votes of want of confidence, and that I would not resign during this Session. That was

in it, and practically that was about all that was in the agreement that I signed.

Q.—And then in the agreement that Frank Sullivan signed, what was in that? A.—They agreed to pay me \$3,000 in cash some time—

The Chancellor: When you say “they”?

A.—Frank Sullivan's name was to the agreement

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The Chancellor: When you say “they”? A.—Frank Sullivan's name was to the agreement.

Q.—“I agree to pay.” A.—That is the way it was read, sir. Agree to pay me \$3,000 in cash sometime between about the 3rd and 5th September, and \$2,000 after the Session, and he was to get me the patronage of the riding that I represented, and the expenditure of public moneys, and the withdrawal of the protest against me. It was in the courts then.

Mr. Blake: I do not know whether I asked you that. What was the date of the filing of the protest against you? A.—About 14th July.

Mr. Blake: What was the purpose that Frank Sullivan gave for getting this paper from you? A.—I understood they wanted the agreement—

Mr. Riddell: I object.

The Chancellor: What was said?

Witness: They told me they wanted the agreement so that Captain Sullivan could take it and show it to some member of the Government to convince them that I really intended to support the Government if they carried out their agreement.

Q.—Did Sullivan take away both of the agreements, or did you hold one? A.—I held the one that was signed by Frank.

Q.—Was that returned to you before you left to go to Arnprior? A.—Yes, sir, I think it was.

The Chancellor: And did you go back to Arnprior? A.—Yes, sir.

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Mr. Blake: I will deal with that in a moment. Then what was said when that paper was returned to you? A.—Well, they did not seem to have any further use for it.

Q.—It is not what they seemed. He returned it to you and what did he say when he returned it? A.—He asked me to—he said we would tear up the agreements.

The Chancellor: Were they together?

Mr. Blake: Were Captain Sullivan and Frank together? A.—No, they were not together when we tore up the agreements.

Q.—When Frank handed you back the agreement, what was said? A.—He said we will tear up those agreements.

Q.—Why? A.—Because they did not seem to want to have them in existence. They had no further use for their agreement. They had shown it to some member of the Government.

Q.—What did they say they had done with their agreement? A.—They had shown it to some member of the Government and convinced him I was in earnest in regard to my going to support them, and that was all that was necessary for the Government. They had no further use for it.

Q.—Then you went to Arnprior about the 29th August, and returned to Toronto about the 1st of September? A.—Yes, sir.

Q.—What further discussions or talks had you with Captain Sullivan and Frank? A.—Well, we met practically every day after that, talking and discussing.

Q.—And what was the subject of your discussion, so far as it may be material to this matter? A.—Well I

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understood from Captain Sullivan and the son Frank talking, that they were not able to get this timber they were talking about in the first place, which the man in Welland or Thorold or St. Catharines was going to put up the money, and that they had changed the arrangement. The money then was to come, the \$3,000 was to come direct from the Government, instead of coming from any person for timber.

Q.—You have not told us up to the present anything about this Welland man or St. Catharines man, and these timber limits. Just mention shortly what was said about that? A.—Well, the understanding I had—of course this was discussion between Frank and his father a good deal, they did not tell me very much. I was not taken into their confidence in regard to how the money was coming, to a great extent, but in listening to their conversation I understood they were to get McGregor Island or some piece of timber from the Government at a nominal figure, and some man in Welland or St. Catharines was to supply the money to pay me this \$3,000, and the balance of the money necessary after the Session, and to pay the Government for the purchase of the timber, and then they were to divide, Frank Sullivan and Captain Sullivan, this sum—were to divide this up equally among themselves, and if it made a profit of over \$5,000 for each, I was to get a share of that over \$5,000, but I was to get \$5,000 in any event, it did not make any difference what the timber realized. That was the idea, but they seemed to have had some difficulty in landing that timber

deal. They said to me there was a
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dispute between the two Governments, the Dominion and Ontario Government, as to the ownership of the timber, that the Government were afraid to deliver the timber. And then later on, instead of delivering the timber, the Government told Captain Sullivan and Frank that they would pay the money to me themselves, and then that shut the matter of timber off entirely. That is about the understanding I had.

Q.—Was anything as to the Government said in connection with the timber deal? A.—Well, the Government were understanding and knowing that the timber was being given for the purpose of buying me—

Mr. Johnston: Who said that?

Mr. Blake: He said that, and was it the Government, or any member that was mentioned? A.—Just the Government. There was no member mentioned, except this, that Captain Sullivan told me he went to Gibson with this arrangement in the first place, the Honourable Mr. Gibson, and that he asked him to see the Honourable Mr. Stratton in regard to it, and he seemed to be dealing with Mr. Stratton after that.

Q.—Then, was anything finally said further about the payment of these sums of \$3,000 and \$2,000 at that time I mean? A.—Well, during the discussion it was arranged I should get the money before I left Toronto if I waited a little longer.

Q.—Before you left Toronto on that occasion? A.—Yes.

Q.—Had you done anything as they requested in regard to Mr. Smyth's el-

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ection, or Mr. Miscampbell's, or had that dropped, or what was done in regard to it? A.—They were still talking about it, still wanting me to see Smyth, and see if he could be bought, and I promised after I went back to Gore Bay I might see him and communicate with him in some way or another, but there had not been anything done by me up to that time.

Q.—Anything said about any other of the elections? A.—Nothing that I remember.

Q.—Then, when did you next see Frank Sullivan? A.—Well, I saw him frequently between the 1st and the 10th.

Q.—And was there anything fresh discussed between you or not? A.—The question was discussed that I should go and meet Mr. Stratton myself, and discuss with him the question of the patronage for the riding, and discuss the question of the payment of the money. I understood then it was

coming from Mr. Stratton or through him—\$3,000.

Q.—Then, did you see him, and, if so, on what date? A.—Well, I may have seen Mr. Stratton between the 1st and 10th of September, I am not sure whether I was in his office or not, but I was in his office on the 10th September—on about the 10th September. Frank Sullivan took me to his office then.

Q.—Took you to his office? A.—Yes.

Q.—And what passed between you, so far as you can remember? A.—I was introduced to Mr. Stratton, and he said he understood—

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The Chancellor: You did not know him before? A.—No. Well, I may have, your Lordship—I may have been in his office, and met him sometime between the 1st and the 10th. I cannot recollect whether I did or not.

Q.—You were introduced to him as one who did not know him before? A.—I do not know that I was introduced to him on the 10th day, but the first day I saw him I was introduced.

Mr. Blake: And now, when you had this discussion, as near as you can give us, tell us what took place between you? A.—Well, he said he understood I was talking of supporting the Government, and that I should get the patronage, the election petition would be withdrawn, and he spoke about consideration. There was not any money mentioned between us that day, but there was to be something of value given; some arrangement was to be carried out, or consideration of some kind. Of course, that had all been talked about between Sullivan and I, and he was not ready on the 10th to carry that out. He spoke about wondering—with Sullivan and I together—he was wondering who would handle the parcel. He spoke about Vance. He said he did not know that Vance was in the city.

The Chancellor: Mr. Stratton wondered who would hand you the parcel? A.—Yes, sir, and spoke about—in a sort of inquiring way—wondering if Vance was in the city—spoke about as if Vance would be a good person to handle the parcel if he was there, although he did not say so in those words.

Mr. Blake: Who is Vance? A.—As

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I understand he is confidential man for the Government, a man who formerly lived up in Ingersoll.

Mr. Riddell: Let us know what you know.

Witness: And a fellow who generally has not a very good reputation.

The Chancellor: Just state what you know yourself. Do you know anything about him? When he was first mentioned, did you know who he was? A.—I knew exactly, and knew that rumour said he was in the country—

The Chancellor: That is not evidence.

Witness: I knew what certain parties had told me that Vance was, but Mr. Vance never told me he was a defaulter, but that was understood through the country that he was a scoundrel.

The Chancellor: Not what you understood.

Witness: That he was the confidential man of the Government—

The Chancellor: You are excited. You should restrain your feeling. Would you for one moment stop talking while I am speaking. You are not asked about common rumour. We cannot try people upon common rumour. You are sensible enough to know that.

Witness: He asked me if I knew who Mr. Vance was.

The Chancellor: And you could have said you knew nothing except by common rumour.

Witness: Personally I do not.

The Chancellor: That answers the question.

Witness: I was thoroughly convinced he was a man of that kind.

Mr. Blake: Never mind that.

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The Chancellor: You are to speak of what you know of your own knowledge, not rumor. It is your evidence we want to get, and not the rumor of the countryside.

Mr. Blake: Then the question was as to whether Mr. Vance was there, and that he would be a good man to handle the parcel. What further took place? A.—Well there was a discussion as to some appointments that were to be made on the island, in regard to the patronage.

Q.—What appointments? A.—There was some discussion in regard to the License Board. I spoke as if we would have a new License Board for the riding, and some other changes that would have to be made, in a general way.

Q.—What were those, as nearly as you can remember them? A.—Well, I do not remember exactly the different appointments we spoke about, but I remember that he said, I might make some appointments to satisfy my friends up there, because it would be necessary to do something for them, they would not be satisfied with my turning over to support the Government unless they were arranged for in some way or another.

Q.—Then what more passed between you? What were you to do? You have told us what Mr. Stratton had stated. What were you to do? A.—Well, I was to sign a letter agreeing to support the Government.

Q.—Was one prepared? A.—Yes, sir, there was one prepared.

Q.—Have you got that?

Mr. Johnston: It is filed.

The Chancellor: Was it prepared, and did you sign it? A.—I did not sign it.

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Q.—You did not sign it.

Mr. Blake: Now, look at that, and see whether that is it. This is signed. It was not signed at that time. Is that the letter that was then produced? A.—A letter something like that, sir, reading just the same.

Q.—It reads the same as that? A.—The same character of a letter. I would not swear positively to that paper or letter.

The Chancellor: What is the date of that?

Mr. Blake: 10th September, my Lord. (Marked exhibit No. 3).

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Exhibit 3.

(Written in ink) Toronto, Sept. 10, 1902.

To Hon. G. W. Ross, M.P.P. (Written in ink), Toronto (Written in ink).

Dear Sir.—I have recently been thinking over the political situation of the Province of Ontario, and I have seriously come to the conclusion that I would be best acting in the interests of my constituency and New Ontario by giving my support to your Administration.

In view of this I have decided to write you frankly and to say that I have decided to give you my support during the present Parliament. I believe that you will be able to administer the affairs of the Province during the present Parliament, and in the carrying out of your development policy there will be an impetus given to trade and to settlement in New Ontario that will absolutely justify the course that I have decided to pursue. Therefore, upon all questions considered by you as a vote of want of confidence that arise in the House you may rest assured that I will give your Administration my hearty co-operation, support and vote.

The course that I have determined to take makes me practically a supporter of your Government and all that I would ask as the representative of the riding which I have the honor to represent is that my recommendations receive reasonable and fair con-

sideration at your hands and that I will be considered and treated as if I had been elected to support your Government.

This is not a hasty conclusion that I have come to. It has been considered fully by me without any other motive influencing me than the best interests of my constituency.

Yours truly,

(Written in ink) R. R. Gamey.

Mr. Blake, resuming:

Q.—You did not sign that letter at the time. Why didn't you sign it then? A.—Well, they did not ask me to sign it particularly then. He said I would have to sign that letter some time, but they did not seem to be quite ready to carry out the full extent of the deal.

Q.—Not quite ready for what? A.—To pay over the payment that I expected to get.

Q.—I see. What had the payment to do with the signing of this letter? A.—Well, that was a part of the deal, that I was to sign the letter. It was another part of the deal I was to receive the payment when I signed it.

Q.—And when did you next see this

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letter? A.—Well, I saw it that same afternoon.

Q.—And did you then sign it? A.—Yes, sir.

Q.—And that is the letter that you signed, and your signature to it? A.—Yes, sir, that is the letter. (Referring to exhibit No. 3.)

The Chief Justice: The same afternoon?

Mr. Blake: The afternoon of the same day, my Lord.

(Council then reads exhibit No. 3.)

Q.—Who prepared that letter? A.—I do not know who prepared it.

Q.—Where did you first see it? A.—I saw that in Mr. Stratton's place first.

Q.—And who gave it to you there? A.—Mr. Stratton showed it to me there.

Q.—Had you ever seen the letter before? A.—Not before I saw it with Mr. Stratton.

Q.—Had you anything to do yourself with the preparation of that? A.—No, sir.

Q.—Then you took that letter down to a lawyer's office? I beg your pardon. You were taken down to a lawyer's office?

The Chancellor: He had not said he took it to a lawyer's office.

Mr. Blake: No, my Lord. You were taken to a lawyer's office, were you not? A.—Yes, sir.

The Chancellor: That is not the usual way to ask, as if he were taken. Ask him did he go.

Mr. Blake : I had a reason for putting it in that way. I do not think it is any good having the name banded about. I put it in that way.

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Mr. Johnston: The names will come out.

The Chancellor: You did not sign that then. What was done next?

Witness: Mr. Frank Sullivan told me I would have to go with him to Mr. Aylesworth's office after dinner, sometime between 1 and 2 o'clock, I do not remember exactly what hour. And, I met Frank Sullivan on King street. He and I went to Mr. Aylesworth's office together. Mr. Aylesworth was not in when we went in first. We went into a second room apparently, and waited there a few minutes, and then Mr. Aylesworth came in. Mr. Sullivan introduced me to Mr. Aylesworth, and Mr. Aylesworth said, I understand Mr. Gamey that you want me to act for you in the dismissal of your petition. That was the first time I had heard those words from anybody. And I said in a rather surprised way, I said well I supposed something like that, and he said I have a letter for you to sign. He took this letter out of his pocket and laid it on the table, and I read it over and signed it. Mr. Aylesworth was present. That is the letter I have shown. (Exhibit No. 3.) And I think Mr. Aylesworth told me to put the address on that to the Honourable G. W. Ross—I think so. I feel satisfied he did. However, I put my signature on it.

The Chancellor: Did you read it over? A.—Yes, sir. I imagine I did. I would not swear positively.

Q.—Do not imagine? A.—Well I think I did.

Q.—Have you any doubt that you did? A.—I would say I read it over.

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Mr. Blake: Well, his Lordship wanted to know did you read it over in the office there, or had you read it over in Mr. Stratton's office, or where? A.—I think I read it over in Mr. Aylesworth's place. I do not know for sure whether I did or not.

Q.—Then, you were saying, he said to put it in an envelope, and what was done with the letter? A.—He said he would keep that letter, and Mr. Frank Sullivan said no, there is some question of stock consideration to be dealt with before we give up that letter, and Mr. Aylesworth said I know nothing of any stock proposition at all. He said, I would give you my word this letter will not pass out of my possession until you are satisfied.

The Chancellor: He said that to you? A.—Yes, until Frank Sullivan and I were satisfied. Sullivan then explained to him about the stock proposition and Mr. Sullivan said no, we will take the letter with us. So we took the letter away with us. Frank Sullivan took the letter, I fancy.

Mr. Blake: Did you know from Mr. Frank Sullivan what was meant by some stock question to be settled from anything that he had said to you? A.—I knew of course he meant that this \$3,000 payment had to be made before we parted with the letter.

Q.—What interest had Frank Sullivan in the \$3,000? A.—He was getting half of it.

Q.—By what arrangement was it that he was to get half? A.—Well, after

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this arrangement of the timber deal in which we were to all share alike fell through, then the question of the money from the Government—it was arranged that he and I should share up in whatever was done; whatever timber we might get, money, or mines, or fishery licenses, or anything else—whatever money we made out of it, we would share the half of it.

Q.—When you say an arrangement was made, how did that come about, if you remember the details of it at all? A.—Well, that was all. The first arrangement as I explained was that we were to share in the interests in the profits arising out of this timber, only I was to receive a certain sum. Then when that arrangement had to be called off, he said to me, we will just make another arrangement that you and I will get half each. That was all. I do not know that there was anything particular.

Q.—No more details than that? A.—No.

Q.—Then you left Mr. Aylesworth's office, and what did you do next in connection with this thing, if anything? A.—Did not do anything more that day.

Q.—And then the next day? A.—By arrangement with Frank Sullivan, I called at Mr. Stratton's office the next forenoon.

Q.—What day of the week or month would that be? A.—That would be about the 11th, I guess.

Q.—Of September? A.—Yes.

Q.—You called there, and just mentioned—I cannot lead you—mention to their Lordships what took place when you went up to the buildings. Where did you go? Whom did you see? A.—We went into Mr. Stratton's office

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—Mr. Frank Sullivan and I, and he

was not in. We waited there for some time—waited around, and walked around, and after quite a time he came into his office. Sullivan and I were in there together, and he spoke to us. He said that everything was ready and arranged for, and seemed to be in quite a hurry for me to get through. He said now you and Sullivan go down to the smoking room, and wait there, and this parcel will be brought down. He took an envelope out of his pocket and laid it on the table in his office, on his desk rather, and said this parcel will be brought down, and left in the smoking room for you, and he said—anything you want in regard to the appointments up in your own Riding, write and let me know at any time, and I will attend to it for you, come in and see me any time you come down, and make all the arrangements necessary.

Q.—And where did you go? A.—Sullivan and I went out, and went down to the smoking room on the same flat that Stratton's office is on.

Mr. Johnston: At what hour of the day?

The Chief Justice: Forenoon: of the 11th September.

Witness: About the 11th. I am not sure of the date.

Mr. Blake: Then what had become of the letter? A.—I think I saw the letter in Mr. Stratton's office then. Sullivan gave the letter or laid it down on Mr. Stratton's table, and it was left there with him. Whether left by me or Sullivan I am not sure, but I think it was left by Sullivan.

Q.—Then you left the room and went down. Where did you go and what was done? A.—Went down to the smoking

Q.—Then you left the room and went down. Where did you go and what was done? A.—Went down to the smoking room.

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Sullivan and I stood at the window of the smoking-room. After a little while a party came in and laid this envelope that I had seen in Mr. Stratton's office, or one like it, on the table in the smoking-room, and went out immediately—this party did. Sullivan went over and picked up the envelope, put it in his pocket, and him and I walked down to the washroom together and went in there. He took the envelope out of his pocket and counted the money, and tore up the envelope, and gave me half of the money.

Q.—And how much did he give you? A.—\$1,500.

Q.—And how much was there in the parcel? A.—\$3,000.

Q.—Of what bank bills? A.—They were Ontario Bank bills.

Q.—But of what denomination? A.—Well, the portion I got was ten one hundreds and ten fifties.

Q.—What did you do then? A.—We left the building. I went down to College street and had dinner. I went to the bank just before it closed that afternoon, and showed the money to one party.

The Chancellor: What bank?

Witness: Traders Bank.

Mr. Blake: You showed the money to one party in the city? A.—Yes.

Q.—A Toronto citizen? A.—Yes.

Q.—What is his name? A.—Edward Crossin.

The Chancellor: You mean you banked the money at the Traders Bank? A.—I deposited it at the Traders Bank.

Mr. Blake: On that day? A.—On that day.

Q.—Did you see Mr. J. R. McGregor of Gore Bay?

The Chancellor: Do you mean you deposited it in the ordinary sense, or

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put the individual bills there to be kept? A.—No. I asked the Traders Bank in Toronto to transfer it to my credit in Sudbury.

Mr. Blake: But did you take these bills that had been handed to you and deposit them in the Traders Bank? A.—I took those same bills I got from Frank Sullivan.

Q.—And you made an ordinary deposit? A.—I deposited them in the bank at Toronto, and asked them to transfer that amount to my credit at Sudbury.

Chief Justice Falconbridge: You did not deposit them to have the bills kept in that form? A.—No.

The Chancellor: Deposited them as your own money at the time? A.—Yes.

The Chief Justice: An ordinary deposit? A.—An ordinary deposit.

Mr. Blake: Had you seen Mr. J. R. McGregor on that day? A.—No, sir, he was not in the city.

Q.—Did you inform him of what had taken place? A.—Yes, sir, I spoke to him after I went back.

Q.—How long after that did you go back? A.—I left Toronto, I think, on the night of the 11th.

Q.—And was it on passing through that you told him? A.—I arrived home perhaps about the 13th or something of that kind, or 12th—the night of the 12th, and I would not see him that evening.

Q.—It was on your return home that you told him? A.—Yes, sir, within a day or two afterwards.

Q.—Within a day or two afterwards you saw him and told him. Then had you any further communications with

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Frank Sullivan? A.—Shortly after that, after I arrived home some time, I received a letter from him.

Q.—That is the letter of the 16th of September received when by you? A.—About the 18th or 19th September I received it.

Q.—Was that the letter?

Mr. Johnston: That is not anything but a piece of paper.

The Chancellor: He may know the writing.

Mr. Johnston: It is typewritten. It is not signed by anybody. There is no writing on it.

Mr. Blake: Oh, yes, there is writing on it.

The Chancellor: It is stenographic you mean?

Mr. Johnston: There is no identification.

The Chancellor: Well, he got that paper, at all events.

Witness: Yes.

Mr. Johnston: I object to the contents of that being taken as proved in any way. It may be marked for identification, perhaps.

The Chancellor: He got this paper, he says.

Witness: Yes, I got that paper.

The Chancellor: It is not dated, at all.

Mr. Blake: Yes, my Lord. It is dated 16th Sept., 1902.

The Chancellor: And not signed.

Mr. Blake: And not signed, but it is "Answer at once, Care of the Walker House."

Mr. Johnston: That is objected to.

The Chancellor: It is not proved as emanating from Frank Sullivan.

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Mr. Blake: This paper says, "Answer at once, Care of Walker House." Where did Frank Sullivan live? A.—He lived in Toronto.

Mr. Johnston: That does not prove it.

Mr. Blake: Did you answer? A.—Yes, I think I did.

The Chancellor: You think you sent a letter to whom? A.—Frank Sullivan, Walker House.

Q.—When? A.—I believed it was from Sullivan.

The Chancellor: Well, you have said that. When did you send the letter addressed Frank Sullivan, do you say?

Mr. Blake: About when do you think you answered? A.—Likely about the 19th or 20th September, just after I got it.

Mr. Blake: That will be exhibit No. 4.

(Exhibit No. 4, unsigned typewritten letter.)

(Copy of this will be found on the next page.)

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Exhibit 4.

Toronto, Sept. 16th, 1902.

Dear Bob,—

I had a talk with our man this morning, and he wants me to try and put through other deal. He will pay all expenses in connection with same, and will make it worth your while if it goes through. Can you take a run over and see that party, and if he is willing to do the right thing, I will arrange to meet you and him at the Soo, and we can fix things up all right. I will be able to go up about the 5th or 6th of October. In the meantime, work on the proposition, and see what can be done. Answer at once, care of Walker House.

(Signed) F. J. Sullivan.

Mr. Johnston: That is marked for identification only.

The Chief Justice: It will be marked as a piece of paper which he says he received. It is an Exhibit. It will be Exhibit 4. It is a piece of paper he received.

The Chancellor: To which he sent an answer.

Mr. Blake: Then you received a letter from Mr. D. A. Jones? A.—Yes.

Q.—Beeton. Dated 19th. That is signed.

Witness: Yes sir, that is the same letter. (Marked Exhibit No. 5.)

(Exhibit No. 5.—Letter D. A. Jones to R. R. Gamey.)

(A copy of this letter will be found on next page.)

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Exhibit 5.

Beeton, Sept. 19th, 1902.

My Dear Gamey,—

I was sorry I did not see you before you left, as there were some points in regard to our mining matters that I wished to talk over. By the way, if you have not already received your RR. papers, and do not at once, write me, as I ordered them to go forward, and if they do not I will see after them next week. Is there any mining news around up there? I have some gilded things now, and I think you can make a nice pot out of it. You see that party that we were trying to see and arrange, or get things in the shape of a verbal option, and your efforts will place us in a shape to make a haul sure. I will surprise you when I see you. When are you going to Toronto, that I can meet you there?

(Signed) D. A. Jones.

Mr. Blake: "I was sorry I did not see you before you left, as there were some points in regard to our mining matters that I wished to talk over." Had you had any mining matters with him? A.—No, sir, not then.

Q.—He says: "I was sorry I did not see you before you left." Had you seen him on this interview and this occasion of your being in Toronto? A.—Well, I saw him a number of times between the 25th August and the 10th or 11th September.

Q.—But on this last occasion of your visit to Toronto, had you seen Mr. Jones? A.—Well, that was the last

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visit to Toronto—the 11th September.

Q.—So that you had? A.—Yes.

Q.—"I wish to talk over. By the way, if you have not already received your RR. papers and do not at once, write me, as I ordered them to go forward, and if they do not I will see after them next week." What were your RR. papers?

Mr. Johnston: Passes, I think.

The Chief Justice: Railway passes.

Mr. Blake: Your RR. passes. What is the meaning of that? A.—Railroad passes.

Q.—What had he to do with your railroad passes? A.—I do not see why he should talk that way.

Q.—Had you spoken to him about it? A.—No, I do not think I had.

The Chancellor: You do not know what he had to do with the railway passes? A.—No.

Mr. Blake: "I ordered them to go forward, and if they do not I will see after them next week. Is there any mining news around up there?" Had he asked you on this occasion to look out for any mining news? A.—No.

Q.—You knew what he meant? A.—Yes.

Q.—What was that?

Mr. Riddell: That is objected to.

The Chancellor: He has not said that he talked about anything in Toronto.

Witness: About the evidence against Smyth and Miscampbell.

Mr. Blake: That was the subject of the discussion between Mr. Jones and

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yourself. Some time ago he mentioned that to your Lordship.

The Chancellor: But this is a letter apropos of his late visit to Toronto, I understand.

Mr. Blake: Up to that time what were the matters that had been discussed between you and Mr. Jones on the visit to Toronto? A.—The buying of Mr. Smyth and of securing evidence against Smyth and Miscampbell and the question of my supporting the

Government. Those were the questions that were discussed.

Q.—He says "I have some gilt-edged things now, and I think you can make a nice pot out of it." You see that party that we were trying to see and arrange." Who was that party? A.—Smyth, I assume.

Q.—"Or get things in the shape of a verbal option," what was that? A.—He wanted me to see Mr. Smyth,—

Mr. Riddell: This is objected to.

Witness (proceeding): and get Mr. Smyth to agree to support the Government, I suppose.

Q.—Is there anything else that could refer to but that? A.—Nothing that I know of.

Q.—"And your efforts will place us in a shape to make a haul sure. I will surprise you when I see you. When are you going to Toronto, that I can meet you there?" "Signed. D. A. Jones." What had he said to you? Give any of the details that you can remember about Mr. Smyth? What was to be done as to him and the like?

The Chancellor: Was there anything additional to what you have told us about that?

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Mr. Blake: Yes.

The Chancellor: Well, give it if there is anything.

Witness: In discussing Mr. Smyth with me, he just discussed the question of buying Mr. Smyth to support the Government.

Mr. Blake: Why did he want to do that? A.—He seemed to have authority from the Government to do that.

The Chancellor: That will not do.

Mr. Blake: Did he give you any reason for it? A.—I dare say the Government wanted all the support they could get.

Q.—That is arguing. Did Mr. Jones give you any reason why he wanted to arrange with Smyth? A.—He spoke as if it would be a profit to him to arrange it.

Q.—In what way did he state that?

The Chancellor: I think the witness ought to tell what Jones said to him if he can, without any further suggestion.

Mr. Blake: Then tell all he said to you about it? A.—At one time and I were talking he said there was a land company, and we were to get some stock in this land company being formed, I don't know anything about the particulars—he did not give me the particulars—some big land company. He was getting stock in it, but I should get it, and in order to get it we had to do something, and he had to do something in the way of earning it.

Q.—Well, did you do anything with Mr. Smyth? A.—No. I did not try to induce him at all.

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Q.—Did you write to him? A.—I wrote to Smyth the 1st of October.

The Chancellor: I do not think you can go into this now.

Mr. Blake: At all events, you did something upon that? A.—I wrote to Mr. Smyth to come down to Gore Bay.

Q.—Then there was some statement made which was the occasion of your writing a letter to one of the Sullivans. To which of them did you write? A.—Capt. Sullivan—Captain J. Sullivan.

Q.—And what did you say to him in that letter?

The Chancellor: Is not that produced?

Mr. Blake: No, Captain Sullivan was called and he did not produce anything.

Mr. Johnston: He says he never got it.

The Chancellor: If he got an answer that would be another thing.

Mr. Blake: He did, my Lord.

Q.—Now, was that the letter that you got from Capt. Sullivan? A.—Yes.

(Marked exhibit No. 6. Letter dated 27th September.)

(Copy of this letter will be found on the next page.)

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Exhibit 6.

Toronto, Sept. 27th, 1902.

Dear Bob,—I am just in receipt of yours of the 25th inst., and I must say that I am as much surprised as you are. I never made such a statement, and, further, I will forfeit \$1,000 if you can get a man in Ottawa that heard me say such a thing. I was interviewed by a reporter there, and all I said and more is in the interview. I will get a copy of it and send it to you. I am writing now before I see Frank, as I feel that I want to let you know at once I did nothing of the kind I am accused of. When I see Frank I will have him write you more fully.

Yours truly,

(Sgd.) J. Sullivan.

Q.—That is from the Walker House, Toronto; 27th September. And that says, "Dear Bob: I am just in receipt of yours of the 25th inst." Now what did that letter of the 25th inst. say to Captain Sullivan? A.—I told Capt. Sullivan that I had received a letter from Mr. Whitney telling me that Capt. Sullivan had been at Ottawa and that he had been making a statement that I had given a written promise to support the Government.

Q.—According to your knowledge at that time, who knew anything of that letter beyond yourself, Mr. Stratton and the Sullivans? A.—And Mr. Aylesworth. No person else.

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Q.—And then what further did you say to Captain Sullivan? A.—I just told him he had been talking—he must have been talking, and I wanted an explanation.

Q.—In answer he says: "I am just in receipt of yours of the 25th inst. (Counsel reads letter exhibit No. 6 to be found on page back.)"

Q.—Did you see Frank about that, or receive or send a letter to him? A.—No, sir.

Q.—Then on the 29th of September you wrote a letter to Mr. Stratton.

The Chief Justice: Is that produced?

Mr. Blake: Yes, my Lord.

The Chief Justice: That will be exhibit No. 7.

(Exhibit No. 7; copy of this will be found on next page.)

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Exhibit 7.

Production No. 1.

Marked personal.

Gore Bay, Sept. 29th, 1902.

Hon. J. R. Stratton, M.P.P.,
Provincial Secretary,
Toronto.

My Dear Stratton:—

Enclosed find petition of lumber companies on Aird Island to have Thomas Flesher, Customs Collector at that port, appointed a J.P., as the present J.P. is leaving. I know the necessity of this appointment, and I am well acquainted with Mr. Thomas Flesher, and I know that he will make a good J.P. His address is Spanish River Mills. Would you kindly make this appointment for me. I am writing you while I know the appointment is in the other Department, but I desire just now to do business with you. Would you be kind enough to ask the Minister of Public Works to let Mr. J. F. Boyd, Government Road Inspector in my district, know in a quiet way that he might consult me. Would it be possible to get railway passes before the House meets? I suppose hardly. Everything is looking favorable here. Kindly have the appointment made at once if possible, as the official is needed.

Yours truly,

(Sgd.) R. R. Gamey, M.P.P.,
Gore Bay, Ont.

Memorandum.—Note typewriting characters at top of page 1.

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Q.—That Mr. Boyd is no relation to any member of this Court?

The Chancellor: That has not been established?

Mr. Blake: He is not?

Witness: No, sir, not so far as I know.

Mr. Blake: I wanted that there should be no doubt about it.

Q.—“Would it be possible to get railway passes before the House meets.” Then you got an answer on the 2nd October. My learned friend Mr. Johnston wants an enclosure which is in it and which we will give.

Mr. Blake (resuming): Q.—Your Lordship will understand the reason of that was not with Mr. Stratton’s production was that it had been transferred over to the other Department and it is from the other Department it now comes.

The Chancellor: The answer was written by whom?

Mr. Blake: This is the enclosure, my Lord.

The Chancellor: That is the production that was enclosed.

Mr. Blake: Yes.

The Chief Justice: Then it will be annexed to Exhibit No. 7.

Mr. Blake: Although it will be understood it does not come from Mr. Stratton, and is not in his productions, but comes from the Attorney-General.

The Chancellor: No letter with it.

Mr. Blake: This petition was transferred over.

The Chancellor: Then, there is no action on the petition, is there?

Mr. Blake: Yes, my Lord.

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The Chancellor: By whom?

Mr. Blake: I will give that.

The Chancellor: That petition comes from the Attorney-General’s Department?

Mr. Blake: Yes, my Lord.

Mr. McEvoy: No, my Lord. It comes from the file of Mr. Stratton’s productions.

Mr. Blake: That I think is wrong, because “I have transferred your letter to the Hon. Mr. Gibson, Attorney-General, who has charge of the administration of justice, and have asked him to approve your recommendation.”

The Chancellor: You have not put that in.

Mr. Blake: I will put that in in a moment.

The Chancellor: Then that will show. If you have that letter in that will show what became of the petition. Then, what is the date of the answer?

Mr. Blake: 2nd October, from Mr. Stratton.

Q.—That is a letter which you received? A.—Yes.

The Chancellor: And that letter says it was transferred to the Attorney-General’s Department.

Mr. Blake: I will read it. That is it, my Lord. (Read and marked Exhibit No. 8.)

(Exhibit No. 8. copied on next page.)

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Exhibit 8.

Toronto, Oct. 2nd, 1902.

Confidential.

My Dear Gamey,—

I have your letter of September 29th, relating to the appointment of Mr. Flesher, Customs Collector on your island, as a justice of the peace.

I have transferred your letter to the Hon. Mr. Gibson, Attorney-General, who has charge of the administration of justice, and have asked him to approve of your recommendation, and I will see him on my return to the city in a few days in regard to it.

When the estimates are being prepared for the coming session I will ask the Minister of Public Works to speak to Mr. Boyd in the direction indicated in your letter.

I do not know that it would be impossible for members to obtain railway passes just now. It has not been customary to issue passes to the members of a new Parliament till the opening of the session. However, if you were to communicate with the general manager of the C. P. R., Montreal, or the general manager of the G. T. R., Montreal, they might meet your wishes in that direction.

Yours sincerely,

J. R. Stratton.

R. R. Gamey, Esq., M.P.P., Gore Bay, Ont.

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Mr. Blake: That is the same Mr. John F. Boyd? A.—Yes.

Q.—Then, you received another letter.

Mr. Johnston: That production ought to be attached to the letter of the 29th September.

Mr. Blake: Then you received another letter of the 2nd of October? A.—Yes.

The Chief Justice: From whom?

Mr. Blake: Mr. Stratton, on the same day.

(Read and marked Exhibit No. 9.)

(Copy of Exhibit 9 will be found on the next page.)

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Exhibit 9.

Toronto, Oct. 2nd, 1902.

Private and Confidential.

My Dear Sir,—Would you approve of the appointment of the late R. O. as the R. O. for the taking of the referendum vote on December 4th.

I am leaving on Saturday for Halifax, and will not be back for a week, but the R. O.s. will be appointed during the coming week.

Your reply will be handed by my private secretary to the Premier. I am writing you confidentially. It might be desirable to have the same R. O.

Yours sincerely,

J. R. Stratton.

R. R. Gamey, M.P.P., Gore Bay, Ont.

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Q.—Then upon receipt of that letter as to the appointment of the returning officer for the referendum vote, what did you do? A.—I wrote to Mr. Stratton telling him I would not care to have the old returning officer appointed.

The Chancellor: Is that letter forthcoming.

Witness: Yes.

Mr. Blake: Before writing did you do anything? A.—I saw Sheriff Jackson and asked him if he—

Q.—Who is he? A.—The Sheriff of that district.

Q.—Who had been the returning officer previously? A.—W. R. Abrey, the registrar of the district had been the returning officer on the 29th May.

Q.—Then on the 7th you wrote: "Yours of the 2nd to hand. Re returning officer for the referendum, and so on."

(Read and marked exhibit No. 10.)

Exhibit No. 10.

(Copied on next page.)

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Exhibit 10.

Production No. 4.

Letter written on letter paper of the Ocean House, Gore Bay, Ont. Letter as follows:—

Confidential.

Gore Bay, Ont., Oct. 7th, 1902.

My Dear Stratton.—Yours of the 2nd to hand re returning officer for the referendum. I would recommend very strongly the Sheriff of our riding, Mr. E. H. Jackson. He is thoroughly capable and worthy. A lifelong Liberal, and I think it is too much to give Mr. Abrey, the late returning officer, the appointment again, as one set of fees of that kind is enough for

one man in one year. Mr. Jackson has a large circle of friends who were disappointed with him not getting the appointment last spring, and if Jackson got it now they would all forget the spring affair. Mr. Abrey has practically no following. Could you keep this appointment over until next week and make it then? By doing this for me you will oblige me much.

Yours truly,

(Sgd.) R. R. Gamey.

(This letter has been on file, two file holes being cut in top of letter. The letters "R. O." in lead pencil also appear on the top of the letter.)

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Q.—What was done as to that appointment? Any more correspondence? A.—The Sheriff went to Toronto, I understood, to see about it himself.

Q.—He went to Toronto and on the 8th you wrote. You got this answer to your letter I see. I omitted that. This is from the Minister's secretary, Mr. Myers, my Lord, dated 10th October. (Read and marked exhibit No. 11.)

Exhibit No. 11.

(Copied on next page.)

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Exhibit 11.

Toronto, Oct. 10th, 1902.

Dear Sir.—In the absence of the Hon. the Provincial Secretary, who is out of the city for a few days, I have the honor to acknowledge the receipt of your favor of October 8, with reference to the appointment of a returning officer for taking a referendum vote.

I have transferred your letter to the Hon. the Premier.

I have the honor to be, sir,

Yours very truly,

E. C. Myers,

For Minister's Secretary.

Q.—Do you remember any discussion or talk at all about transferring this matter to any other member of the Government? A.—Only in the letter that Mr. Stratton wrote me.

Q.—Only in that letter. You had nothing further about it. Then who was appointed to take that vote? A.—Sheriff Jackson was appointed.

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Q.—Was Mr. Flesher appointed as Justice of the Peace? A.—Yes.

Q.—Then when did you leave Gore Bay for Toronto? A.—About the 2nd of October.

Q.—Did Frank Sullivan know that you were going? A.—Yes, sir, I

wired him from Gore Bay I was coming.

Q.—He knew you were coming? A. Yes, sir.

The Chancellor: You said 2nd October. You have been going back a little.

Mr. Blake: That is right.

The Chancellor: He left Gore Bay for Toronto about the 2nd October. I suppose the chronology is a little disturbed, but it will come all right?

Mr. Blake: Yes, my Lord.

The Chancellor: These letters of the 2nd October and the 7th October and the 10th. I suppose they were while he was at Gore Bay, but he says he left Gore Bay for Toronto about the 2nd October.

Witness: I received those after I went back to Gore Bay, my Lord.

The Chancellor: He left Gore Bay for Toronto about the 2nd October. Now, then proceed from there.

Mr. Blake: Then on the 2nd October did you see Frank Sullivan? A.—I did when I arrived in Toronto, I think the 3rd or 4th.

Q.—And what was the subject of his discussion with you then? A.—The discussion then was in regard to chocking off the Davis petition.

Q.—Why did they discuss that with you? A.—Well—

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The Chancellor: What was said about it?

Witness: Mr. Sullivan had told me that Mr. Davis was very anxious to have his petition sawed off.

Mr. Blake: Why were they interesting themselves in it? A.—He led me to understand they were getting value from the Government if they could get that petition sawed off.

Q.—And in what way did they ask you to help in doing that? A.—I was to see Mr. Bristol.

Q.—And why would you be able to do what they could not do in it? A.—Well, being a Conservative, I might have some influence with Mr. Bristol.

Q.—And did you see Mr. Bristol? A.—I saw him and told him what they said.

Q.—Did you discuss anything else in connection with petitions at that visit? A.—Well, I may have discussed with Mr. Bristol in connection with petition.

The Chancellor: That is not evidence.

Mr. Blake: No, my Lord.

Q.—You went to Toronto again about October 21st. I might ask you what position was Mr. Bristol occupying? A.—He was the lawyer looking after the Conservative interests in the petition, so far as I know. He had been acting for me in my cross-petition.

Q.—He was the solicitor acting for the Conservative members in the various petitions? A.—Yes.

Q.—Then you went to Toronto on the 21st of October or about then? A.—Yes.

Q.—Do you remember that? A.—Yes.

Q.—Whom did you meet at North Bay?

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A.—I met Captain John Sullivan at North Bay and told him I was going to Toronto in regard to rumours that were going around the country that I was going to support the Government, and told him I thought he had been talking too much. I told him I was going to see Mr. Stratton in regard to it, to see what might be done.

Q.—And did you do so? A.—Yes, sir.

The Chancellor: That is, you saw Mr. Stratton? A.—Yes, sir, on my visit to Toronto I saw Mr. Stratton.

Mr. Blake: At what date was that? A.—I must have seen him about the 23rd or 24th—along there.

Q.—What passed at your interview? A.—I had a couple of interviews with him at that time; one interview in regard to the rumours going around the country, and what would be done with it.

Q.—What rumor is it you have reference to? A.—The rumour that I was going to support the Government. Mr. Stratton and I discussed that, a little, and he said he would see the Premier, and see what he thought about it, and see what he thought could be done, whether we could publish any statement in the papers or anything of that kind. Mr. Myers took me down to a room in another part of the building, and I waited there quite a time, and Mr. Stratton came back, after seeing the Premier as he told me, I supposed he did, and said the Premier himself had decided we had better not do anything about it, let it go, not publish any statement of any kind at all.

Q.—What had you done with Captain Sullivan's letter which he wrote to you? A.—I showed that to Mr. Stratton.

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Q.—On this occasion? A.—Yes.

Q.—That is the letter denying the rumour? A.—Yes.

Mr. McPherson: That is Exhibit 6, my Lord.

Mr. Blake: You showed that to Mr. Stratton? A.—Yes, sir, and I showed him Mr. Whitney's letter.

Q.—Where is that letter? A.—We have it here some place, a letter drawing my attention to this report of Captain Sullivan.

Q.—This letter dated 19th September, 1902. That is the letter? A.—Yes sir, that is the letter.

(Exhibit No. 12.)

(Read by Counsel.)

(Copy of this letter will be found on next page.)

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Exhibit 12.

Morrisburgh, 19th Sept., 1902.

My Dear Gamey,—

I have a letter from a friend in Ottawa, in which he says Cap. Sullivan publicly states that "Its Government has a written promise from Gamey to support Ross."

I have no doubt that the old villain has been making this assertion, and I let you know of it in order that you may be in a position to give him the lie should you be so inclined. Of course it is not at all necessary that you do so, but if you wish to show him up and to incidentally show the public what these fellows are up to you might get the Mail Empire to say that you have heard that the notorious Cap. Sullivan was declaring, etc., etc., and that you wish to brand his statement as a slander, together with anything else you may choose to say.

As I have said there is no call upon you to deny Sullivan's yarn, but if you do so it will do us good, unmistakably.

Yours faithfully,

J. P. Whitney.

R. R. Gamey, Esq., M.P.P., Gore Bay.

P.S.—If you write the Mail Empire, send your letter to A. F. Wallis, Esq., Mail and Empire, Toronto.

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Q.—Then he stated he would see the Premier, and he came out and as he stated, he had said he thought it was better not to do anything? A.—Yes.

Q.—And then what did you do? A.—Well, one conversation I had with Mr. Stratton that time, he said to me that they wanted me to sign another letter, a duplicate of the letter I had signed on the 10th September, and that I should take that home with me, sign it, and mail it at Gore Bay after I got home.

Q.—To whom was that to be addressed? A.—To the Hon. G. W. Ross, Premier of Ontario.

Q.—What reason was assigned for that? A.—Well, my protest was being disposed of in the Courts on the 25th October, and they wanted this letter signed and mailed at a later date so that it would show there was not any deal on in regard to the protest.

Q.—Well, is that the second letter? A.—Yes sir, that is the second letter.

The Chancellor: What is the date of that?

Mr. Blake: 27th October.

Q.—When was it that your petition was dismissed? A.—On the 25th October.

Q.—And this was dated two days afterwards? A.—Yes, sir, the 27th. Let me see that letter, Mr. Blake. (Handed to witness.)

Mr. Blake: The post mark, as well as I can read it, is the 30th.

Q.—This letter was prepared by whom, so far as you know? A.—Well, I got it from Mr. Stratton and Frank Sullivan together.

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Q.—Was it in his room? A.—I read it in his room 4—in Mr. Stratton's room.

Q.—Was it there it was given to you? A.—I rather think Frank Sullivan gave me that letter. I think he took it out of Mr. Stratton's room, but I saw that letter in Mr. Stratton's room.

Q.—Now, this letter, when it was given to you, did you sign it as it was given? A.—No, sir.

Q.—You did not. What alterations had been made? A.—I put those alterations on that are on there with a pen.

Q.—And therefore this letter reads: I see you have put at the top "Strictly private and confidential."

(Letter read and marked Exhibit No. 13.)

(Exhibit No. 13 copied on next page.)

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Toronto, Oct. 27, 1902.

To Hon. G. W. Ross, M.P.P.

Toronto:

Strictly private and confidential (in ink.)

Dear Sir,—I have recently been thinking over the political situation of the Province of Ontario, and I have seriously come to the conclusion that I would be best acting in the interests of my constituency and New Ontario by giving my support to your Administration, if you have a reasonable majority when the House meets. ("If" to "meets" in ink.)

In view of this I have decided to write you frankly and to say that I have decided to give my support during the present Parliament if you have a reasonable majority. ("If" to "majority" in ink.)

I believe that you will be able to administer the affairs of the Province during the present Parliament and in the carrying out of your development policy there will be an impetus given

to trade and to settlement in New Ontario that will absolutely justify the course that I have decided to pursue. Therefore, upon all questions considered by you as a vote of want of confidence that arise in the House you may rest assured that I will give your Administration my hearty co-operation, support and vote. The course that I have determined to take makes me practically a supporter of your Government and all that I would ask as the representative of the riding which I have the honor to represent is that my recommendations receive

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reasonable and fair consideration at your hands and that I will be considered and treated as if I had been elected to support your Government. This is not a hasty conclusion that I have come to. It has been considered fully by me without any other motive influencing me than the best interests of my constituency.

Yours truly,

(Sgd.) R. R. Gamey.

Q.—You add to that, “If you have a reasonable majority when the House meet.” And further on you put in again, “If you have a reasonable majority.” Is that letter otherwise an exact copy of the former letter that you wrote? A.—Yes, sir, so far as I know.

Q.—And then the reason for wanting this, as assigned to you, was any beyond the date? A.—There was no other reason, except they wanted this letter signed after the date of the dismissing of the petition.

Q.—Then the post mark is dated the 30th October? A.—Yes, they wanted it to come from Gore Bay.

The Chancellor: It is dated the 27th and the dismissal was the 25th.

(The letter is marked exhibit 13, with envelope attached.)

Mr. Blake: Then when did you sign that? A.—It was signed at Gore Bay.

Q.—It was not signed until then. Did you yourself sign that? A.—No, sir.

Q.—Who signed it? A.—My son. I asked him to.

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Q.—You are not repudiating the signature? A.—No, not at all. I asked him to sign it.

Q.—What was to be done with the letter which you had already given? A.—They were to return the first letter I had signed when they got the second.

Q.—And did they do that? A.—No, sir.

Q.—Both are produced? A.—Both are produced.

The Chief Justice: I thought he said the earlier one was destroyed.

Mr. Blake: Those were only the agreements, I think, my Lord. I do not think he had reference to letters.

Mr. Blake: Who acted for you, are you aware, in the dismissal of your petition? A.—As far as I knew, Mr. Bristol acting, for our party. I do not know whether Mr. Aylesworth did anything or not.

Q.—Did you yourself definitely give any instructions about it or was it done without instructions from you? A.—It was done without instructions from me.

Q.—You wrote a subsequent letter to Mr. Stratton? On the 4th November you wrote that letter to Mr. Stratton? A.—Yes, sir.

(Marked exhibit No. 14.)

(Exhibit No. 14 copied on next page.)

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Exhibit 14.

Production No. 6.

Gore Bay, Nov. 4th, 1902.

Personal and confidential.

Hon. J. R. Stratton.

Prov. Secretary.

Dear Sir.—Could I borrow \$2,000 (two thousand dollars) and give my notes for it repayable after the first session? I have a chance to buy some timber lands here, out of which I can make some money if I can raise that amount at once. Will you kindly let me know by return of mail, and if satisfactory I will come down and arrange it. Kindly do not delay answer as I have an option only for one week on the lands.

There was a petition sent in last spring to the department of the Attorney-General for the appointment of one J. W. Swanson of Whitefish post office as J.P. Will you kindly see that this appointment is made? He is a Liberal and recommended highly by the entire community.

Yours truly,

(Sgd.) R. R. Gamey.

The envelope in which this letter came is attached and bears the post mark at Long Bay, Nov. 4th, 1902, and is marked private and confidential across the left end of the envelope. On the envelope is written in lead pencil the word “Gamey.”

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Q.—“Could I borrow \$2,000 and give my note for it, repayable after the first Session,” why did you make that request? A.—I just wanted to see what he would say in the letter in reply to it.

Q.—Any reason for thinking he would do so? A.—Well, there was

\$2,000 supposed to be coming, according to the agreement, to me after the Session. I thought he might comply with it.

Q.—And then you assign a reason here. "I have a chance to buy some timber lands here out of which I can make some money if I can raise that amount at once. Will you kindly let me know by return mail, and if satisfactory I will come down and arrange it. Kindly do not delay answer, as I have an option only for one week on the land. There was a petition sent in last spring to the Department of the Attorney-General for the appointment of one J. W. Swanson of White Fish Post Office, and so on. Did you get any answer to that letter?" A.—I think I got an answer from Mr. Stratton's Secretary, acknowledging receipt of the letter, and that was all.

Q.—You got a letter, but that I believe has been mislaid? A.—Yes, sir.

Q.—The letter from the Secretary, Mr. Myers? A.—Yes, sir.

Mr. Johnston: We produce a copy.

Mr. Blake: We may use that, may we? On the 10th of October, it is.

The Chancellor: You say October?

Mr. Blake: Then that cannot be it. It may be misdated.

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Mr. Blake: Here it is.

Mr. Johnston: November 6th is the one.

Mr. Blake: Yes.

(Read and marked Exhibit No. 15.)

(Copied on next page.)

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Exhibit 15.

Production No. 8.

Confidential.

Toronto, November 6th, 1902.

My Dear Sir,—

I have the honor to acknowledge the receipt of your letter of November 4th.

The Honourable Mr. Stratton is out of the city. He said he would be in Toronto on Friday, but he may possibly go on to Peterboro' and not return until the middle of the week. Upon his return to the city I will place your letter before him.

I have the honor to be, sir,

Yours very truly,

(Sgd.) F. C. Myers,

For Minister's Secretary.

R. R. Gamey, Esq., M.P.P., Gore Bay, Ont.

Mr. Blake: When were you next in Toronto? A.—I think I was in Toronto in December a couple of times.

The Chancellor: Then, was there any other answer to that letter?

Mr. Blake: No, my Lord. There was no answer to that.

The Chancellor: Next in Toronto, when? A.—In December a couple of times.

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Mr. Blake: Did you see Mr. Stratton or Sullivan? A.—I saw the Sullivans in December in Toronto, but I did not see Mr. Stratton.

Q.—Did anything special happen then? A.—Nothing in December.

Q.—Then, when did you next return to Toronto? A.—I passed through Toronto about the 1st of January on my way up to North Perth, and returned to Toronto about the 6th or 7th January from North Perth.

Q.—What had you been doing in Perth? A.—Speaking in the interests of the Conservative party.

Q.—In the elections? A.—Yes sir, in the bye-election.

Q.—What was the date of that election? A.—7th January, the voting.

Q.—Did you on that occasion see the Sullivans, that is, on the occasion of your return after the Perth election? A.—Yes.

Q.—What did they say to you? A.—They said Mr. Stratton wanted to see me before I went home.

Q.—Did they state any reason for it? A.—They were getting suspicious about me on account of my altering that letter and going up into Perth.

Q.—Altering which letter? A.—The letter I addressed to the Premier.

Q.—And your going up into Perth? A.—Yes sir.

Q.—And did you see Mr. Stratton? A.—Yes sir, I saw him about the 13th I think of January, the following week after the election.

Q.—Who made the appointment for

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you? A.—I think I made that appointment with Mr. Myers—I think so—by telephone.

Q.—And when you went up, what passed there then? A.—Well, Mr. Stratton asked me what I was doing up in Perth, and he also asked me why I altered that letter to the Premier at all. He said if they wanted anybody to support them, they wanted them when they needed them, not after they had majority enough to do without them, and we then went on after that and discussed the Manitoulin affairs.

Q.—And what did you say about your being in Perth? A.—Well, I told him I was up there helping the Conservative party; I felt at liberty to do that.

Q.—Why? A.—I understood the letter I had signed agreeing to support

the Government would not have control of me until a vote in the House so far as my political proclivities were concerned.

Q.—I see. And the alterations in the letter, were these ink marks that you have been showing me? A.—Yes, we referred to that, too.

Q.—Now, what else took place between you? A.—We discussed the license board, and the appointments, the affairs generally in regard to Manitoulin, and the Little Current lock-up. I reported that to him as being in bad condition. Dr. Chamberlain was called in in regard to that.

Q.—Did you see Mr. Vance there then? A.—Mr. Vance was waiting in the outer office when I went there in the morning.

Q.—Where had you seen him? A.—I had seen Mr. Vance up in Perth before that.

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Q.—What had he been doing there? A.—I assume he was working for the Liberal party.

Mr. Johnston : I object to that.

Q.—Did you know or see or hear what he was doing there? A.—When I was sitting in Mr. Stratton's office that morning he was talking about the Perth bye-election, about his being up there working.

Q.—You could not have anything better than that. He had been up there and he told you he had been working up there. Then he went in and saw Mr. Stratton before you did? A.—Yes.

The Chancellor : He has not said that.

Mr. Blake : Yes, my Lord.

The Chancellor : He has not said that. He said Mr. Vance was waiting in the outer office.

Witness : He asked me to let him go in first and I agreed to it and he went in. He was there possibly twenty minutes. He went out and then I went in.

Mr. Blake : Then did you see the Sullivans after your interview with Mr. Stratton? A.—Yes, sir.

Q.—And what passed between you then? A.—I told them that I had had an interview and Mr. Stratton was satisfied with the condition of affairs apparently, and that I would come down a little later on again.

The Chancellor : If he was satisfied? A.—I said Mr. Stratton appeared to be satisfied, and I would come down some time later on.

Mr. Blake : Had you any further conversation with Mr. McGregor or

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with others as to the course you were pursuing? A.—Yes, sir, I had a conversation with a number of parties.

I arranged with Mr. McGregor to come down to the city with me the next time I came down.

Q.—And did he come? A.—Yes, sir.

Q.—Then had you a telegram from Frank Sullivan? Did he send you a telegram? A.—Yes, sir. He sent me a telegram. I did not get that until I went back.

Q.—What is the date of that? A.—27th, wasn't it?

Q.—27th January. Yes. "Important that you be here on Thursday or Friday. Answer."

(Read and marked exhibit No. 16).

Exhibit 16.

Toronto, Jan. 27th, 1903.

Robt. Gamey,

Gore Bay, Ont.

Important that you be here on Thursday or Friday. Answer.

(Sgd.) Frank.

Q.—What was the reason of his sending you that telegram? A.—Well, he wanted me to come down to do some business with Mr. Stratton in regard to appointments, and so on. I suppose Mr. Stratton asked him to send the telegram.

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Q.—That is a supposition. The other you know from what? A.—Conversations I had with him before.

Q.—Then did you see Mr. Stratton? A.—Yes, sir. I saw him on the 29th January.

Q.—And what was it that he wanted? A.—Well, he wanted me to sign an interview that he had prepared for The Globe, and he wanted me to name the License Board for that riding. These were the principal things he wanted.

Q.—What was the reason assigned for wanting to have the interview with The Globe signed or sent? A.—Sullivan told me that the other Ministers were sort of jibing Stratton a little about his deal with me and that Mr. Stratton wanted this interview so as to have the public announcement from me, that I would not get away from it.

Q.—Was the interview prepared when you went there? A.—Yes, sir, there was an interview prepared.

Q.—And where is that, what came of it? A.—Well, that night I gave it to The Globe reporter.

Q.—That is produced, I think?

Mr. Johnston : Oh, yes.

The Chancellor : Does he mean to say that the interview was prepared in advance or was prepared on that occasion?

Witness : It was all ready when I got there. It was prepared in ad-

vance. That is the typewritten portion of it. I added some changes.

Mr. Blake: Is that the one in question? A.—Yes, sir, that is the document. (Exhibit 17.)

(This exhibit will be found on the next page.)

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Exhibit 17.

Mr. R. R. Gamey, M.P.P. for Manitoulin, was in the city to-day and was seen by the representative of The Globe. He was asked in reference to a rumor touching his relations with the Ontario Government, "Mr. Gamey, there is a rumor that you are inclined to be friendly to the Government and its policy. Would you care to say anything upon the subject?" "I have no objection," Mr. Gamey replied, "to saying that I have for some time been seriously considering the matter you mention. I have thought it over very seriously and have come to the conclusion that it would be best in the interests of my constituency as well as New Ontario generally that any Government in power have a strong enough support to carry on the work. I believe that with a strong following it will carry out its policy of developing New Ontario. I am chiefly interested in that; for my own constituency must get a big share of the benefit and in this respect Manitoulin is my politics and I feel that I have a right to do the best that I can for its welfare. And I feel that I can best do this by helping the Government with an independent support, for I realize as well as anybody can what the development policy of the Ross Government has done, as well as what it is doing and also what it is calculated to do for the advancement of New Ontario. So that my desire to see this policy carried out has led me to decide to give the Government an independent support."

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I will not be a staunch supporter, but will stand firmly by the Government on all questions where they may need my help to carry out any good development policy.

I want to see the Government kept in power by a fairly strong support, and will stand by them on all questions which may involve a vote of want of confidence in matters that I am satisfied with.

There is now no doubt that the Government is sustained and will continue to carry on the affairs of the Province. I believe it should be strong enough to carry out its work well, and then if it does not do what is right it will have all the more reason to fear the electors.

"For my part and for the part of my riding I want to see New Ontario opened up and built up, and I believe I am right in helping on the work, for I want it done without any delay. So the Ontario Government being in power for another term, and willing and able to do this work, I intend helping them carry it out."

(The following was written in ink:)

I believe I can by independently supporting the Government induce them to introduce changes in mining laws, timber and settlers' regulations, and appointment of officials that will be to the interests of New Ontario. I find that the members of the Legislature in the past have often erred through lack of knowledge, rather than intentionally in regard to New Ontario questions. I have travelled that country and mingled with the people for many years, and feel that I can materially assist any Government that is anxious to do the best for us, and I

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am convinced that this Government have the best interests of that country at heart, as it is nonsense to say that any body of intelligent men are wilfully desirous of continuing or enacting legislation that is detrimental to as important a part of this Province as the newer portions are.

Walker House, Toronto.

(Sgd.) R. R. Gamey, M.P.P.

Q.—There are some alterations in pencil and some alterations in ink. Who made those alterations? A.—I made those, sir.

Q.—Both the pencil and the ink? A.—Yes, sir.

Q.—Where were those made? A.—I made I think most of the alterations at the Walker House. I may have made some in Mr. Stratton's office possibly, one or two, but most of them at the Walker House.

Q.—And what did Mr. Stratton say to you as to this paper, so far as the typewritten portion of it is concerned? A.—He said they wanted me to sign that and publish it.

Q.—Wanted you to sign that, and what reason did he allege? A.—Well, it would be a public announcement of my intention of supporting the Government.

Q.—Now, as this stood when you received it, it reads in this way.

(Read and marked Exhibit No. 17.)
(Read by Counsel.)

Q.—"To carry on the work." That any Government in power has a strong

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enough support to carry on the work." You made that alteration? A.—Yes

sir, whatever alterations are there I made them.

Q.—That is the alteration that appears there. Instead of its being "That Government," that any Government should have.

Q.—Then you say: "And I feel that I can best do this by helping the Government," and you inserted, "with an independent support." A.—Yes sir.

Q.—Although that had been objected to in the letter that you had written? A.—Yes.

Q.—Then you omitted the words "I want to see it kept in power so that my constituency and New Ontario generally may be benefited." You erased that? A.—Yes sir.

Q.—Then you inserted the words, instead of "their development policy" you put in "any good development policy"? A.—Yes, sir.

Q.—And then you put in there "which may involve a want of confidence" and inserted "in matters that I am satisfied with"? A.—Yes sir.

Q.—Then you add what is here in writing: "I believe I can by independently supporting the Government induce them to introduce changes." Now these alterations which you proposed to add to that typewritten paper, were they the subject of discussion? A.—I told Mr. Stratton the way the document was drawn up in the first place it would never do to publish it, just like that; there would have to be some alterations made in it, because the public would not stand for a document of that kind.

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Q.—In what way did you mention to him that it would be necessary to have it altered, or why would they not stand it? A.—I said the public would not stand for any man making a straight out and out statement that he would support the Government the way that is drawn, it would hurt the Government as well as ruin myself, and I said by reading "an independent support," and giving something along that line, the country might be induced to put up with it for a time.

Q.—Then, what ultimately came of this document? A.—Well, I handed that document finally to a Globe reporter.

Q.—Why did you come to hand it to a Globe reporter? A.—After I took the document away with me and went down town and looked at it and came back in the evening—

Q.—That is what I want to get. Then you went over that as altered with Mr. Stratton? A.—Yes sir. He said that was satisfactory.

Q.—And what did he ask you to do with it? A.—He said the Globe

reporter was in the other room, I could take it out there and give it to him.

Q.—And which you did, I presume? A.—Yes sir.

Q.—Now, did you see Mr. Sullivan about there? A.—Mr. Sullivan was with me when I went into Mr. Stratton's office, the same time.

Mr. Riddell: Frank J. Sullivan? A.—Frank Sullivan. He was with me when I went into Mr. Stratton's office in the afternoon of the 29th January.

Mr. Blake: That was Frank? A.—Yes sir. He was with me most of the time I fancy while I was in conversing with Mr. Stratton in regard to that interview in the first

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place, and after we came out from Mr. Stratton's office that afternoon Sullivan told me if I would sign that interview we would get \$1,000 cash.

Q.—He told you if you signed that interview you would get \$1,000 cash? A.—And him and I went up to the Public Works Department together that afternoon, and I left him up there some place and went into one or two of the offices, I went into one office there where there was a Mr. Doherty and I went into Mr. Campbell's office that same afternoon I think for a few minutes.

Q.—When was it in that day you had the promise of the \$1,000? A.—That was after we came out of Mr. Stratton's office—Mr. Sullivan and I together.

Q.—But you were several times in the offices? A.—That was in the afternoon. The first time I was in Mr. Stratton's office—that was the first time after I saw Mr. Stratton.

Q.—And that was before you had gone over the interview and made your alterations in it? A.—Yes.

Q.—Well, did Mr. Stratton say anything to you about that? A.—About the cash payment?

Q.—Yes? A.—Not the first time I saw him in the afternoon, I don't think he did.

Q.—Did he at all in the day? A.—He asked me to sign the interview.

Q.—Did he say anything about the payment? A.—No, sir.

Q.—During the whole day? A.—He did in the evening—the second time I went back.

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Q.—I said did he on that day? A.—Yes, sir, he did on that day.

Q.—When was it that he said anything to you about it? A.—Well, after I went back there after 6 o'clock.

Q.—What did he say to you? A.—After showing him the interview he said that would do, he guessed. He said, now you take it out to the other office and give it to The Globe re-

porter, and that money question will be arranged, I will fix up the money, and then after I had got the interview—

Q.—I want to go back for a moment. Before that what had Sullivan said to you about the money? A.—He said to me we would get a payment—a cash payment, he thought, of \$1,000, if I signed that interview.

Q.—So that you understood what Mr. Stratton meant by the money? A.—Yes.

Q.—Then you, having taken that down and altered it, did you show it to anybody? A.—Yes, sir, I think I showed it to Mr. McGregor.

Q.—He was in the city? A.—Yes, sir.

Q.—Then, having brought it back, and Mr. Stratton having gone over it, and it being handed to The Globe reporter, what was done about the money? A.—When I was talking to The Globe reporter Mr. Frank Sullivan came in to that office, that is the outer office of Mr. Stratton, and he said, well I am ready now, so I got up and started out with him, and Mr. Sullivan went out into the hall ahead of me. Mr. Stratton and I spoke a moment in the vestibule between the two offices and Mr. Stratton said, I

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have given Frank \$50 many fifties and so many twenties and so many ten and so many fives, making a thousand dollars.

Q.—Did you see anything pass from the one to the other? A.—No, sir, I did not.

Q.—Then you went out and what happened? A.—After we got out into the hall and started away Frank Sullivan said, well, they have a good deal of money around. He said Mr. Stratton said he had \$750 of that at his own office and he got \$250 out of the Attorney-General's department, and we walked downstairs and out through the west entrance of the building. Just at the door outside, the west entrance, Sullivan took the envelope out of his pocket and tore it up and counted the money and gave me half—gave me nine fifties, two twenties, and a ten, nine fifties on the Merchants Bank, two twenties on the Ontario Bank, and a ten—I think the ten was the Ontario Bank. I am not sure.

Q.—Did anything further pass between you and Sullivan, or what did you do, then? A.—He and I went down to College street together and took a car out as far as Yonge street. He left me at Yonge street and I went on down to the Walker House. I might say that in the discussion in the afternoon I had spoken of writing a letter to Mr. Whitney, too, as well.

Q.—Discussed with whom? A.—Mr. Stratton.

Q.—What did he say to that? A.—I agreed to write a letter that night to Mr. Whitney, telling him I would take an independent stand at the election.

Q.—When you say you agreed, tell their Lordships about that now? A.—

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Well, Mr. Stratton and I were discussing the effect of the public interview when it would come out and he said Mr. Whitney should know something about it.

Q.—Mr. Stratton said Mr. Whitney should know something about it? A.—Yes, sir.

Q.—And what was the way of informing him of that? A.—I said I would write him a letter that night advising him I would take an independent stand.

Q.—Did you do so? A.—Yes, sir.

Q.—And did you receive any acknowledgment from Mr. Whitney? A.—Yes, sir.

Q.—Is that the letter you wrote in pursuance of that arrangement? A.—Yes, sir.

(Exhibit 18, dated 29th January.)

(Exhibit 18 will be found on next page.)

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Exhibit 18.

(Copy of exhibit 18 will be copied in here when handed to reporter.)

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Q.—Then this is the answer. (Exhibit 19.) 31st January.

(Exhibit 19.)

Victoria Building,

Morrisburgh, Ont. 31st Jany., 1903.

Dear Sir,—

I have your letter of the 29th inst. informing me that you have decided that the Government are going to continue the affairs for another term, and that at the request of many of your constituents you have decided to take an independent stand in the House.

Yours truly,

J. P. Whitney.

R. R. Gamey, Esq., M.P.P., Gore Bay, Ont.

Q.—Now, had you had any conference or interview or correspondence with Mr. Whitney up to that date? A.—No sir, except the letter in September in regard to it.

Q.—Which is in? A.—Yes.

Q.—You have had nothing else. Now, what did you do with that money? A.—I kept that money in my pocket until the 11th day of March.

Q.—Who closed it up?

Mr. McPherson: The Registrar closed it up.

Mr. Blake: Kindly look at that and see if that is the money which you received.

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(Witness opens envelope.)

A.—It is the same kind of bills exactly.

Q.—That is the amount, \$500? A.—Yes.

The Chancellor: And are those of the denominations and the bank that you have just given to us? A.—Yes.

(The envelope with the money in it is marked Exhibit No. 20.)

Exhibit No. 20.

The Chief Justice: The bills were not actually identified. I suppose the Registrar had better keep this envelope.

The Chancellor: Can the parties agree upon any place of deposit? Mr. Grant does not wish to carry it about.

Mr. Blake: Would your Lordship make any suggestion?

The Chancellor: Suppose you seal it up and deposit it in the safe at Osgoode Hall, or in a bank.

Mr. Blake: Will you want it?

Mr. Johnston: I think not. If I do I will give ample notice.

The Chancellor: Do you agree it is to be deposited in the safe at Osgoode Hall, or in a bank?

Mr. Blake: Or here, if Mr. Grant will just see to it.

Mr. Grant: I will look after it.

The Chancellor: So that it will be forthcoming when wanted.

Mr. Johnston: We have the numbers of the bills and the denomination of the bills.

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Mr. Grant: Oh, yes.

The Chief Justice: The envelope then will be Exhibit No. 20.

The Chancellor: It will be convenient to adjourn until 2 p.m.

(Proceedings adjourned at 1 p.m. until 2 p.m.)

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2 p.m., Monday, 13th April, 1903.

Mr. Blake: I was asking you at adjournment, Mr. Gamey, whether you showed that \$500.00 to any person in the city? A.—No, not in the city.

Q.—What did you do with that \$500.00 after you had received it? A.—I kept it in my pocket.

Q.—And then what did you do, you would not keep it in your pocket all the time?

The Chancellor: I think he said that he kept that money in his pocket until the 11th of March? A.—Yes, sir.

Mr. Blake: I did not understand that. A.—Yes, sir, I kept it in my pocket all the time.

Q.—You left for home then, as you said; did Mr. McGregor go back with

you or remain here? A.—He remained in the city.

Q.—Then, had you any further correspondence with any member of the Government after that? A.—Yes, sir, I wrote about the 31st of January, I guess, a letter to Mr. Latchford, the Minister of Public Works.

Q.—That is the letter of the 31st of January? (Exhibit 21.)

Q.—What was the reason of your entering into correspondence with Mr. Latchford? A.—Mr. Stratton told me I would have the patronage of the Riding, and I sent a list of road grants that would be required for the Riding.

Q.—You sent that direct to Mr. Latchford. Was there any reason that you should have sent that direct to him instead of to Mr. Stratton, and through Mr. Stratton to Mr. Latchford? A.—Well, I would just get that much more evidence against the Government by getting that letter from him.

Q.—And that is the letter that you wrote? A.—That is to Mr. Campbell.

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There is a letter to Mr. Latchford of the 31st.

Q.—The 31st of January, is that the letter? A.—Yes, sir, that is the letter.

(Letter of 31st January, witness to Mr. Latchford, now marked Exhibit 21.)

Q.—And that is the first letter that you wrote to Mr. Latchford in the matter? (Reads Ex. 21.)

Personal.

Gore Bay, Jan'y. 31, 1903.

Hon. Commissioner of Public Works,
Toronto.

Dear Sir:—

I would like to have one hundred dollars put in the estimates for road grant for Killarney. The road is deserving of it, and the people are quite unable above their ordinary statute labor to expend this. I am particularly anxious that all my applications for grants go through this year, as it will be one means to satisfying my people that I took a move in their interests. I will again enclose a list to you of what I have asked for, so you can be sure to take them up.

List road grants, Manitoulin Riding:

Killarney road.....	\$100.00
Gore Bay and Long Bay (re..	
vote old grant).....	400.00
8 Concession Campbell....	300.00
Kagawong & Gore Bay road..	500.00
Little Current and Honora	
road.....	500.00
Manitowaning and Providence	
Bay road, repairs between	
Stocks and Sandfield Mills..	400.00
Barrie Island roads.....	100.00
Sandfield Township, Big Lake.	100.00

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Silverwater to Meldrum Bay ..	200.00
Slash settlement, Tehkumah ..	150 00
Lake Wolseley Bridge, Indian Point.....	500.00
Mills Township roads.....	00.00
Burpee Township roads.....	200.00
Cockburn Island roads.....	150.00
Waters Township roads.....	500.00
Waters Township to Victoria Mine.....	500.00
Nairn Township roads.....	200.00
Mining roads :	
Sudbury to Greighton and Gertrude.....	400.00
12 concession Campbell 5 to 10 side lines	300.00

I ask as a special favor that not one of these grants be left out. If you want any further particulars about them kindly let me know—I consider this a small amount to ask for the whole constituency.

Yours very truly,

(Sgd.) R. R. Gamey.

Q.—Had you made any other applications for grants? A.—Yes, sir, before that date I had made some.

Q.—To whom? A.—To the Department of Public Works.

Q.—This is the first that you had written to Mr. Latchford? A.—Direct, yes.

Q.—Do you remember the date that you made an application to the Department of Public Works? A.—I think there were several letters during December and January, perhaps. Perhaps as early as October.

Q.—Was that the first letter that you wrote? A.—This is to Mr. Boyd, Soo. There are letters written to the Department of Public Works.

Q.—And those we do not seem to have here. You say there were some in October to the department? A.—Possibly. I think so.

Q.—We will have that cleared up, how that is. You think that to the

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department itself, earlier than December and as far back as October, there were applications in respect of road grants. Is that what you have reference to? A.—Yes, sir, that is one petition sent in.

Q.—Do you think that there was any of an earlier date than that? A.—I could not say, sir.

Q.—The wording of that would not remind you? A.—It is likely that is about as early as any.

Q.—That is dated October, 1901, from residents of the Township of Campbell.

The Chancellor: What date in October?

Mr. Blake: Nothing, my Lord, just October. It is a petition and has merely got that date. (Reads petition.)

The Chancellor: He said he thought he had sent letters before. This is not a letter sent by him in that sense.

Mr. Blake: No, my Lord. It is a petition.

Mr. McEvoy: That petition was sent in by Gamey in a letter of 24th December.

Mr. Blake: Your Lordship asks if there was a letter. Unless you would consider this to be so, in Mr. Gamey's handwriting; "This grant is particularly required in order to make road passable for children to get to school. At present, for several months of the year, they cannot attend school on account of the road." That is a memorandum of yours in your handwriting at the foot of the petition? A.—Yes, sir.

Q.—The petition, my Lords, is (commences to read.)

The Chancellor: That was a praiseworthy application. You need not read that any further.

Mr. Blake: And only \$300.00 asked. Scarcely worth dividing.

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Mr. Johnston: We have this from the Public Works, a letter of the 30th day of January, 1903, enclosing this same petition.

Mr. Blake: Have you got the original of that?

Mr. Johnston: This is filed.

The Chancellor: Then the letter of 24th December turns out to be 30th January?

Mr. Johnston: Yes, my Lord. The original of that is in. On the 24th day of December, 1902, Mr. Gamey wrote to Mr. Boyd, "Enclosed find list of grants I wish this session" and the petition. There is only one petition.

The Chancellor: That same petition?

Mr. Johnston: No, my Lord.

Mr. Blake: Is not that the same, Mr. Johnston? The reason I ask you is, it is not directed to anybody.

Mr. Johnston: "Dear John." That is to Boyd.

Mr. Blake: Just see whether that is the letter of the 24th of December. Read it and see if that is the one that enclosed this petition you have been speaking of? A.—Well, it may be the one.

Q.—You cannot speak for certain? A.—I cannot speak decidedly. The correspondence with the department would show.

Q.—This does not show it at all. It says (Reads exhibit 23).

(Petition marked Exhibit 22. Letter of 24th December, R. R. Gamey to "Dear John," exhibit 23).

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Exhibit 23.

Private.

Gore Bay, Dec. 24, 1902.

Dear John:—

Enclosed find list of grants I wish this Session. Will you kindly forward to Department, there is only one petition; the others have all had petitions before and all are very needy cases. You will find the Department understands that I am going to ask and wish you to do your best to push them through. I will go down about the 7th of January and go to the Department and back you up all I can. I had fully expected to go to the Soo to see you before Christmas, but found I did not have time.

Kindly advise me of any further way I can assist you in this or any other grants. Yours truly,

(Sgd.) R. R. Gamey.

Q.—Then this is another letter of the same date, the 24th, of December in regard to this matter? A.—Yes, sir.

Q.—To John F. Boyd, Government Road Inspector. This contains a longer list. (Exhibit 24.)

Exhibit 24.

Gore Bay, Dec. 24, 1902.

John F. Boyd, Esq.,
Gov. Road Inspector.

Dear Sir,—

Enclosed find petition from residents of Campbell for a grant of three hundred dollars for 8 Concession of Campbell.

This grant is needed very bad and I hope you may see your way to recommend it, I also would like the following grants the coming session:

8 Tp Campbell as per petition. \$300.00
Renewal of grant Kendricks
corner to Long Bay..... 400.00

(This was granted last year and not expended.)

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Kagawong to Gore Bay (Gov. road).....	\$500.00
Little Current to Honora (Gov. road).....	500.00
Manitowaning and Providence Bay road, between Stocks Corner and Sandfield Mills..	400.00
Barrie Island road	100.00
Sandfield Township road, Big Lake Settlement.....	100.00
Silverwater to Meldrum Bay (Gov. road).....	200.00
Sudbury to Victoria Mines (Gov. road), Waters Township.....	500.00
Township Nairn roads.....	200.00
Mining roads :	

Sudbury to Creighton and Gertrude Mine \$400.00

Mining roads :

Bridge across river on road from Nairn to Worthington 400.00

(This bridge is absolutely necessary, as there is no road passable from Nairn (where there is a number of settlers) to Sudbury and the residents are not able to build it.)

\$800.00 \$3,200.00

(Sgd.) R. R. Gamey.

Q.—Then on the 31st of January you wrote stating, "I am particularly anxious that all my applications for grants go through this year."

The Chancellor: Is that the letter to Mr. Latchford that you spoke about already?

Mr. Blake: Yes, my Lord. (Reads Exhibit 21).

Q.—Was that, do you remember, the same as the list that you had already sent or was it different? A.—There were some additions in this list that were not in the other.

Q.—Then you received an answer from Mr. Latchford in the 7th of February, 1903? A.—Yes, sir.

Q.—This is the answer.

(Reads Exhibit 22).

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Exhibit 25.

Toronto, Feb. 7, 1903.

(Private).

My Dear Sir,—

I have your letter of the 31st ult., enclosing list of road grants for the Manitowling riding. It is a pretty large order, and I fear that it will not be possible to grant all. I wish you would revise the list, and try to eliminate a few of the items. Possibly the smaller grants could be arranged for out of our general appropriation short roads and repairs.

Kindly give me brief particulars as to each of the larger grants, and I will endeavor to arrange for them in the estimates.

Sincerely yours,

(Sgd.) F. R. Latchford.

R. R. Gamey, Esq., M.P.P.

Q.—Did you write again to Mr. Latchford, or was that the end of your correspondence with him? A.—I think that was the last letter.

Q.—Then what was the date of your next letter to Mr. Stratton? A.—Well, I think I wrote Mr. Stratton early in October. I don't remember the exact date. It must have been about the 5th, or 6th, or 7th, something like that.

Q.—Then there was another letter ; see whether that is the one you refer to of the 13th of January.

The Chancellor : He spoke about October.

Mr. Blake : Yes, my Lord. Very well, speak about that one of October. You said something about a letter of October.

The Chancellor : He may be in error about the date.

Witness : About the road grants ?

Mr. Blake : I want to get all the correspondence in, and therefore I now want you to explain your reference to

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a letter of October. Was there a letter of October, and, if so, to whom ? A.—I wrote a letter in October to Mr. Stratton in regard to the appointment of the returning officer. That was the 7th or 8th of October.

Q.—Is that the one you speak of ? A.—Yes, sir.

Q.—Now, passing on from that, had you letters in November ?

The Chancellor : You are speaking now after the receipt of the last money ?

Mr. Blake : Yes, my Lord.

A.—Well, I thought I had referred to all the letters I wrote Mr. Stratton in October.

Mr. Blake : So did I. It was you mentioned October. A.—I said I thought perhaps I sent some to the Public Works Department in October or November, not to Mr. Stratton ; but it is possible I may not. They may have been sent to Mr. Boyd.

Q.—There is one of the 13th of January, look at that. A.—Yes, that is one of my letters.

Q.—One of your letters to Mr. Stratton of the 13th of January.

(Reads Exhibit 26).

Exhibit 26.

Gore Bay, January 13, 1903.

Hon. J. R. Stratton, Provincial Secretary, Parliament buildings :

Dear Sir,—

Would you kindly appoint Charles C. Platt, wharfinger, Gore Bay P. O., to the position of "Marriage License Issuer" for Gore Bay Town, as it would seem to be necessary to have another appointed. There is only one in the town now, and he lives about three-quarters of a mile from the central part of the town, and a number have been asking for this.

Yours truly,

R. R. Gamey.

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Q.—And then on the 15th of January you got an acknowledgment of that ?

A.—Yes, sir.

Exhibit 27.

Toronto, Jan. 15th, 1903.

Confidential.

My Dear Sir,—

I am directed by the Hon. the Provincial Secretary to acknowledge the receipt of your letter of January the 13th, recommending the appointment of Charles C. Platt as an Issuer of Marriage Licenses at Gore Bay, and to say that the matter will receive due consideration.

Should it be deemed advisable to make the appointment, it will be necessary to have his name and address in full. What does his second initial stand for ?

I have the honor to be, sir,

Yours very truly,

E. C. Myers,
Minister's Secretary.

R. R. Gamey, Esq., Gore Bay, Ont.

Q.—Then you wrote this letter to Mr. Stratton dated the 7th of February, 1903 ? A.—Yes, sir.

(Exhibit 28.)

Production No. 13.

Gore Bay, Feb. 7th. 1903.

Dear Sir,—

Well, there is certainly a row on, and I fancy it will be hard to satisfy our people. A meeting of our Executive

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for the riding is called for February 16th to consider the question, and I doubt very much if I can pass muster there. In fact it looks as if they would ask for my reasons. I can beat by hundreds any Conservative that can be put up to oppose me if the Liberals would not put a man in the field and would give me a reasonable support. I believe that would be the strongest card to play, as it would be a strength in every part of the Province, and would also be a strength in the House, whereas our present position is a weakness, and, I am convinced, does you more harm than good, and from a political standpoint was a mistake. If I ran again the patronage could then be given fairly to those who support me, and you would be relieved a good deal from trouble in the future along that line. A resignation made at once and a campaign as short as possible would be a sure winner, as the voter generally through the country approves of my course, but it is the wire-pullers of the party who are the trouble. I cannot dare to make a recommendation for any position until after the 16th.

Yours truly,

(Sgd.) R. R. Gamey.

Q.—Why not "until after the 16th"?
A.—That was the date of the Executive meeting.

The Chancellor: What Executive meeting did you refer to, in the county? A.—In the county, sir.

Mr. Blake: The Executive meeting of what was it? A.—The Conservative Association.

Q.—For the electoral division of Manitoulin? A.—Yes, sir.

Q.—Then you received a letter from Toronto dated the 11th of February, when? A.—About the 14th or 15th.

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Q.—Was that the envelope in which it came? A.—Yes, sir.

The Chancellor: The 15th of what? A.—Of February.

Mr. Blake: This is the letter of February 11th, 1903, signed "X, Y, Z." (Reads.)

This was from the Yorkville Post-office. What correspondent had you through the Yorkville Postoffice? A.—I had never received any letters through that postoffice before.

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Q.—This is the first you received? A.—Yes, sir.

Q.—Did you receive any more? A.—Yes, sir.

Q.—How many? A.—Two, sir, I think.

Q.—From whom? A.—Frank Sullivan.

The Chancellor: Through that office? A.—Through that office.

Mr. Blake: Were any of those letters registered? A.—That was registered.

The Chancellor: The first one? A.—Yes, sir.

Mr. Blake: Were either of the other two registered? A.—Yes, sir, they were both registered.

Q.—These three letters were registered in the Yorkville Postoffice? Then the enclosure which was referred to there is that? That came to you? A.—Yes, sir, that was enclosed in that letter.

(Letter with enclosure and envelope marked Exhibit 29.)

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The Chancellor: Is there anything to mark that: is it signed by anybody or dated: has it itself any independent mark?

Mr. Blake: It has no mark.

The Chancellor: It purports to be a resolution of somebody?

Mr. Blake: No, my Lord. It is as it says here.

His Lordship: It purports to be a typewritten letter.

Mr. Blake: Yes, my Lord. And that is the enclosure, which will be marked the same. Now, there is something that is stricken out there in pencil. Explain that. A.—That was just the way it came to me.

Q.—Did it come to you with the underlinings in pencil? A.—Yes, sir, just as you have it.

Q.—You made no alterations whatever? A.—No alterations.

Q.—The reason I ask you that is because these words, "Consultation with friends in the riding," are underlined in pencil, and then these are stricken out, "And were sensible of the necessity for preventing a deadlock which seemed to be imminent in the Government of the Province." Those were stricken out when you got it? A.—Yes.

Q.—Then this again is underlined, "The only interview he has given to the newspapers is the only one he intends to give." Was that loose sheet that you see there in the letter also? A.—Yes, sir.

Q.—All that you have there were together? A.—Yes, sir, in one envelope.

Q.—Is there any person in the City of Toronto other than Mr. Sullivan and Mr. Stratton who knew the details of these letters, and could have written you such a letter? A.—No, sir, not that I know of.

Q.—Then did you write to Frank Sullivan at a date subsequent to that? A.—I think about the 16th of February I wrote to Frank Sullivan.

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Mr. Blake: If your Lordship would allow the crier to call Frank Sullivan? (Called accordingly.)

The Chief Justice: He may be called outside.

The Chancellor: Was he subpoenaed to be here to-day?

Mr. Blake: Yes, my Lord, a subpoena duces tecum.

Mr. Johnston: The position of it is just this: There were a number of matters in connection with which Frank Sullivan's name was mentioned in these particulars, and he has been or was advised, to consider the details and to ascertain what the facts were in regard to the charges. Now, I think I am in a position to state that Mr. Sullivan will be here to-morrow, for the simple reason that he said he would return when I telegraphed for him. He has been telegraphed for, and I expect him here to-morrow.

The Chancellor: Then if you will pass on.

Mr. Blake: That is quite satisfactory. I was not blaming the witness, because they come so irregularly. I merely wanted to get the letter. That explanation is quite satisfactory. He

will have those no doubt. You have not got a copy of that letter?

Mr. Johnston: No. I am not acting for Mr. Sullivan at all.

The Chancellor: He wrote to Frank Sullivan, and if he has not kept the copies he perhaps can give Mr. Sullivan's answer if there was any.

Mr. Blake: In answer to that you did get a letter of, I think, the 20th of February? A.—Yes, sir.

Q.—And that was one of the letters which was posted at Yorkville, was it not, and marked "registered"? A.—Yes, sir.

Q.—Dated February 20th, 1903, from T. J. Sullivan to "Dear R. R."

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(Reads Exhibit 30.)

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Q.—"Called on the man you spoke about?" Who was that? A.—Mr. Stratton.

Q.—Who was Lewis? A.—James Lewis of Sheguindah.

Q.—Who was the Fishery Commissioner, do you know? A.—I think the Minister of Public Works had charge of the Fishery Department.

Mr. Johnston: Mr. Bastedo.

Witness: Mr. Bastedo is the Fishery Commissioner?

Mr. Blake: What is this about the fishing business which he refers to here? What had been said about that between you? A.—Mr. Sullivan had written me, saying that Nobles wanted to get pond net licenses.

Mr. Riddell: Have you the letter?

Mr. Blake: You cannot refer to a letter without having it. Have you any conversation with them about the fishing business? A.—Yes, when I was in Toronto we had spoken of the licenses.

Q.—What had you said about the fishing business? A.—He said there would be licenses that would be wanted this spring again to be renewed, and we could take those into consideration.

Q.—In what way? A.—He would see that the Department here were notified that I had the patronage.

Q.—And what result was to flow from that? A.—We were to get a certain amount of money from the men who wanted to get the licenses?

Q.—Who was that? A.—Nobles were one of the men mentioned.

Q.—Who were to get the money? A.—Frank Sullivan and I were to get a certain amount of rake-off.

Q.—Who are the Nobles? A.—Fishermen who live at Killarney and Collingwood.

Q.—What especially was it that they were wanting? A.—They wanted pond net licenses.

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Q.—Where? A.—East of Little Current, between Little Current and Killarney. Those were issued there last year for the first time in years, and they wanted them renewed again this year.

Q.—With what result: the issue of those licenses? A.—Well they got the licenses last year.

Q.—They were issued with what result as to the catching of the fish: what is the result of the pound net? A.—Oh, they get lots of fish. They get more than they do with any other net. Sullivan told me Noble had paid a rake-off for his license last year.

Q.—How much? A.—I think, if I remember right, he said he had paid some three or four hundred dollars last year. He could tell me who got it, he said, and he said they should pay as much this year.

Q.—And is that what he had reference to in the letter about the fishing business? A.—Yes, sir.

Q.—And he stated that he had the Fishery Commissioner notified that you controlled things. Did you see the Fishery Commissioner about that? A.—No, sir.

Q.—Then there is a letter which will be produced. And I at liberty to refer to that when it comes.

Q.—Do you know whether or not the Fishery Commissioner was notified? A.—Frank Sullivan told me that he was.

Q.—What did Mr. Sullivan tell you about that application to Mr. Bastedo? A.—He told me that Mr. Noble had been in the city, and was trying to get his licenses renewed this year, and that he had been informed that Mr. Brody was coming up to his apartment with Mr. Noble to ask for the renewal of

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Noble's license, and that he (Sullivan) slipped into Mr. Stratton's office and told Mr. Myers to go up and tell Mr. Bastedo that I had the patronage, and not to issue any licenses on Mr. Brody's recommend.

Q.—And was that done? A.—I could not say. I don't know whether the licenses were issued or not, sir. The Department will know.

Q.—You never made any further application? A.—No.

The Chancellor:—Who was Brody? A.—He was the Liberal candidate for Algoma riding last May.

Mr. Blake: And who was Mr. Symes? A.—The President of the Liberal Association for the Manitoulin riding.

Q.—Then you wrote a letter of the 24th of February to Frank Sullivan? A.—Yes, sir.

Q.—That, Mr. Johnston, will you kindly take a note of.

The Chief Justice: That is not forthcoming to-day?

Mr. Blake: No, my Lord.

The Chancellor: He got an answer, did he?

Mr. Blake: Yes, my Lord.

Q.—I can only ask you now, it is inconvenient, of course, what was done in pursuance of that correspondence?

The Chancellor: Are you going to put in the answer?

Mr. Blake: Was that letter answered? A.—Yes, sir.

The Chancellor: You say on the 24th of February he got an answer? Are you putting it in?

Mr. Blake: I have put in one of them, my Lord, and this is the other. This is dated the 27th of February, 1903, from 14 Linden street. Whereabouts is that? A.—That is where Frank Sullivan lived.

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Q.—This begins "Dear Bob." What did he mean by the "seat"? A.—I had spoken to Sullivan about getting a cer-

Q.—But whereabouts is it? A.—I think that is in the north part of the city, some place.

tain seat for me in the House.

Q.—Which was that? A.—Beattie's seat I referred to in my letter to him.

Q.—Then there is a pencil enclosure: was that in the same envelope?

A.—Yes, sir.

Q.—It also begins "Dear Bob." Those both came in that envelope, then, did they? A.—Yes, sir.

(Letter of February 27th, 1903, and enclosure and envelope marked Exhibit 31.)

Toronto, 14 Linden street,

Feb. 27, 1902.

Dear Bob,—Your letter to hand this morning. Glad to hear that you are getting along O.K. Also glad you will appoint who you want, not who the bunch at Little Current want. I will see Stratton this p.m. before he leaves, and will make arrangement about appointments, seats, etc. I have been to see Stratton every day until he has shown me all the letters from the Island in favor of Spencer, but he says you will have the say, and nothing will be done until you say so. Still, I will see him again to-day, and arrange for the delay in appointments. Re fishery business, when you are here at session will be time enough for that matter, and a little delay now will only make the Nobles more anxious to do the right things. Of course they are anxious now, and will be more so in a

week or two. Will see you on the 9th inst. Yours faithfully,

Frank.

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Dear Bob,—Just returned from seeing Stratton. They will not appoint the inspector until you come down. They will also fix the seat question all right. Stratton will get you Beatty's seat. You can be sworn in on the 9th, or any day that Col. Clarke, Clerk of the House, is here. Stratton thinks it would be a good idea to send in the name of your license board at once. Make it about two Liberals, if possible, but suit yourself. Everything O.K.

Frank.

Q.—And that was registered, I see. Yorkville? You know his handwriting? A.—Yes, sir.

Q.—Were those in it? A.—Yes, sir, that is his handwriting.

The Chancellor: All are in his handwriting? A.—Yes, sir.

Mr. McPherson: Including the envelope? A.—Yes, sir.

Mr. Blake: Was the inspector appointed at the time? A.—No, sir, I believe not until after the House met, but I am not sure.

Q.—Then you came down to Toronto on Monday; and what, if anything, did you do?

The Chancellor: What Monday was that? A.—The 9th of March.

Mr. Blake: What, if anything did you do about the seat? What did you find as to that? A.—I went up to the

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Parliament buildings and saw Frank Sullivan, and I went in and saw Col. Clarke, after dinner. Frank Sullivan was with me. And I was sworn in, and Sullivan told me they would arrange about my seat, and I think Col. Clarke told me that there was some arrangement yet to be completed in regard to the seats, between Mr. Gibson and Mr. Whitney.

The Chancellor: Is there anything very important in what seat he should have?

Mr. Blake: No, I did not want the details of it. You went in with him and you had the seat as you had arranged by the letter? A.—As, far as I know I got the seat.

The Chancellor: You got Mr. Beattie's seat? A.—I cannot say that.

Q.—Well, you got a seat which was quite as good as Mr. Beattie's? A.—Yes, sir.

Mr. Blake: I should have asked you was that the election petition that was filed or a copy of it that was served on you? A.—Yes, sir.

Q.—That was the one that was dismissed? A.—Yes, sir.

Q.—Dated the 10th of July. (Exhibit 32.) Then did you make any arrangement on that day with Mr. Sullivan for the evening? A.—I made an arrangement for the following evening, Tuesday, the 10th.

Q.—And what arrangement with Sullivan was that? A.—I made an arrangement that he should come down to the Crossin piano factory on Adelaide street west, and come up into the office some time after half-past seven, and we would discuss matters in general in regard to our position.

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Q.—What was the object of that? A.—Well, I wanted to have him come there and discuss matters with me.

The Chancellor: That was not, I suppose, what his object was? That would appear afterwards. You were to discuss matters as to your position? A.—Yes, sir, that is what I told Mr. Sullivan.

Mr. Blake: At all events, you did meet? A.—Yes, sir.

Q.—And what arrangements had you made as to that meeting? A.—Well, on Monday afternoon, after making the arrangement with Frank Sullivan, I went and saw three young men that I know in the city, W. H. Price, Harvey Price and Arthur Kinney, or is it Percy Price? Percy Price and Arthur Kinney, boarding at 454 Church street. I went to their address and asked them if they would like to come down the next evening.

Mr. Johnston: That is not evidence.

Mr. Blake: That is not evidence. In consequence of an arrangement with them, what did they do? A.—They came down on Tuesday evening to the Crossin piano factory about 7 o'clock, or a few minutes before, and we went into the office and arranged the pianos in order so that they could—

Q.—Never mind that; you went in, and what happened? A.—We arranged the pianos in order so that they could lay behind them and hear.

Q.—That is utterly immaterial. They did get in there behind the pianos? A.—Yes, sir.

Q.—And what happened? A.—Frank Sullivan came along to the street door about 8 o'clock. I think.

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Q.—That is utterly immaterial. He came in where these men were? A.—Yes, sir.

Q.—And what happened? A.—He and I discussed matters generally, going over the past deal since August, and I asked him questions in relation to different things that had happened.

Q.—Give the principal questions and answers that then took place. A.—I

remember asking him how Mr. Stratton felt, and I remember him saying that at times he felt very uneasy, and very much alarmed for fear that it might get out—the deal that we had had. And I also asked him in regard to Myers if he thought he could be trusted, and he said he thought he could; he said he didn't think Myers knew a great deal about the deal, more than the handling of the parcel, and I said to him that I thought that Mr. Myers brought the parcel to the smoking-room that day in September. He said no, Mr. Myers took the parcel from Mr. Stratton and handed it to a Mr. Chace, and that Mr. Chace had brought the parcel to the smoking-room. We also discussed the question of whether any of the rest of the Ministers knew of the deal, and the arrangements of the deal. Mr. Sullivan said that they did. He also discussed the question of some timber we were to get in the future, something we were to select and get for ourselves to divide as a further profit, and among other things discussed in that regard was some timber I had spoken to Sullivan about that was northwest of Sudbury, and also in regard to some mining properties near Webbwood that we might possibly get, and there was also a dis-

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cussion as to timber on Clabord and Bedford Islands. Different things of that kind were discussed as near as I can remember.

Q.—Anything said about the money?

A.—Well, he spoke of the parcel, which was the money, of course; how it was conveyed from Mr. Stratton to ourselves in the smoking-room in September.

Q.—What did he say as to that?

The Chancellor: He has told you. I think. A.—I gave that.

Mr. Blake: Anything else that you remember? A.—Well, we were discussing there for quite a long time. I don't remember more of the details hardly.

The Chancellor: How long do you say you were there? A.—Well, I should think we were there between a half and three-quarters of an hour perhaps.

Mr. Blake: Anything else said about the money?

Mr. Riddell: That is surely not fair. He has been asked twice about that.

The Chancellor: You asked him that. He has told you the parcel was spoken of.

Mr. Blake: I did not know whether there might not have been anything else. Just answer the court. Was there anything else said about the money or not?

The Chancellor: He has not said that anything was said about the money at present.

Mr. Blake: Was anything said about the money? A.—The question was referred to about the conveying of the parcel, which was the money.

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The Chancellor: That was his answer before.

Mr. Blake: Nothing more was said about the money? A.—I don't recollect.

Q.—Anything else said about any other of the Ministry?

The Chancellor: He has told you that also, that he asked Sullivan whether any of the Ministers knew of the deal, and Frank Sullivan said they did.

Mr. Blake: Anything more said than that?

The Chancellor: Can you say whether you remember anything more said or not about the Ministers?

Mr. Blake: Knowing about this.

The Chancellor: Let him tell it. A.—I asked Mr. Sullivan if the Ministers, if he thought the rest of them knew about this. He said certainly; they all knew all about it, in regard to the deal. We spoke of timber and mineral coming from Mr. Davis' Department, which he said was unfortunate; he would rather have had it coming through Mr. Stratton's Department. However, he said that could be arranged. That was in regard to some conversation we had about the mining land. There was another question spoken about. He said his father knew of a man down in western Ontario who wanted to get some timber of some kind; that he was willing to give \$1,000 to get put through. I could get that put through for him, and we could make that money.

Mr. Blake: Then that letter you wrote to Mr. Stratton? A.—Yes, sir, I wrote that.

Q.—Dated the 5th of November, 1902. (Reads Exhibit 33).

Exhibit 33.

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Gore Bay, Nov. 5th, 1902.

Hon. J. R. Stratton,
Prov. Secretary.

Dear Sir,—I sent in a petition a short time ago for the appointment of Thos. Fleisher as J. P. at Spanish River Mills on Aird Island, and you told me had been appointed. I have a letter to-day from Mr. Fleisher asking about the appointment. Will you kindly see that it is made as soon as convenient?

Yours truly,

R. R. Gamey.

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Q.—Was that appointment, referred to there, made? A.—Yes, sir.

Mr. Blake: That, my Lords, is all with the exception of these letters, and what may arise out of them.

Cross-examined by Mr. Johnston:—

Q.—Your relations with the Sullivans prior to this time, were they intimate or not? A.—I had never done any business with them.

Q.—That is not an answer to my question. Were your relations with the Sullivans, or either of them prior to this time intimate or not? A.—I knew them very well, yes.

Q.—Friends of yours? A.—They were acquaintances of mine.

Q.—Friends of yours? A.—I would not call them friends.

Q.—Knew them well enough, I suppose, to have them call at your house and have a meal there occasional? A. and have a meal there occasionally?

A.—No, sir; they never did, to my knowledge.

Q.—Intimate enough to have a drink with them at the hotel? A.—I may have, yes.

Q.—And you had known Frank for how long? A.—Four or five years.

Q.—Any deals with him before this time? A.—Not that I remember of.

Q.—Will you swear there were not? A.—Well, I would not swear that. I don't know. There might have been.

Q.—Could not swear? A.—No.

Q.—Now, sir, do you mean to say you have known this man for four years and cannot tell whether you ever had a deal with him during the past four years or not, is that what you swear to? A.—I don't remember any deal with him.

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Q.—Would you likely remember if you had one? A.—I might.

Q.—And you might not? A.—I might not.

Q.—How did you first come to meet Frank Sullivan? A.—Well, really I cannot tell you when I first met him, but I remember meeting him at the Soo when he was a clerk on the canal.

Q.—And you might have had two or three deals with him during the four years, and forgotten all about it? A.—Well, I don't think it.

Q.—I am not asking you that. You may have had two or three deals with him during the four years, and forgotten all about it? A.—Oh, I might have, yes.

Q.—Captain Sullivan, that is John? A.—Yes.

Q.—You have known him for many years? A.—Yes.

Q.—May have had deals with him? A.—No.

Q.—Never a deal? A.—Never a deal.

Q.—Never talked of going into a deal with him? A.—Not that I know of, sir.

Q.—Will you swear you did not? A.—Well, I will, sir, to the best of my knowledge, I did not.

Q.—I don't want your knowledge. Will you swear as a fact that you never talked of going into a deal with Cap. Sullivan? A.—Prior to August?

Q.—Prior to August, 1902. A.—Well, sir, I will swear to the best of my recollection, I never talked of going into a deal with him.

Q.—Will you swear as a fact? A.—I will swear as I told you, to the best of my recollection, I never did.

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Q.—Will you swear as a fact about which there can be no contradiction that you never talked of going into deals with Capt. Sullivan before August, 1902? A.—I would not swear that as a fact.

Q.—Now, when I am asking you questions I do not want your supposition or your opinion, but I want facts, if I can get them. Let us understand each other. Did you ever have a deal with your uncle Jones? A.—Yes, sir.

Q.—Many of them? A.—I have had one deal.

Q.—What was that about? A.—Some mineral lands I sold him.

Q.—What mineral lands were they that you sold him? A.—Some lands north of Sudbury, I think.

Q.—You were dealing in mineral lands? A.—At that time.

Q.—And your business is what? A.—Life insurance.

Q.—Principally life insurance? A.—Partly.

Q.—And exposing political plots? A.—Partly so.

Q.—That is part of your business? And you also dealt in mining stocks? A.—Yes, sir.

Q.—Sold mining stocks, and made a good deal of money out of them? A.—No, sir; did not make much money out of them.

Q.—Did not make money out of them? A.—Very little money.

Q.—\$3,000 or \$4,000? How much? You know what I mean. A.—In mining stocks I don't consider that I made any real value. The time I lost, I think, was worth more in my insurance business.

Q.—You sold a lot of stock in the Pug mine? A.—Yes, sir.

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Q.—And got the money for it? A.—The money passed through my hands.

Q.—And you got some of the money for it? A.—It passed through my hands.

Q.—You got some of the money for it? A.—I got some.

Q.—Several thousand dollars? A.—No, sir.

Q.—Several hundred dollars? A.—Yes, sir.

Q.—Worthless mine? A.—I don't know that you could say that.

Q.—Will you say it is not? A.—Yes.

Q.—You swear it is not? A.—I swear I believe it is not.

Q.—Not what you believe. A.—I will swear that good men have said it was a fairly good property. I can show you letters for that.

Q.—Were you in with Jones on that transaction? A.—No, sir.

Q.—How long since you had the deal with Jones? A.—I think it is about six years ago.

Q.—Had you seen Jones prior to the election in Manitoulin? A.—1902?

Q.—Yes. A.—I had seen him for several years prior to that.

Q.—Had you seen him with reference to the election before you went into the contest? A.—No, sir, not in reference to the election.

Q.—Had he advised you to run for Manitoulin? A.—No, sir.

Q.—Had he ever any talk with you about it? A.—He advised me not to run.

Q.—I may be wrongly instructed. If Mr. Jones says he advised you to run, and that you agreed to run, and that by so doing you and he could make a good thing out of it, he is telling what is untrue? A.—Quite so.

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Q.—Did you know a single member of the Government of Ontario prior to August, 1902? A.—Of the Cabinet?

Q.—Yes. A.—I don't think I did.

Q.—You did not know Stratton? A.—No.

Q.—Gibson, Davis or any of these men? A.—Well, I had met Davis, yes.

Q.—Just casually? A.—Yes, I had met Davis in Sudbury in January, 1900.

Q.—But just casually? Shook hands with him? A.—Yes.

Q.—And that was all? A.—That was all.

Q.—Then Davis was the only man that you knew? Stratton you did not know and the Attorney-General you did not know, or anyone else in connection. What official of the Legislature did you know prior to August, 1902? A.—What official? Do you mean working in the employment of the Government?

Q.—Yes. A.—I knew a great many of the officials working up in Algoma and Manitoulin.

Q.—Did you know Myers? A.—No, sir.

Q.—Did you know Bastedo? A.—No, sir.

Q.—Did you know anybody in Stratton's office? A.—Not that I am aware of.

Q.—Did you know anybody in the Attorney-General's office? A.—No, sir, not that I know of. I was not aware that there was anybody there that I knew.

Q.—And until the day that this man, according to your story, paid you \$3,000, you never had met him? A.—Yes, I had met him the day before that.

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Q.—But until that occasion he was a perfect stranger to you? A.—Excepting I knew who he was.

Q.—Personally he was a perfect stranger to you? A.—Yes, prior to the 7th of—.

Q.—Prior to when? A.—Prior to early in September.

Q.—And on the first occasion according to your story you saw him in his office, was introduced to him by Frank Sullivan? A.—Yes.

Q.—And then on the first occasion he was to pay you money, as you understood? A.—Yes, sir.

Q.—Utter strangers to each other, as far as you knew? A.—Excepting this fact, that Sullivan had been arranging this.

Q.—I am not asking you that. Utter strangers to each other as far as you knew? Look this way, please. A.—Yes, sir; I will look at you. Don't worry about that.

Q.—A man like you might not worry about anything, I should judge. Now from the first to the last—.

Mr. Blake: I do not think my learned friend has any right to say that.

Mr. Johnston: I have a right to say what the witness says to me.

The Chancellor: It is better not to have any personal observations just now.

Mr. Johnston: Let the witness keep his tongue to himself, and I hope I shall keep mine to myself, excepting within my duty. Then the next occasion was the following day that you met Mr. Stratton in his office, is that right? A.—Yes, sir.

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Q.—Did you meet him before that occasion? A.—I may have met Mr. Stratton prior to the 10th day of September. I did not swear positively that I did not.

Q.—I am not asking you that at all. I am asking you if you knew of any meeting or any knowledge of Stratton personally prior to the time when Frank Sullivan introduced you as you say? A.—No.

Q.—Knew nothing. Then you keep a bank account at Gore Bay, too? A.—Yes, sir.

Q.—Have you got your bank book here? A.—Yes, sir.

Q.—Let me see it. A.—(Witness produces a book.) The Gore Bay Bank.

Q.—Now, sir, you know that shows nothing. A.—Yes, sir.

Q.—Excepting from the 1st of March, 1903? A.—That is all.

Q.—Where is your bank book prior to that time? A.—I guess it is at home, or in the bank. That is the one they gave me last.

Q.—You were asked to produce your bank book here? A.—Yes, sir.

Q.—And you have not produced it? A.—I was asked on Saturday, and there has not been any means of communication between here and there since, so I produced the one in my possession. If you say so I will send this up, and get it fixed up to date and bring it back.

Q.—I do not want it up to date. I want it prior to that. I will get it perhaps without reference to you. In connection with your business, your insurance and mining, and so on, were you in timber deals as well occasionally? A.—No, sir; I never remember of having a timber deal.

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Q.—You bought some timber from the Government, did you not? A.—Not that I know of.

Q.—Captain Island, did you apply for that? A.—No, sir.

Q.—Bedford Island? A.—No, sir.

Q.—You bought it for someone else? A.—No, sir.

Q.—How did you come to be connected with it? A.—I was not connected with it, sir.

Q.—Nothing at all? A.—The letter passed through my hands from Mr. D. I. Miller, and D. I. Miller was asking for it, not me.

Q.—You were only doing it out of kindness for Miller? A.—Exactly.

Q.—Paid the usual price for it? A.—He has not paid me anything yet.

Q.—No, paid the Government the usual price for it as far as you know? A.—As far as I know, yes.

Q.—You would have considerable moneys passing through your hands from time to time? A.—Some moneys.

Q.—Thousands of dollars occasionally? A.—Not very often that.

Q.—Occasionally thousands of dollars would pass through your bank account? A.—I think I have had that much, yes.

Q.—Had that much in the summer of 1902, had you not? A.—I had September 11th \$1,500 pass through.

Q.—I am not asking you that. In the summer of 1902 you had considerable sums passing through your bank account? A.—During the summer do you mean?

Q.—Yes? A.—At various times.

Q.—A thousand? A.—Never had as much as a thousand except on the 11th of September.

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Q.—Never had as much as \$2,000? A.—Passing through my bank account in 1902?

Q.—Yes. A.—No, sir.

Q.—And you will swear to that. A.—Yes, sir.

Q.—Then if your bank book shows \$2,000 prior to the 10th of September, that is a mistake? A.—It won't show it.

Q.—Or any sum like that? A.—No.

Q.—Now, McGregor, what were your relations with McGregor? A.—In what way?

Q.—What were your business or personal relations with McGregor? A.—He was Secretary of the Conservative Association for the riding.

Q.—Was that the only relation? A.—That is all I know of.

Q.—Even been in deals with him? A.—I have a little stock in the Merchants' Bank, or, at least, the Merchants' Dock Company, of which he is Secretary-Treasurer.

Q.—Anything else between you and McGregor? A.—That is all that I know of. I have bought goods in his drug store.

Q.—Then your relations to your party remained always the same? A.—Yes, sir.

Q.—No doubt about that? A.—No doubt about that.

Q.—From the time you were elected down to the present time, and I want you to be quite clear, your relations with your party always remained the same, true and loyal and firm? A.—In my own opinion.

Q.—And as I say, you were playing the patriot, or attempting to play the part of a patriot, in your actions that you have detailed to my learned friend, Mr. Blake? A.—Call it what you like.

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Q.—Is that a correct way of putting it? A.—That, sir, will do as well as any.

A.—And that being so, of course, the \$1,500 you talked about, and I want to deal with this before I deal with the correspondence, was that \$1,500 your money? A.—Yes, sir, it was my money.

Q.—It was your money, and you claim you had the right to keep it? A.—I used it just the same—

Q.—Did you claim you had the right to keep it? A.—No, not to keep it.

Q.—Did you claim that you had the right to use it? A.—Yes, sir.

Q.—And you used it in your business? A.—Used it in my business.

Q.—And in eight days after you got the money you had spent nearly the whole of it in your business? A.—I could not say.

Q.—Let me try to recall it to your mind. You deposited on the 12th day of September, \$1,500, you say, at Sudbury?

Mr. Ritchie: The 11th.

Mr. Johnston: 11th here, 12th at Sudbury. Is that right? A.—Yes, sir.

Q.—And on the 18th day of September nearly \$1,200 was taken out? A.—Might have been. Might have some gone over to Gore Bay Bank, for all I know.

Q.—Using the money of the briber and the bribe in connection with your ordinary business transactions. That is the story you tell? A.—Knowing that I could return it when I wanted to.

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Q.—And you got a marked cheque on the 7th day of April to return it? A.—Yes, sir.

Q.—Where is the cheque? A.—Mr. McPherson has it.

Q.—For the purposes of this investigation? A.—Yes, sir.

Q.—Marked April 7th, 1903. Not been drawn out. A.—That is my cheque.

Q.—Not been drawn out? A.—The cheque is marked.

Q.—The money has not been drawn out? A.—No. I don't know what you make out of that.

The Chief Justice: Payable to whom?

Mr. Johnston: Payable to himself, to his own order. (Exhibit 34.)

Exhibit 34.

Q.—And on the 30th of March, you had not in your account by over \$1,000 to pay that cheque in the bank? A.—I could soon get it.

Q.—You had not enough money by over \$1,000 on the first day of April, or the last day of March to pay that cheque, to your credit in the bank? A.—That might be.

Q.—Is that so or not? A.—I could not tell you.

Q.—Show me your bank book? A.—Yes, I will show you that. The other one is in the Court.

Q.—Your balance on the 31st day of March was \$281? A.—Yes, that is another bank account.

Q.—Your balance at Gore Bay was \$173.62, is that right? A.—Whatever figures you have got there.

Q.—Give me your balance on the last day of March? A.—\$173.62.

Q.—Then you put that to \$281, and it gives you \$450 as the sum total you

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had at your credit in the two banks? A.—That might be.

Q.—Was it or was it not? A.—I suppose it was.

Q.—And against that you had a cheque for \$1,500 to make good if you were called upon? A.—Yes.

Q.—And you thought you were entitled to use the \$1,500 that you got? A.—Just the same as I use any other funds.

Q.—Why did you not use the \$500? A.—Simply because I thought I would keep that money, the actual money, to put into the case. The \$1,500 I would not carry in my pocket. It was too much to carry in my pocket. I might say I never kept any trust accounts. I put the Confederation Life money, and all other moneys, into the same account.

Q.—And you wanted to keep the money as evidence of the crime? A.—Oh, I would have the money when the time came.

Q.—You wanted to keep the money as evidence of the crime? Was that your object? A.—The \$500.

Q.—Why didn't you keep the \$1,500 as evidence of the crime? A.—Too much to carry around.

Q.—Why couldn't you put it in the trust company? A.—I could keep it just as well in Sudbury.

Q.—Then, why did you not keep it separate as evidence of the crime? A.—Because I never kept any trust account separate. I keep the Confederation Life money, and all other moneys in my own account, and cheque out against it for anything I want.

Q.—Why did you keep the \$500 and not the \$1,500? A.—Simply because it was easier to carry around. Less risk.

Q.—Why could you not have put the

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\$1,500 in some safe place on deposit to keep for you as identification? A.—Simply because I did not want to do it. I put it in my account.

Q.—Simply because you did not want to do it, is that the answer you give me? You keep the \$500 as evidence in order that you may try to prove this offence? A.—Yes.

Q.—And you got \$1,500, and if you had kept that separately that would have been the same kind of evidence, would it not? A.—It is the same kind of evidence now, the fact that I deposit it on that day.

Q.—How did you know when you got the \$1,500 you were going to get

\$500 more? A.—I did not know that.

Q.—Then, you were parting with the only evidence of the crime you had? A.—Not at all, the evidence was that I put it in the Traders Bank on that day. You can go down there and see that it was put there.

Q.—I am not disputing that. The bank book shows it. I am asking you why you kept the \$500 as evidence of the crime, and you did not keep the \$1,500 when you got it in the first place as evidence of the crime? A.—It was just that much nearer the meeting of the House.

Q.—Is that the reason? A.—One of the reasons.

Q.—Any other reason? Let us have them all. A.—I could not say.

Q.—Do you say there are any other reasons? A.—There might be.

Q.—Name them? A.—I don't know.

Q.—Name any other reasons for keeping the \$500 and using the \$1,500? A.—Well, it just occurred to me to keep the \$500.

Q.—No other reason? A.—And

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that it would be easier kept. I was not alarmed about keeping it in my pocket, and I didn't want to carry \$1,500 in my pocket.

Q.—And when I point out to you that you could have left the money for safe-keeping with a banker or elsewhere, the identical money, you give me the reason that you did not want to carry the \$1,500 around, because it was too much money to carry in your pocket? A.—I didn't think it would be any stronger evidence.

Q.—Is that right? A.—Yes, that is right.

Q.—Then it is not right when you say that you used the \$1,500, because you thought you had the right to use it. That is not correct then? A.—Yes, sir, I thought I had the right to use it.

Q.—So that you have both grounds? A.—I use any money that comes into my hands.

Q.—Then if you stole it you would use any money that came into your hands, I am not assuming that you did, or if you knew it was stolen money, would you use that in your own business? A.—Well, I would consider that, Mr. Johnston, and let you know later on.

Q.—Will you tell me how you make up your \$1,500 that you are producing your marked cheque for? A.—Yes. I made some of it up by a cheque on the bank at Gore Bay. I think I gave a cheque to the Traders Bank for \$500, and I sold some stock that I had in the Crossin piano business to a gentleman in the city for the balance of the money.

Q.—How much? A.—Well I sold \$1,500 worth of stock.

Q.—When? A.—Sometime about the 1st of April, I guess.

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Q.—To whom? A.—To W. R. Smyth.

Q.—The member-elect for Algoma? A.—For Algoma.

Q.—How much money did you get from him? A.—I think I have in all about \$1,500 from him.

Q.—When did you get \$1,500 from him? A.—Sometime in the latter few days of March, and the first week in April. I think so.

Q.—And what was done with that money? A.—Some of that I put in the Traders Bank at Sudbury.

Q.—How much? A.—Well, I have just forgotten. You will see in the bank book there the deposits.

Q.—Did you express money from Toronto? A.—Yes, sir.

Q.—One sum or two sums? A.—I think I only expressed one sum.

Q.—Did you transfer any money from Toronto to Sudbury? A.—Yes, sir.

Q.—You had to make up the \$1,500 cheque for the purpose of this trial? A.—Yes, sir.

Q.—You felt that you had to do it? A.—Yes, sir.

Q.—And in order to do that you felt that the money was not yours to keep and not account for? A.—I felt that I could do that any time I wanted the money.

Q.—I am not asking you that. You felt that you had to do that because the money was not yours, you had to account for it? A.—Oh, yes.

Q.—You think that is right? A.—Yes.

Q.—A moment ago you told me you thought the money was yours to do what you liked with? A.—Up to the time I had to account for it.

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Q.—When did you expect to account for it? A.—Whenever the House met I had to account for it.

Q.—The House met on the 10th of March? A.—Yes.

Q.—Where was your money on the 11th of March, when you made your statement? A.—Well, sir, I could have got it in twenty-four hours.

Q.—Where was your money? A.—I could have made it up any time at all.

Q.—Did you have money on hand in the two banks on the 11th of March to make up \$1,500? A.—No, sir, but I had lots of credits and assets.

Q.—If you had been called upon to give your cheque to return this money that you got on the 10th of September, you would have to borrow money or

realize on some assets? A.—Yes, sir, quite right.

Q.—And how much have you got to pay to Smyth to redeem that Crossin piano stock? A.—Nothing.

Q.—It is his absolutely? A.—Yes.

Q.—Sacrificed it perhaps a little to raise the money? A.—No, sir.

Q.—One hundred cents on the dollar? A.—I got one hundred cents on the dollar and I have lots of stock left yet.

Q.—Did you get any money from the Crossin Piano Company to help to make up this deficiency? A.—Well, I think I sent in two or three different cheques from them. I don't remember the exact amounts.

Q.—You sent up by express from Toronto on the 3rd day of April \$350, is that right? A.—Well, I guess it is.

Q.—You sent by transfer from Toronto \$200? A.—Yes.

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Q.—You sent up Crossin Piano Company's cheque for \$200? A.—Yes.

Q.—And you drew a cheque on a bank in Gore Bay for \$500? A.—Yes.

Q.—That was on the 6th of April? A.—About that time.

Q.—And on the 7th, you got your cheque marked for \$1,500? A.—Yes.

Q.—Where did you keep the \$500 when you took it away? A.—I kept it in my pocket.

Q.—What pocket? A.—Mostly in this pocket, I think. (Indicates).

Q.—You put your hands in both pockets? A.—Well, it was in both pockets.

Q.—And you remember that you put it in both pockets? A.—Yes, mostly in the right hand pocket.

Q.—Did you separate the bills? A.—How do you mean?

Q.—Did you separate the money that you had, the \$500 into two parcels? A.—No, sir, I kept that \$500 in one parcel.

Q.—Then how did you keep it in both pockets? A.—I said it might have been in both pockets. It might have been in one pocket at one time and in another pocket at another time.

Q.—In an envelope? A.—No, sir.

Q.—Just loose? A.—Just loose.

Q.—Mixed up with any other moneys of yours? A.—No, sir.

Q.—Always had it in your pocket?

A.—Always had it in my pocket.

Q.—Always in your trouser pocket?

A.—Always in my trouser pocket.

Q.—That would be for six weeks?

A.—Yes, sir.

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Q.—Travelled about with it? A.—Yes, whatever travelling I did.

Q.—You were in Toronto two or three times? A.—No, sir.

Q.—Not in Toronto at all? A.—Not until the 9th of March.

Q.—Were you in Gore Bay several times? A.—Yes, sir.

Q.—Always carried it to Gore Bay? A.—Always carried it to Gore Bay.

Q.—Always carried it to the Soo? A.—Did not go to the Soo.

Q.—Did you go to any place until you came down here? A.—Did not go off the Manitoulin.

Q.—Did you go to any place in the Manitoulin during that time? A.—Yes, sir.

Q.—And always had it in your pocket? A.—Yes, sir.

Q.—Never left it in the house? A.—Not that I remember.

Q.—Always wore the same trousers? A.—No, sir.

Q.—Changed it from pocket to pocket? A.—Yes, sir.

Q.—What occasion would you have for changing it from the right to the left? A.—Well, if I changed trousers it might have gone in the other pocket.

Q.—But it would not if you changed coats? A.—No.

Q.—Did you change it from one pocket to the other of the trousers you were wearing? A.—I could not say.

Q.—You don't know? A.—I don't know. I might have.

Q.—What would you change it for, if you did, from one pocket to the other? A.—Oh, I couldn't say. I don't know.

Q.—Did you ever show it to anybody, taking it out of your pocket, a roll of bills, and shake it in the air? A.—I think I showed it to one or two parties.

Q.—You are not very sure as to that? As to the \$500? A.—I know I

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showed it to, I think I showed it to McGregor during the time.

Q.—I understood you to say to my learned friend that you never showed that money to anybody, and that is what you swore to Mr. Blake? A.—I don't think I did. I don't think I swore to that.

Q.—You don't think so? A.—No.

Q.—Their Lordships will know whether I am right or not. I will see what I took down. A.—Look it up and see.

The Chief Justice: He said he did not show it to anyone in Toronto.

Mr. Blake: That is all that I asked, my Lord.

Mr. Johnston: Perhaps that may be so. Did you show it to anyone in Toronto? A.—That \$500?

Q.—Yes. A.—Well, I might have shown it to—

Q.—Not what you might have done, did you or not? A.—Well, I would not

say positively whether I did or did not.

Q.—Why won't you? A.—Because I don't recollect.

Q.—Why did you say to Mr. Blake that you did not show it to anyone in Toronto? A.—Well, if I said that I said that I did not think I showed it to anyone in Toronto.

Q.—No, you said that you did not show that to anyone in Toronto. Now, you don't know whether you did or not? A.—Well, the best of my impression, I did not show it to anyone in Toronto.

Q.—Why did you swear point blank that you did not show that money to anyone in Toronto? A.—Simply because I don't think I swore point blank that I did not show it to anyone in Toronto.

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Q.—Then your leader was Mr. Whitney? A.—Yes, sir.

Q.—Why did you not speak to him about it? A.—Simply because I did not.

Q.—And that is the only reason you will give me? A.—I don't know of any other reason.

Q.—Is that the only reason you will give me? Not what you know or don't know? A.—Oh, I might say yes, it is the only reason I could give you.

Q.—What? A.—I may say it is the only reason.

Q.—You might say yes, if I want you to say it? A.—No, not unless I want to say it.

Q.—I ask you if that is the only reason why you did not show it to Mr. Whitney or tell him this story? A.—Well, I will tell you another reason, simply because I did not see Mr. Whitney in Toronto.

Q.—You could not have written to him, I suppose? A.—Yes, I might have written him.

Q.—Why did you not write to him, your leader? A.—Because I didn't want to write to him.

Q.—Is that the only reason? A.—I don't know of any other reason.

Q.—Why show it to half a dozen people, and tell half a dozen people about this, according to your story, and not tell your leader? A.—I don't know why I should tell him.

Q.—Did you know of any reason why you should not tell him, your political leader? A.—Simply because I did not propose to tell any of the Members of Parliament or any of my leaders until I made the statement on the floor of the House.

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Q.—Why did you tell half a dozen people about it? A.—Simply because they were Conservatives in my Riding.

Q.—Was Crossin a Conservative in your Riding? A.—Well, I showed it to him as an evidence of what might be done in the future, that is why I showed it to Crossin, so that he would have some remembrance of the money.

Q.—Did you show the money to McGregor, the \$500, while you were in Toronto. A.—I don't think I did.

Q.—Why show him the money in Manitoulin, and not show him in Toronto when he was here? A.—Well, we were discussing this question on the Manitoulin.

Q.—Why would you not show it to him here when you would show it to him readily enough in Manitoulin? A.—What would he want to look at it more than once?

Q.—It is a good "sicht for sair c'en" to see money you know. Why didn't you show it to him? A.—I don't know why. I showed it to him on the Manitoulin, I fancy.

Q.—I am asking you the question, if you can give me any rational ground for saying why you did not show it to him in Toronto on the 30th of January? A.—There was no reason to show it to him.

Q.—He came here on purpose to carry out the plan? A.—Yes.

Q.—To help the plot? A.—Yes.

Q.—And having helped to carry out this plan, and further ripen this plot, and you get \$500, and you don't show it to your confederate? A.—I did show it to him before that.

Q.—In Toronto, on the 29th or 30th of January? A.—Oh, I don't think so, no.

Q.—Although he was your friend and your trusted confidant? A.—He had seen the money before.

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Q.—I am asking you a question, sir. He was your friend? A.—Yes, sir.

Q.—Your trusted confidant? A.—Yes, sir.

Q.—Had come to Toronto especially to ripen this plot and help you? A.—Yes, sir.

Q.—And you get \$500 from the Government, and you say nothing to McGregor about it in Toronto? A.—I said to him about it before we came to Toronto, and I may have referred to it in Toronto a dozen times, but I don't think I showed it to him in Toronto.

The Chancellor: I do not understand the witness' answer. How could you speak to McGregor about it before you had got it? You did not know you were going to get \$500. How could you speak to him about this particular money? A.—I was up home between the 29th day of January that I received the money, and at least the

7th I think it was of March that we left for Toronto, and he was there a good deal of that time; he was there from the 15th of February to the 7th of March, and during the time between the 15th of February and the 7th of March he and I were talking about this money and letters, and I might have shown him the money in Gore Bay.

Mr. Johnston: I am not asking you that at all. A.—I quite understand what you are asking.

Q.—On the 29th day of January, you have sworn that McGregor came here to Toronto with you about that time for the purpose of ripening this plot, and helping you to carry out and develop the scheme. That is what you have

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sworn to. Do you want to take it back? A.—No.

Q.—No, very well then. McGregor comes here, and he is with you on the 29th day of September, the day on which you say you got the money.

Mr. Blake: I object to that statement. This witness never said McGregor came down here.

The Chief Justice: What he did say, Mr. Blake, was that he showed McGregor at the interview. So I took it to mean that McGregor was here at that time.

Mr. Blake: I am objecting to this: he stated, you said, that McGregor had come down here for the purpose of helping you in ripening this plot.

The Chancellor: The witness assented to that, as I understood.

Mr. Blake: No, my Lord.

The Chancellor: The reporter will have taken down what it was.

Mr. Blake: He did not use that expression at all.

Mr. Johnston: I asked him if he came down here ripening and developing this plot, and he said yes. A.—I said you could call it what you liked, whether a plot or not.

Q.—Scheme. Give me his statement in writing, and we will see what he says in his own writing.

Q.—Is it the fact that McGregor came down here to help you to ripen this scheme and develop it? A.—He came down here to see what was going on in connection with it.

Q.—Did he or not do that, come down here to help you to ripen and develop this scheme? A.—He came down here to be of whatever assistance he could to me.

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Q.—Was that the purpose for which he came here? A.—Well, you can call it that if you like.

Q.—Will you call it that if I like? You have sworn to it already, and you can

call it any other name you please now. A.—I don't know what you might call it.

Q.—I am asking you this plain thing, did he come down here to help you to ripen and develop this scheme or plot, call it what you like; did he or not on the 29th of January, 1903? A.—I asked him to come down to Toronto with me.

Q.—Did he come for that purpose? A.—That was part of the purpose. He came for a visit as well.

Q.—He came for that purpose? A.—Not absolutely for that purpose.

Q.—One of the purposes? A.—That was one of the purposes.

Q.—And he was to that extent the confederate in developing and assisting to get this thing to a point? A.—Well, he knew something of what was going on.

Q.—That is not what I am asking you. He was here as your confederate on the 29th of January to see how far the Government could be induced to go, and what they would do with you and he was to help you if necessary? A.—Well, I would not say that absolutely.

Q.—Will you say it conditionally? A.—I would say that I discussed it with him when he was here in Toronto.

Q.—Why did he come with you? We will take your statement in the box, and I will read you what we have under your own hand and seal, if I may use the word; what did he come here on the 29th of January for? A.—Well, he came here partly with me to see what was going on, and partly on a business trip, and partly on a pleasure trip.

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Q.—This is your writing? A.—Yes.

Q.—And that will be Exhibit 25. This is the written statement he read in the House, which I will prove in a moment, the original of these papers. This is what you used on the floor of the House? A.—I read it, sir, on the floor of the House.

Q.—That is in your writing? A.—Yes.

Q.—Prepared by you? A.—Yes.

Q.—How long before you read it? two weeks before.

Exhibit 35.

A.—Some of it was prepared perhaps

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(The following copy will be further verified with the original in the hands of Mr. Grant).

I was elected in May, 1902, as a straight Conservative, defeating J. M. Fraser, the Liberal candidate, by about 340 majority, and beating the combined vote of Fraser, the Liberal, and J. C. McMillan, the Socialist candidate,

by about 100 votes. The returns by the returning officer were he'd back and not declared until June 17th, that is, I believe, was done to give the Government a chance to protest my election, if necessary, after they saw how the rest of the protests stood.

In due time a protest was entered in the usual way. Several parties were sent up to the riding to look up evidence. About August 7th I was going to Toronto and met Captain J. Sullivan at the lunch room at Allandale, and he said to me, I hear, Gamey, they have strong evidence against you up there. I replied I had heard nothing of that, he continued the conversation and very confidentially remarked to me as a friend, as he said, that I would be disqualified, and said if he was in my place he would resign. I laughed at him and paid no attention to it. I went on to Toronto and he remained. In Toronto at the Walker House where I stay, I met his son, Frank J. Sullivan, who also broached the subject of my protest. And said he understood they would disqualify me. I told him that was utterly impossible, as I had done nothing by which they could disqualify me, and he remarked that evidence some times could be colored, altered and bought, and that he believed they were determined to disqualify me. He would, he said, if he were me, resign rather than face a trial. I told him that his father had spoken that way, and I wondered why they were speaking thus, he said only as a friend, as he had known me a long time, and he felt sorry that I would be disqualified. Why, he said,

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that could be arranged, a good thing could be made out of it and the trial avoided. I asked him how, and he said, after some further conversation, that \$5,000 in cash could be got and lots of chances of more later on, as the Government must have more support. I replied that I thought that was impossible, as no man could leave either side now, and the Government would ruin themselves by dealing with anyone while it was so close, and I told him I did not believe they would do so. He replied that he could soon convince me, and I, if I would stay over a couple of days he would prove it. I decided to see what they would do, and on my return to Gore Bay, I would lay the whole matter before some friend. About Tuesday, August 12th, Frank came to me and said a prominent Liberal lawyer of the city would be up in his father's room at the Walker House, and that I should go to the room, giving me the number. He told me no mention would be made of money, but the lawyer would talk of a stock proposition, by which my profits would realize \$3,000 in six weeks or less, and \$2,000 more after the first

session of the House. I went to the room and Frank and the lawyer were there. I will not mention the lawyer's name to-day, but he is prominent in Liberal ranks. The lawyer said he understood Frank and I had spoken of a stock company by which I could make \$3,000 cash in six weeks and \$2,000 towards spring. I said we had, he said it could be arranged, he thought, but no mention was made in his presence of supporting the Government and no question of trial was spoken of, we only had a short talk and he went out, and I have never heard of him in any way in the deal since. Frank and I agreed then if anything was done to each take half. During that trip I also saw D. A. Jones of

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Beeton, who seemed to be authorized to deal with me. Jones also suggested that the Government were very anxious to get information for the trials against Smyth and Miscampbell, which I told him would not be possible for me to do. I left Toronto for home about the 12th. On my return home I consulted J. R. McGregor of Gore Bay, the Secretary of the Manitoulin District Conservative Association, and asked his advice. I consulted him because he was the only Executive officer in Gore Bay, whether to tell what had been done or not, but we came to the conclusion that I should go on and get some evidence that we could prove and see how far they would go and whatever we did would be told on the floor of the House and absolutely no one would know before. We decided that I would have to give the Government evidence that I really meant to go with them, and only by fully convincing them could we hope to get any evidence or attach any of the Cabinet, so far we had no evidence against any one of authority. Nothing more was done or said until about August 16th I received a letter from D. A. Jones of Beeton as follows (Reads letter No. 1.) This I answered by saying I would be down shortly and see him. On August 21st I was out on my farm, ten miles from Gore Bay, that night between 11 and 12 o'clock, a rap came to my door after I had gone to bed. My brother, Wilford, was there. He went to the door and said a gentleman to see me. I got up and went to the door and Cap. J. Sullivan was there and wanted to see me privately. I went down to the barn with him, put in his horse, and we sat down and he said they were anxious to go on with some arrangement, and he wanted me to give him some document asserting that I would support the Govern-

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ment, so that he could show the Ministers that he was succeeding. I told him that I would not do so that night, but that I would go to Toronto in a few days and meet him there, which he agreed to. He went back to Gore Bay that night, after staying about one hour—he was alone. It was a clear moonlight night. I asked my brother in the morning if he would know the man if he saw him again and he said he would, and he said he thought it was Cap. Sullivan. In the morning my brother and I drove to Gore Bay, and I took my brother across on the mail steamer that day to Cutler and down to Sudbury, as the Captain was with us, so that we would be sure of the man. And I explained to my brother then what he was after. Before leaving Gore Bay that day I saw J. R. McGregor and explained what the Captain wanted. He said go ahead and see what they will do. I left the Captain at Sudbury and the next day I went to Arnprior and about August 26th I arrived in Toronto and saw both the Captain and his son Frank at the Walker House, and had different interviews. In the Captain's room Frank drew up an agreement, by which I agreed to support the Government, which I signed and Frank signed an agreement pay me \$3,000 in cash and \$2,000 after the session, these were afterwards both destroyed. I went back to Arnprior about August 29th and returned to Toronto about September 1st; had many talks with Frank Sullivan and his father about matters up to the 9th. The Captain was trying to secure a timber limit for his share—McGregor Island was mentioned. He told me he had discussed the deal with Hon. I. M. Gibson first, but Gibson had asked him to see Hon. J. R. Stratton and

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Stratton seemed to be the one they did the business with from that time on. I also discussed the question of whether Smyth of Algoma could be bought or not, and I said I would try and see him after I went back and I urged them to withdraw the petition against Smyth. Also discussed the question of sawing-of Davis' petition, which Sullivan said the Government were most anxious to do, and when Davis left for Winnipeg, Frank said he would never face a trial, and would give big value to have a saw-off. I told our lawyers this. About September 9th I was taken into Stratton's office by Frank Sullivan and discussed the arrangement with Stratton. No money was mentioned, but the word consideration was used. Stratton told me personally I would have the patron-

age of the Riding entirely in my own hands, and that I could suggest anything that might be of use to conciliate my friends in the Riding, the License Board was discussed, and I said we must have a new Inspector and at least two new Commissioners and several other changes were spoken of in the Riding which he agreed to. He showed me the letter I would have to sign, addressed to the Premier, agreeing to support the Government, and agreeing that I was not receiving any value for same. It was typewritten. The consideration was to have been paid that day, but he was not ready. I then went down town and at about 1.30 p.m. Frank Sullivan and I were to go to a certain prominent lawyer's office, which we did. This lawyer when I arrived there had the letter that I was to sign and I signed it in his presence. He then said he would keep it, but Frank said there was some stock question to be settled before he

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would part with the letter. The lawyer said he knew nothing of that, but would give us his word that if we would leave the letter with him he would hold it in his possession until we were satisfied, but Frank refused to do so, and Frank took the letter with him. I know the lawyer's name. We then had an appointment with Hon. J. R. Stratton for the next forenoon. We went up to his office about 10 o'clock a.m. on Wednesday, the 10th of September, and he was not ready or not there, and we waited about the building. I waited part of the time in the smoking room. About 12.30 Stratton was ready and Frank Sullivan and I went into his office together. Stratton said everything was ready, and we left the letter with him, and that Frank and I should go down to the smoking room and wait there and a party would bring a parcel and lay it on the table in that room. I saw Stratton take out of his inside pocket a large, well-filled envelope—Frank and I went down to the smoking room and waited a short time and Mr. Myers, Acting Secretary for Stratton, took the parcel from Stratton's office and gave it to Mr. Chace, who carried it to the smoking room and laid the same large envelope parcel on the table, he walked out again without speaking. Frank went over and picked up the parcel and we walked down to the washroom and Frank took the parcel out of his pocket and counted it. There was \$3,000 in Ontario Bank bills of hundreds, fifties, twenties, tens and fives. Frank handed me \$1,500 of this. I will tell where that money is when necessary. Frank tore up the

envelope. I then left the building alone and went to dinner. I showed the money to a Conservative in the city, and will tell his name when neces-

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sary. I went to the Crossin Piano Factory in the afternoon. I left for home on Thursday night, September 11th. I explained all this to one Conservative in the city and to J. R. McGregor on my return to Gore Bay, and we decided to stick to our original arrangement to not mention it until the House met, as we were afraid they might fix things up in some way before the House met if we told. About September 18th I received a letter from Frank Sullivan (Read letter No. 2) about going to see Smyth. I answered that I would shortly. About September 21st I received another letter from D. A. Jones about the same matter (Read letter No. 3). When speaking to Jones while in the city he spoke of someone being sent up to see Smyth, and Frank Sullivan also spoke of someone being sent up for the same purpose, and he was anxious to prevent anyone else dealing with Smyth but himself, and he told me one day that he telephoned to a person in the city to wire some one to put Smyth on his guard, but I do not know who he 'phoned to, and do not know whether Smyth was telegraphed or not, possibly some one in the city can recollect the 'phone message, as I believe he 'phoned some prominent Conservative in the city, and he said he had refused to give them his name, and they were surprised. About the last week of September I wrote Smyth a short note asking him to come down to our Agricultural Fair at Gore Bay. on the 2nd October, so we could put him on his guard, but he did not come. About the 25th of September I received a letter from my leader, J. P. Whitney, drawing my attention to the statement made by Cap. J. Sullivan in Ottawa that I had given a written

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promise to support the Government. I wrote Sullivan and he replied as follows (Read letter No. 4). On the 29th of September I wrote Hon. J. R. Stratton, asking for the appointment of one Thomas Flesher as J.P. at Spanish Mills, and also about road grants question (we did this to get written evidence of the patronage deal) and Stratton replied as follows on October 2nd (Read letter 5). Hon. J. R. Stratton also wrote me on October 2nd about appointment of Returning Officer for the Referendum as follows (Read letter 6). We decided to have the Sheriff appointed, or rather re-

commended the Sheriff instead of the old Returning Officer just to see proof of our deal. I spoke to the Sheriff and he wanted it and went to Toronto and saw the Premier. Jackson told me when he returned that the Premier asked him if his appointment would be satisfactory to Ganey, and if he (Jackson) thought Ganey would give them any trouble when he came down. On October 8th I wrote Hon. J. R. Stratton asking him to appoint Sheriff Jackson. His Secretary replied as follows (Read letter 7). I left Gore Bay for Toronto about October 2, had wired Frank that I was coming. Saw both Sullivans and we discussed the Davis petition which I was to try to help to saw off. We had frequently discussed this in September. There were other parties also arranging to saw this off and Frank said they were getting big value to do so, and he wanted to head them off. I told our lawyers what he said about the other parties. Frank said then Davis would never face a trial, but nothing could be done about this saw off. De discussed Smyth and I told them I thought he could not be

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bought. I went to Toronto again about October 21st and met Capt. Sullivan at North Bay, spoke to him about the rumors that were going round and told him I was going to see Stratton in the city about them. I saw Stratton that week at his office and spoke to him about the rumors and showed him Sullivan's letter and told him Sullivan had been talking. He asked me to wait until he would discuss it with the Premier. Myers took me to a room and I waited there a long time until Stratton came, and he said we better do nothing about them. He said that was the Premier's advice. Stratton also spoke of a letter, an exact duplicate of the other I had signed, which they wanted me to take home with me and sign and mail at Gore Bay, addressed to the Hon. G. W. Ross. It was also typewritten, and in it I agreed to support the Government and agreed that I was getting no consideration for the same only the ordinary privileges of a Government supporter. After I returned this they were to give me back the one I signed in the lawyer's office. Frank Sullivan was with me when this letter was given, in fact he held the letter for a day. I took it home with me, and we decided at Gore Bay to make some alterations in the letter to see if we could get a letter from them about the same, so I altered the letter and made it read different to what they had. I mailed this letter, addressed to the Premier, Hon. G. W. Ross, about Oc-

tober 30th at Gore Bay. But no answer, and they did not return the other letter, but now have both. I wrote Hon. J. R. Stratton a few days after asking for the loan of \$2,000 until after the session. His Secretary, Mr. Myers, answered that Mr. Stratton was out of the city, and on his return the

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letter would be laid before him, but we got no further answer. I was in Toronto in December twice, saw Capt. Sullivan and Frank, but did not see Stratton. After I returned to Toronto after helping my friends in Perth by-election I saw the Sullivans, and they said Stratton wanted to see me—he was getting afraid of me since I had gone to Perth. I made an appointment to see him on Tuesday morning, 9.30, January 13th. When I arrived there he was not in and I waited in the outer office. Vance was waiting there. Myers was there and another clerk, name unknown to me, and a lady stenographer. They all saw me. I chatted with Vance until Stratton was ready, and Vance asked me to let him go in first, which I did. He remained about twenty minutes. When I was called Stratton asked me why I was in Perth, and I told him I had no agreement with him before the voting in the House. He also asked me why I altered the letter—I gave evasive answer. We discussed matters generally, and he was delighted with the results of the three Norths, saying Whitney would never have as good a chance again of writing Hon. before his name as he had last summer when the coalition was discussed. He gave me the particulars of the coalition deal, also Manitoulin affairs. I reported about Little Current lock-up, and he called in Dr. Chamberlain, and I was introduced to him and discussed the lock-up with him. I also discussed other appointments. I left the city that night after telling the Sullivans how I got on with Stratton and agreed to come down again shortly. On my return to Gore Bay McGregor decided to go down with me next time, and we arranged to go about the 27th of January. I went to the shore and up to the Soo

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and met McGregor at Sudbury on the 27th, and we arrived in Toronto the morning of the 28th, both of us stopping at the Walker House. I saw both of the Sullivans that day, and Frank told me he had wired me on the 27th to come down. I got that telegram on my return. It is as follows: (Read Telegram No. 8.) He told me that Stratton wanted to

see me and that he would arrange for time of interview on Thursday. He did so and phoned me to come to Stratton's office at 2.15 p.m. I showed this to McGregor, and he went to the buildings with me, and saw me go into Stratton's office. At first Stratton was out—then McGregor and I went into the Survey's Department together and into the Land Sale Department and finally he went back with me and saw me again go into Stratton's door with Frank Sullivan. He went in at the door marked private; after waiting a few minutes Mr. Stratton came in and at once began to discuss matters. He wanted the License Board names at once and wanted me to sign at once an interview he had typewritten for The Globe. I told him it would never do to sign that, as it would ruin me and the Government, but he thought not. I told him I would take it down town and make some alterations and then sign it if he liked. It was agreed that I should be back about a quarter to six that evening. Sullivan and I went out, when Sullivan said I would get another cash payment if I signed it, so I told him to make the arrangement. I went into the Public Works Department with him and parted there. I went down to the office of Crossin Piano Company for a short time. I then met McGregor and we went over the interview. I took my pencil and al-

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tered many words to make it read an independent support, as we both decided the country would not stand for one moment for it as it was then written. We discussed the question then of refusing to sign the interview and making everything public at once, but we decided to stick to our original plan of not speaking until this House met. I added some more to the interview, and after getting it so that it might pass muster I took it back. I was to call for Sullivan at the office, where one Dougherty is a Clerk in the Public Works Department upstairs. I called there about a quarter to six and Sullivan left Dougherty and I a few minutes to talk while he went to see if Stratton was ready. After some time everything was ready, and about 6.30 p.m. or later Sullivan and I went into Stratton's office, and I showed him the interview as it was altered. I then agreed to give this signed to a Globe reporter to hold on condition that \$1,000 be given to us, and I was to write a letter to J. P. Whitney that night informing him that I would be independent during the session. I then agreed to furnish the names of a License Board on my return home and also a lock-up keeper at

Little Current. I then stepped
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out of the private office into the Secretary's Department and met Mr. Myers, who introduced me to the Globe reporter, whose name I have forgotten, but it is the same one who was at Sudbury with Hon. E. J. Davis in January, 1900, as he remarked to me that he had met me there and heard me speak on the mining policy. I then sat down at a table with him, and he read over the interview and I gave it to him. It was the same interview that Mr. Stratton handed to me typewritten with the alterations I made and the additional I wrote on. If the Globe will produce the interview it will show for itself, and it was handed to the Globe reporter in Stratton's outer office about 7 p.m. on the evening of January 29th, in the presence of Mr. Myers. Frank Sullivan then stepped into the office and said he was ready and he and I walked into the ante-chamber between the two offices together, where I saw Hon. J. R. Stratton just before going out, and he told me he had handed Sullivan \$1,000 in fifties, twenties, tens and fives, giving me the number of each. Sullivan and I walked down-stairs and out of the west entrance together. Just outside the door Sullivan took the envelope out of his pocket and counted the money, it contained \$1,000, he handed it to me and I handed him back his half and put the balance in my pocket. It was mostly Ontario and Merchants Bank bills and the portion I got was 9 fifties Merchant Bank bills, 2 twenties Ontario Bank and 1 ten Ontario Bank. The twenties were all Ontario Bank bills. I then went out to College street and took a car to the Walker House, Sullivan coming as far as Yonge street with me. I wrote the letter to J. P. Whitney that evening,

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had supper, and went to the Princess Opera House that evening with McGregor, and we discussed the affair there. I left for home next morning and McGregor remained in the city. On my return home January 31st I wrote to Hon. Mr. Latchford and gave him a list of the road grants wanted and received the following letter in reply (Read letter No. 9). I then did the best I could to pacify my friends, and that was the hardest task of my life taking abuse from all sides. About February 7th I wrote Hon. Stratton that I had to meet my Executive on the 16th, and likely they would ask me to resign. I received a letter from Toronto, dated February 11th, registered at Yorkville on February 11, p.m.,

signed X. Y. Z. (Read letter No. 10). On February 16th I wrote Frank Sullivan about the Executive meeting and asking him how Stratton felt. I received reply registered at Yorkville, February 20, p.m., as follows (Read letter No. 11). I was so discouraged with the public clamor against me that when McGregor returned and I saw him the day before the Conservative Executive meeting I wanted to be allowed to give the particulars to the Committee that day, but he insisted on sticking to our original intention of giving it to this House first. I have worried along the best I could in the face of all kinds of insults and jeers. On Tuesday, February 24th, I registered a letter to Frank Sullivan, in reply to his of the 20th, asking for some particulars about my seat in the House asking for the one Beattie had and asking to be sworn in earlier than the rest, and asking Stratton to wait until I came down, before I would give the names of the License Board. In the meantime, I heard of negotiations on

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the part of the Government anticipating my resignation. They were not satisfied with selling their friends to me a more despicable action never was committed, but they sent up an agent to interview J. C. McMillan, who was the Socialist candidate last May. The first agent did not get much encouragement, and then two more agents followed of higher repute. I have all their names. They told McMillan as much as they dare of their deal with me, and I fancy a good deal more than they would like him to repeat. They told him they had not given me much yet, but promises, but they were sure I could not face public opinion when I came to the House, and they were very anxious for a promise from him to be their candidate when I resigned. He wanted to know how they would satisfy me and they told him they would fulfil enough of their promises to satisfy me. They were asked how they would again satisfy their own men on the Island, and they said Sims had been down and they had satisfied him, but Dr. McIntosh was still unsatisfied, and they hardly knew how to approach him. Frasers were not taken into consideration, as they considered their influence nothing after their vote last spring. They got little encouragement from McMillan. On March 6th I received a letter from Frank Sullivan in reply to mine of the 24th asking about seat. It is as follows. (Read letters numbers 12 and 13.) Then I came to Toronto and on Monday the 9th went up to the Parliament Buildings and

saw Frank Sullivan at the Public Works office. He went with me after dinner to Col. Clarke's and was there when I was sworn in. He also took me into Mr. Glackmeyer's office in the afternoon. We discussed matters generally. I arranged for Sullivan to

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meet me on the evening of Tuesday, March 10th, in the office of the Crossin Piano Manufacturing Company, No. 102 Adelaide west, at 7.30 p.m. on Monday evening. I went and saw three young men, shorthand writers, who are in the city from Gore Bay, that I could trust, and arranged with them to come to the same place before 7 p.m., and there were four finished pianos in the office. Those were placed in such a manner that the three men could lay behind them and hear any one talking distinctly in the office. I then met Frank Sullivan at the door on the street about 8 p.m., and we went up to the office and lit a light and discussed the whole affair—a number of questions were asked by me, and the question and answer were distinctly overheard. I asked him questions about Stratton, about the whole Cabinet, about the bye-election work in the three Norths, and we have the answers taken down by these three men. I asked him all about the money, who handled it from Stratton to us, and about everything connected with the transaction.

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Q.—How long before you read it?

A.—Some of it was prepared perhaps two weeks before.

Q.—Where? A.—Some of it at home. Most of it at home.

Q.—Where else? A.—Some of it may have been written here in Toronto.

Q.—Not may have been. Where was the rest of it written? A.—Some of it was written in Toronto.

Q.—Then, you were not quite candid when you said may have been written? You knew some of it was written here? A.—I think so, yes.

Q.—Don't you know? A.—Yes, I know some of it was written in Toronto.

Q.—How much of it was written in Toronto? A.—If you will show it to me I will tell you. Do you see this part about Sullivan meeting me in the piano factory?

Q.—Yes. A.—All that part was written in Toronto.

Q.—What else was written in Toronto? A.—I wouldn't swear positively. There might have been some of it.

Q.—That is page 19? A.—Yes.

Q.—Was written in Toronto? A.—Must have been, because this didn't take place until after I came to Toronto.

Q.—I am not asking you that. 19 was written in Toronto? A.—Yes.

Q.—14, was that written in Toronto? A.—I could not say.

Q.—Look at it, was that written in Toronto, or at home? A.—I could not say. I have no idea.

Q.—Was page 8 written in Toronto? A.—I fancy it was written at home.

Q.—Tell me why you have different sized paper interleaved in this state-

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ment? A.—Because I wrote it at different times.

Q.—Then I ask you where page 8 was written, because that was evidently written after the document had been prepared. A.—That is on my own paper; it is likely that was written at home.

Q.—That was a statement written after the whole statement had been written? A.—Oh, I could not say.

Q.—I will show you why. It is not the same sized paper to begin with, is it? A.—No.

Q.—It is ruled paper, and the other is not ruled? Well, but you see I had two or three kinds of paper lying on my desk. I might have used one kind one day and another another day.

Q.—Then, why did you stop three lines short of the foot of page 8 and begin page 9? A.—Well, I might have been tired.

Q.—Are you in the habit of getting tired? A.—I could not tell you why I stopped. That is quite a little while ago.

Q.—Do you ever get tired getting \$1,500 bills. Does that tire you, too? A.—Not if I was getting them right along.

Q.—I suppose not, or \$500 bills, does that tire you? A.—Will you let me ask a question?

Q.—No. A.—I would like to. I would ask you something about getting tired, too.

Q.—Explain to this Court how it is that page 8 of this statement stops short at the bottom of the page in order to connect with the following page, which is in regular sequence, will you tell me that? A.—I couldn't

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tell you anything about it.

Q.—I will tell you something more remarkable than that. A.—Well, go ahead.

Q.—I am going ahead. Page 14 you stop the same way about two-thirds down the page in order to make connection with page 15? A.—Yes.

Q.—Will you tell me how that happened? A.—I couldn't tell you.

Q.—Was it written in Toronto? A.—Not to my knowledge it was not.

Q.—Will you say this is written in the same ink? A.—Oh, I couldn't say, I had different inks.

Q.—Will you say this is written in the same ink? A.—No, I won't say nothing of the kind.

Q.—The thing speaks too strongly for itself for you to contradict it? A.—Nothing in it at all, sir.

Different inks and different paper on my desk, and it was written at different times, covering a period of about a week.

Q.—Show me any difference in writing or ink excepting the pages I have referred you to? A.—I cannot say anything about it at all.

Q.—Look at it and see? A.—You look at it.

Q.—You look at it, sir, and see? A.—Go ahead and look at it.

Q.—Go ahead and look at it yourself.

The Chancellor: You are asked to look at that paper and say— A.—I will look at it. I have seen it all a dozen times before, your Honor.

Q.—Listen to what I am saying. You have said that was written in dif-

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ferent inks, and at different times, covering a period of about a week. Look at it and identify if you can which were the parts written at different times, and with different ink? Do not speak into the air. Point out if you can what was written at different times, and in different ink? A.—Eight may have been written—

Q.—Speak to Mr. Johnston.

Mr. Johnston: I am not speaking about what may have been. A.—Well, it looks like it.

Q.—It looks as if page 8 had been written at a different time, and in different ink? A.—Yes, sir.

Q.—Now, go on. A.—14 looks as if it had been written at a different time.

Q.—Go on. A.—And 19.

Q.—Now, we have got them? A.—There may have been others. Sixteen might have been written at a different time. I cannot tell by looking at them when they were written.

Q.—16 might have been? A.—Might have been. I could not say for sure.

Q.—Show me the difference in the ink or paper between 15 and 16? A.—I don't see any difference.

Q.—Then, so far as appearances go, 15 and 16 were apparently written with the same ink on the same paper, and at the same time? A.—It is likely they were.

Q.—Will you tell me if these papers that you have read out, these pages 8, 14 and 19, or rather take 8 and 14, if

they were written at the time the rest was written? A.—Well, it is likely they were.

Q.—Then, if they were written at the time the rest was
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written, why are they in different ink on different paper? A.—Because the paper might have been laying before me that day, and I might have only written the one page that day or that hour, or that time.

Q.—How many days were you writing this document? A.—I cannot tell you that.

Q.—Think. A.—Possibly in all ten days from the time I started.

Q.—Now, will you tell me how it is that page 8, if that was on the table before you, and you were writing that entirely, will you tell me how you stopped at the word prevent on the third line from the bottom in order to connect with page 9, if 9 was not written before 8? A.—I cannot tell you that, no. I might have quit writing that day and next day I might have taken up another piece of paper and started in again.

Q.—That is not my question. A.—Well, I say that is one of my reasons.

Q.—That is not a reason. You don't understand the question perhaps. You begin on page 8 and you come down to, "Sent up for the same purpose and he was anxious to prevent," and then you stop? A.—Yes.

Q.—Because you have to connect with the next word on page 9, "Anyone else dealing with Smyth." Will you pledge your oath that No. 8 was written in ordinary sequence as that document was written? A.—To the best of my knowledge, it was. I don't know when it was written.

Q.—I am not asking you when. Was it written in the ordinary sequence as you went along? A.—I think it was.

Q.—Will you swear to it? A.—I think it was.

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Q.—Will you swear it was? A.—I don't swear anything about when it was written, or anything of the kind, any more than it was written covering a period of a week or ten days.

Q.—Tell me why you stop two-thirds of the way down page 14 to connect with page 15? A.—I don't know why I stopped. I didn't think it made any difference how much of a page I wrote, or how little I wrote.

Q.—Then, do you mean to say that after you finished 13, you began to write 14 before 15 was written? A.—I might have.

Q.—Did you or not? A.—I don't know.

Q.—Will you swear that? A.—Yes, I will swear that, because it is too long since that I wrote it. I

don't know why I stopped, or anything else.

Q.—I point out that that is in the middle of a sentence. A.—I might have changed it there at home before I left.

Q.—Then why didn't you use the same paper? A.—Well, I say I might have changed that before I left home. It might not have been written in sequence. It might have been written by myself, changed before I left home. I said I don't know whether it was written or not in sequence.

Q.—You swore you thought it was? A.—I told you I did not know whether it was written in sequence or not. It might have been changed. Some of them have been revised and changed back and forth.

Q.—Page 8 is the first page that deals with the money, do you see that, and that is the page that is changed? A.—It might be. I don't know.

Q.—Look at it? A.—Yes, I see it.

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Q.—Look at it and read it. A.—I see it.

Q.—Page 8 first deals with the \$3,000, and that is the changed page, the altered page. Page 19 is the page that deals with the arrangement about the interview in the Crossin piano factory, do you remember that? A.—Yes.

Q.—Now, this statement was written deliberately? A.—Yes, it was written by me.

Q.—Wilfully? A.—Yes.

Q.—Intentionally? A.—Yes.

Q.—Without anything to interrupt or interfere with you? A.—Well, so far as I know.

Q.—Your mind intent upon the subject of your writing? A.—I suppose so.

Q.—Was it or was it not? A.—Yes, I presume it was.

Q.—And was intended to tell the truth? A.—As near as I could remember the circumstances.

Q.—Was intended to tell the truth? A.—Was intended to be a recital of the case.

Q.—Was intended to tell the truth is my question? A.—As near as I could remember it.

Q.—I am not asking you that question? A.—I am telling you that.

Q.—Was this intended to tell the truth as it happened? A.—To tell it as well as I could remember it.

Q.—And you made statements in this intending to make them in the House? A.—I intended to read that statement in the House.

Q.—And what light have you got since the preparing of this statement in regard to the facts or any of them,

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what new light have you got? A.—I don't know. I don't know of any new light. I might have some new night on some things.

Q.—I am not asking you what you might have. I am asking you to tell me a single fact in this statement upon which you have got new light since you wrote it. A.—Well, it is a long statement, and covering a long period of time, and there might have been some things. I say "about" in that statement.

Q.—It is not incorrect to say about. A.—To the best of my knowledge then that statement was correct.

Q.—At the time you wrote it, to the best of your knowledge, that statement was correct? A.—Yes.

Q.—What new light have you got since that time, or new discovery made to change any of the statements made in this written document? A.—Well, there is one statement in regard to the day of the interview with Stratton, and the day of the payment of the money, that I think possibly the interview was with Stratton on the 10th, and the payment of the money on the 11th. I can tell you what new light I got on that.

Q.—You got the bank deposit? A.—No. I got the production of the letter signed in Mr. Aylesworth's office, which was dated the 10th day of September. I was not quite clear in my mind whether that was the 10th or 9th.

Q.—What do you say about that? A.—I say it was about the 9th.

Q.—You say it was about the 9th that you came down to Toronto? A.—No, I don't say it was about the 9th I came to Toronto. I say it was about the 9th I went and interviewed Stratton.

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Q.—"About September 9th I was taken to Stratton's office by Frank Sullivan, and discussed the arrangement with Stratton. No money was mentioned, but the word consideration was used. Stratton told me personally I would have the patronage of the Riding entirely in my own hands, and I could suggest anything that might be of use to conciliate my friends in the Riding." Now, that was about the 9th of September, you understand. Your next statement is on Wednesday, the 10th of September, you went back to his office? A.—Well, that might have been the first time.

Q.—Was that right or was it wrong when you made that statement, on Wednesday, the 10th of September, you went up to his office, and he was

not ready, or not there? A.—Well, I was in his office on the 10th of September.

Q.—I am not asking you that question at all. I am asking you if this is correct, because you take the trouble to name the day of the week, on Wednesday he was not ready, or not there, and you waited about the buildings. About 12.30 he said he was ready? A.—Well, that date may be the 11th of September.

Q.—I will show you that that cannot be so. I am asking you if you intended to write the truth when you wrote that in this statement? A.—Yes, sir, as near as I remembered it.

Q.—Why did you fix the day of the week as Wednesday? A.—That would be the 10th.

Q.—Then you came down town and you went to a Conservative caucus, did you not? A.—On the 10th?

Q.—Yes. A.—I think I did.

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Q.—And you made a little speech there? A.—Yes.

Q.—Expressing confidence in your leader? A.—Yes.

Q.—And the usual jubilation about carrying the Manitoulin naturally? A.—Yes.

Q.—We have the report of your speech in the Mail, and I suppose you don't deny that, if it was on the 10th, no doubt about that, and that appeared in the Mail the next morning? A.—Yes, sir.

Q.—So that on the morning of the 11th Stratton knew, if he read the paper, that you had attended a Conservative caucus, and had been figuratively speaking, applauding your leader? A.—He would know if he read the paper.

Q.—And you were there beyond any doubt on the 10th? A.—Yes.

Q.—Applauding your leader? A.—Yes.

Q.—At the Conservative caucus held where? A.—In Toronto.

Q.—Where? A.—I think it was in the Mail building.

Q.—So that they would likely have a correct report of it? A.—I don't know whether they had a reporter there or not.

Q.—You did not see the reporter. You saw the account in the next day's paper? A.—I don't know whether I saw it or not.

Q.—It is true if it was there? A.—I was at the meeting, that is true.

Q.—And you made a little speech along the lines I have suggested? A.—I suppose so.

Q.—Did you? A.—I don't know what lines you suggested.

Q.—I suggested expressing confidence and applauding your leader? A.—I suppose I made that.

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Q.—And congratulating yourself that you had carried Manitoulin, that you had carried the banner of victory? A.—I don't know whether those words were used.

Q.—Words to that effect? A.—It might have been.

Q.—And you got out of your caucus about what hour? A.—I think I was at the caucus late in the afternoon.

Q.—About what hour did you get out? A.—I say I think it was late in the afternoon.

Q.—What hour? A.—Oh, it might have been 4 o'clock.

Q.—Might have been a little later? A.—Yes.

Q.—And, notwithstanding that, your contention is that on the following day he paid you \$3,000? A.—Either the 10th or 11th.

Q.—I am not asking you that. I am going to get one or the other. Did he pay you \$3,000 on the day on which the Conservative caucus met, or on the Thursday after you had expressed your confidence in Whitney? A.—Well, I will explain that to you if you will let me.

The Chancellor: Answer the question whether it was that day or the next day? A.—When I was writing that statement, to the best of my knowledge, I believed he paid me the money on the 10th day of September, and when I saw the letter signed in Mr. Aylesworth's office, dated the 10th day of September, I knew Mr. Stratton's money was paid to me on the day following that letter, so that those are the only facts that I have.

Mr. Johnston: I am not asking you that question at all, and please do not get away from it. Mr. Stratton knew if he read the Mail, that you had been at the Conservative caucus supporting your leader? A.—Yes, sir.

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Q.—You were then a stranger to him, only having met him once or twice on that occasion? A.—Yes, sir.

Q.—And the day after you attended a Conservative caucus he deliberately pays you \$3,000, is that your story? A.—He either paid it to me that day of the caucus or the next day. I won't swear positively. To the best of my recollection when I was writing that article I said on the 10th of Septem-

ber, but finding that the letter in Aylesworth's office was dated the 10th of September, I knew that the money was paid the day following the date of that. I will swear this, if the letter was dated correctly in Aylesworth's office, then the money was paid the following day.

Q.—Do you mean that you come here as a witness, having laid a deep scheme to entrap the Government, and having received the large sum of \$3,000, and you come and swear to their Lordships composing this Commission that you do not know what day you got the money on? A.—Well, I know it was either one of those two dates.

Q.—Do you swear, Mr. Gamey, Member elect for Manitoulin Island, that you don't know the day on which you got that money, \$3,000, the turning point of your life, perhaps, and the fate of the Ministry, that you don't know the day on which you got it? A.—Well, I tell you that I believe, as I said before, when I was writing the statement, I believed that it was on the 10th day that I got the money.

Q.—That is not my question, and you know it. A.—Well, I won't swear positively which day I got the money; to-day.

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Q.—Let us get the bald fact, do you want the court to believe that you got \$3,000 from a Minister of the Crown, within six months from this date, seven months at any rate, and you can't swear to the day on which you got it? A.—That is right.

Q.—Is that what you want to swear to, yes or no? A.—I won't swear which day it was.

Q.—I am not asking you that; answer my question? A.—I told you I won't swear which day it was.

Q.—I am asking if you will swear to the fact that you got \$3,000 from a Minister of the Crown, to bribe you, the member-elect for Manitoulin, and you cannot swear to the day on which you got it? A.—I will answer you by saying I did not get \$3,000.

(At 4 p.m. adjourned to Tuesday, 14th April, 1903, at 10 a.m.)

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THIRD DAY.

Tuesday, April 14th, 1903, 10 a.m.

Cross-examination of Mr. Gamey continued by Mr. Johnston:—

Q.—The question of time, you will remember, I was dealing with last night when you and I parted? A.—Yes.

Q.—That is the time that you were up at Mr. Stratton's office? A.—Yes.

Q.—Now, will you please fix as nearly as you can the first day you were in Stratton's office? A.—I think it was on the 10th.

Q.—It would be the day on which you were introduced to him most likely? A.—Most likely. I might have met him before.

Q.—You have no recollection of that? A.—No, I have not.

Q.—Then do not guess. You have no recollection, and likely the first day you were there was the day on which you were introduced to him, and you think that was the 10th? A.—Yes.

Q.—And you would be there about how long? A.—I might have been with him three-quarters of an hour.

Q.—I suppose you had a good deal of talk over one thing and another. You politicians when you meet do talk a good deal? A.—Talk quite a bit.

Q.—And you think it would be as much as three-quarters of an hour? A.—I think so.

Q.—You do not think it would be more than that? A.—It might have been more than that. I couldn't say.

Q.—Would you give me a limit, say from three-quarters of an hour to an hour? Would that be according to your recollection? A.—Yes.

Q.—That would be your best recollection. And you went there about

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what time? A.—I went there something about ten o'clock that forenoon.

Q.—I understand you did not see him? A.—I think he was not in at first.

Q.—You said so in your statement. There is no thinking about it. And you remained there all the time up until you saw him? A.—I think Sullivan and I walked around a little in the hall.

Q.—You remained at the building? A.—Yes, sir.

Q.—And then will you tell me the hour you saw him? A.—Very likely about twenty minutes past ten, or something like that.

Q.—Not very likely, but when did you see him? A.—To the best of my recollection about half-past ten.

Q.—Ten minutes is neither here nor there, you know, in trying to fix the exact hour, is it, with you? A.—I give you the best recollection I have.

Q.—Then your best is half-past ten when you met Mr. Stratton? A.—About that.

Q.—And you stayed with him until about a quarter-past eleven, or half-past eleven, according to your state-

ment? A.—Likely something like that.

Q.—May have stayed until twelve o'clock? A.—No, I do not think so.

Q.—You think about half-past eleven would be the outside? A.—Yes.

Q.—Now, when did you next see him? A.—Saw him the next day.

Q.—You did not see him again that day? A.—No, sir.

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Q.—Will you tell me what hour you went up the next day? A.—I think we went up about half-past ten or something like that the next day.

Q.—Are you just guessing at it, or telling me what is correct? A.—As near as I can remember.

Q.—Who was with you? A.—Frank Sullivan.

Q.—Where did you meet? A.—I do not remember whether he met me in the building, or whether I went up part of the way with him.

Q.—You say you and Frank went up together? A.—Yes.

Q.—Where did you meet before you went up together? That is your statement. Where did you meet before you went up together? A.—Well, I cannot tell you exactly where I met Frank Sullivan.

Q.—You don't know? A.—No.

Q.—And you don't know whether you met him at all? A.—I do not.

Q.—Where did you meet him? A.—I met him at the building, if not before.

Q.—Tell me where you met him before, if you did? A.—If I met him before that it would be probably at the Walker House.

Q.—Where did you meet him? A.—I could not tell you.

Q.—I do not ask exactly. Give me the locality where you met him? A.—That is quite a few months ago.

Q.—But you were then dealing in large transactions? A.—Yes, sir.

Q.—And you were dealing with a great national question? A.—Yes.

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Q.—You were trying to overthrow a Government, eh? A.—Yes.

Q.—For which you were looking for a reward, no doubt? Not even the inner consciousness of doing right? Did you expect anything at all? A.—That is my business.

Q.—That is your business whether you expected anything or not? That is your business whether you expected anything or not? Did you as a matter of fact expect any little thing going? A.—Oh, I do not know as I did.

Q.—Will you swear before this court that you did not? A.—I will swear I had no reason to expect anything.

Q.—Will you swear that you did not expect some little reward before this court? A.—I will swear that I did not know that I would get any reward, or did not expect to, and did not have any reason to expect it.

Q.—Will you swear to that fact? Will you swear that you did not expect some political reward for all this dirty work? A.—Yes, I will swear that.

Q.—Why didn't you swear it before? A.—Because I wanted to explain it to you.

Q.—That you had not any reason for doing it. Never said to anybody that you expected a reward for this? A.—No, I never said to anybody that I did.

Q.—Never expected to be made a Minister, for instance? A.—No.

Q.—Never said it within the last two or three weeks, a thing that you cannot forget? A.—No, I did not say I expected to be made a Minister.

Q.—That they were going to make you a Minister? A.—No, I never said that.

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Q.—That you were going to have a position in the Government? A.—No, sir.

Q.—To anybody? A.—No, sir.

Q.—Well, we will see. Now on the second day you do not know where you met this supposed briber, Frank Sullivan, but, at any rate, you gathered up at the building about what hour? A.—I think we went up there about 10 o'clock or a little after 10.

The Chief Justice: Speak out a little, Mr. Gamey.

Witness: A little after 10.

Mr. Johnston: Truth can always be proclaimed loudly, Mr. Gamey, do not forget that. Then did you see Mr. Stratton when you went up there that day? A.—Not at first.

Q.—When did you see him? A.—After we waited a little while.

Q.—How long did you wait? A.—Well, we waited quite a little while.

Q.—That is indefinite? A.—I might say we waited an hour.

Q.—Did you or did you not wait an hour? A.—I expect we waited about an hour.

Q.—That would bring you until after 11 o'clock? A.—About that.

Q.—And then did you see him? A.—Sometime after that.

Q.—Tell me when you saw him? A.—I saw him—I could not tell you to the minute.

Q.—I do not ask the minute. I will take half an hour from a man like you. A.—I saw him about half-past eleven.

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Q.—And you left him about that time? A.—I was not with him that day any more than fifteen or twenty minutes altogether.

Q.—You would leave him about 12 o'clock? A.—Somewheres about that.

Q.—You met him half-past eleven, and left him about twelve o'clock. You are quite clear about that? A.—I think so—yes.

Q.—I want it a little more positive than that. Are you quite clear about that, that you were through and left him about twelve o'clock? A.—To the best of my recollection that is the time.

Q.—But you will swear that as a fact to the best of your knowledge? A.—To the best of my knowledge.

Q.—And you have always had the same knowledge? A.—Yes.

Q.—And there is nothing at all to bring back to your memory any other hour than what you have always stuck to and stated is there? A.—I told you yesterday the recollection.

Q.—I am speaking about the hour, nothing to bring back to your recollection any other hour than the hour you are giving now. Left Stratton at twelve o'clock? A.—I say about that. I do not say I left him at twelve o'clock exactly. I say about twelve o'clock.

Q.—You say you went there about half-past eleven, or saw him about that hour, and stayed about twenty minutes or half an hour, and left him about twelve o'clock? A.—Yes.

The Chancellor: That is on the 10th.

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Mr. Johnston: No, on the 2nd day.

Q.—That was the only occasion you saw him in September, those two? Is that right? A.—I think so.

Q.—Do not think. You are thinking a great deal this morning. Tell me whether it is or is not the fact that those are the only two times you saw him in September? A.—Those are the only two occasions I know of now.

Q.—And you saw him on two days one after the other consecutively? A.—Yes.

Q.—No doubt about that? A.—No doubt about that.

Q.—You did not see him on three days? A.—I would not swear positively, but I do not think I did.

Q.—Now it was of course the second day that you got the money, ac-

cording to your story? A.—Yes.

Q.—Now, listen to this: "About September 9th I was taken to Stratton's office by Frank Sullivan, and discussed the arrangement with him, talked about the patronage, the License Board, and a letter which you would have to sign. On Wednesday, September 10th, about twelve o'clock, or 12.30, Sullivan and I went to his office together."

The Chancellor: What are you reading from?

Mr. Johnston: From the statement, my Lord.

The Chancellor: His manuscript?

Mr. Johnston: I am reading from the print, which is an exact copy.

The Chancellor: Oh, yes.

Mr. Johnston (resuming): Your Lordship will see it. He saw Mr. Stratton. That is in the head line.

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The first of that paragraph is: "About September 9th I was taken into Stratton's office by Frank Sullivan, and discussed the arrangement with him. Then no money was mentioned, but he talked about the patronage, conciliating my friends, the License Board, inspector, other changes, and the letter which he would have to sign to the Premier. That was your statement? A.—Yes, sir.

Q.—As given in the House? A.—Yes, sir.

Q.—Under your own handwriting? A.—Yes, sir.

The Chief Justice: There is no hour mentioned there.

Mr. Johnston: No. The next paragraph. "\$3,000 in it" is the heading. "We then had an appointment with Mr. Stratton for the next forenoon. We went up to his office about ten o'clock on Wednesday, September 10th—about 12 or 12.30 Mr. Stratton was ready. We left the letter with him. Then he said Frank and he should go to the smoking room. They went there and got the parcel. Then in the next paragraph: "I left for home on Thursday night, September 11th." That was the sequence of events that you gave in the calmness and solitude of your own home? A.—Yes.

Q.—When nobody was disturbing you in the witness box. Is that true? A.—Well, I think the date is wrong.

Q.—Is that true? A.—I think the 11th is the day.

Q.—Is that statement true or false? A.—Well, it is true in this regard, that I say about those dates.

Q.—You do not say anything of the kind? A.—I do say about the 9th I was taken. I will show you that follows.

Q.—"We went up to his office about ten o'clock on Wednesday, the 10th day of September"? A.—That was

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written on the assumption that the other date, about the 9th, was correct.

Q.—I cannot account for your assumption. I am taking your statement delivered in the House as a member of the Legislative Assembly, making a serious charge, written at a time when nobody was bothering you? A.—Quite right.

Q.—And written more than six weeks ago—five or six weeks ago? A.—Yes.

Q.—Nearer the occurrence than today? A.—Yes.

Q.—You said positively in your statement that it was Wednesday, September 10th, the hour was 12 or 12.30, and you stated in regular sequence that you left for home on Thursday night, September 11th. Is that sequence of events in regard to Stratton true or false, in regard to dates? A.—I am telling you, starting about the 9th. Wednesday would be the 10th day, but I told you yesterday why I changed that date from the 10th to the 11th.

Q.—Perhaps you will change it back again now? A.—I will not change it back again now.

Q.—Is it true that on Wednesday, the 10th, you went up there and got the money? A.—No, sir.

Q.—Then what is stated in this statement is not true? A.—It is true considering the statement, if you take the whole of it together.

Q.—Now the 9th is given, of course. A.—Yes.

Q.—With that I am not quarrelling? Then you cannot be mistaken about going home, because you went home on Thursday, the 11th? A.—I know that.

Q.—And you knew when you were making this statement that you got the money from Stratton, as you al-

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lege, the day before you went home? A.—I thought I did then.

Q.—You were stating it as a fact? A.—I am not stating it as a fact. I am stating it about that time.

Q.—Listen to me, sir. On Wednesday, the 10th, you say you got the money? A.—Just read back. You will see about the 9th. If I went there on the 9th, the next day would be the 10th.

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Q.—Let us begin at the other end. It is true you left for home on Thurs-

day night, September 11th? A.—Yes, sir.

Q.—It is true? A.—Yes, that is true.

Q.—In your statement you say it was the day before, no matter what day that was, that you got the money. Never mind the 9th. Begin at the other end and see what you say about it. Now, what did you say, sir? A.—I did not say I got the money before I left home in my statement.

Q.—Is that what you swear to? A.—I said about the 9th I went into Stratton's office and the next day I would get the money, that is the second visit. I tell you now if I went into Stratton's office the first time on the 10th, I got the money on the 11th, and I am prepared to swear I got the money on the 11th.

Q.—I dare say you are prepared to swear a great deal. I am not quarrelling with your capacity to swear. A.—That is what I am telling you now.

Q.—Do not argue with me? A.—I will hold my own. Do not worry a bit.

Q.—I am not worrying? A.—Not a particle.

Q.—I say that you stated in your statement that you left for home on Thursday night, September 11th, and that is true? A.—That is true.

Q.—And you stated in your statement that it was the day before that that you got the money, that is what I am pointing out to you? A.—I did not state that in my statement.

Q.—Show me what you stated? A.—I stated if I went home about the 9th I got the money on the 10th and went home

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on the 11th. If I went there on the 10th I got the money on the 11th and went home on the 11th.

Q.—Or you went home on the 12th?

A.—No, sir, I went on the 11th.

Q.—Did you keep any figure in your mind of the date? A.—Yes, sir.

Q.—It was an important event? A.—Yes, sir.

Q.—The most important you had ever had in your life? A.—An important event.

Q.—Had you ever been bought before? A.—I was not bought then.

Q.—Were you ever bought before or attempted to be bought before? A.—I was not bought then.

Q.—Had you ever been attempted to be bought before? A.—No, sir.

Q.—Then the first time that anybody ever tried to buy you in their lives was on this occasion? A.—Yes, sir.

Q.—And you don't know excepting in this way that you speak of—you don't know any more than you have told us? A.—I do not.

Q.—We have your statement, you know? Then, after that, as my learned friend asked you, you told this to several people; about the money? A.—Yes.

Q.—About the bribery? A.—Yes, sir.

Q.—Half a dozen people or more? A.—I told a few.

Q.—Half a dozen—five or six? A.—I do not remember how many exactly.

Q.—It was only yesterday you swore to it? A.—I gave you the names yesterday. I will give you the names

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now. I told something about it to—

Q.—I am not asking you the names. How many did you tell it to? A.—About 5—4 or 5.

Q.—Over 5? A.—4 or 5.

Q.—Then will you tell me when you changed your mind as to telling more than McGregor? A.—I never changed my mind.

Q.—Never? A.—No.

Q.—You always had it in your mind to tell several people about it? A.—Yes, sir.

Q.—Never was arranged that nobody should know anything about it excepting you and McGregor? A.—Quite right.

Q.—That is quite right. Now, your statement says, we came to the conclusion that I should go on and get some evidence we could prove, and see how far they would go, and whatever we did would be told on the floor of the House and absolutely no one would know before. What do you say to that? That was your solemn statement in your declaration. What do you say to that? A.—Well, those that we told it to would be all that knew anything about it.

Q.—You cannot get away from me as easy as that this morning. You swore that you never changed your mind, that you and McGregor were the only two people to know? A.—Yes, sir.

Q.—Now I ask you, "Whatever we did would be told on the floor of the House, and absolutely no one would know before." You told four or five people besides McGregor? A.—Yes.

Q.—When did you change your mind to tell others besides McGregor? A.—I did not change my mind.

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Q.—Then why did you write that in your statement? A.—I mean that in a general way.

Q.—Just in a general way? A.—Yes.

Q.—“Absolutely,” it does not mean anything with you? A.—That is meant to be in a general way.

Q.—Will you swear on your oath that it is a general way, “Whatever we did would be told on the floor of the House, and absolutely no one would know before.” A.—That is a wrong phrase in it.

Q.—You did not mean what you wrote there? A.—I meant that, but only in a general way. Not to be telling it around. It would be confined to those who knew about it.

Q.—If I say I will tell absolutely no one a thing, does that mean I am to tell half a dozen people, in your mind? A.—I do not know what it means in your mind.

Q.—What does it mean in your mind? A.—Just what I am telling you.

Q.—That, notwithstanding, the fact that you had made a conspiracy or a plot I should say, that absolutely no one would know excepting you and McGregor until the House met, you swear now you meant by that in a general way? A.—McGregor was the only one on the District Association that knew anything about it.

Q.—Is that what you meant by saying it was just in a general way? Is that what you mean? A.—Yes, you can take that meaning out of it.

Q.—Do you take it out? You are doing the swearing? A.—I meant that would not be open to except a few.

Q.—You meant absolutely no one but McGregor and yourself, and you

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meant that four or five others should know, too? Is that what you meant when you wrote that in your own house, “Absolutely no one would know before.” You meant by that that McGregor and you should know, and four or five others? A.—Well, I meant that McGregor was the only one of the association that should know, and that I applied that in a general way. There might be others.

Q.—That is what you swear to? A.—Yes.

Q.—Absolutely no one would know before. Is that what you are really prepared to swear to? A.—I am prepared to swear that that was the intention, that he was the only one of the association. There were some others that might know, but in a general way he was the only one who would know the details.

Q.—Not absolutely the only one? A.—No.

Q.—Why did you say that? A.—I just wrote that, my dear friend.

Q.—Like “My dear Stratton.” Did you tell Turner? A.—No, sir.

Q.—He was the President of the association? A.—Yes, sir, but he did not live in Gore Bay.

Q.—Did you tell everybody who lived in Gore Bay? A.—No, sir.

Q.—Why, didn't it go into the papers that you were deserting your party in Manitoulin? Didn't it get into the Manitoulin papers? A.—I do not know. It might have.

Q.—Didn't you see it? A.—I do not know that I did.

Q.—Will you swear that you did not, that you were leaving the Conservative party, and going to support the Government? A.—At that time.

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Q.—Along about the fall of 1902? A.—I saw that after the interview with The Globe.

Q.—Along in the fall of 1902 didn't you see that? A.—I didn't see it in the paper—no.

Q.—Did you hear it there? Oh, yes, I did hear it.

Q.—It was talked of? A.—Talked of.

Q.—Then let us see what else you said. After you got the money you will find another explanation, you will have to make. I explained all this to one Conservative in the city and to J. R. McGregor on my return to Gore Bay, and we decided to stick to our original arrangement, to not mention it till the House met. That is in another part of your statement. What do you say to that? A.—I say the same way as I said about the other.

Q.—You could tell it generally to your friends? A.—I could tell it to a few confidential friends.

Q.—And it is not true? A.—In that sense of the word.

Q.—It is not true in the literal sense of the word? A.—Is it true in the sense I wrote it.

Q.—Would you read that and say that was true? Would you read these two paragraphs and say it was true, when you were telling other people besides McGregor? A.—So it was true in the sense I was reckoning it, in that way. I was not on my oath then. I made the statement as reasonably correct as I knew how.

Q.—Do you make a distinction between being on oath and making a statement on the floor of the House? A.—I say I made the statement as

reasonably correct as I could at the time.

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Q.—I am not quarrelling with your statement. I am quarrelling with your statement now. Did you have any other talk with any of the Ministers about any member of your family—carry out your scheme? A.—Outside of Stratton?

Q.—Yes? A.—No, sir.

Q.—Or with Stratton? A.—I might have spoken to Stratton.

Q.—You wanted your son appointed to the Crown Lands Department? A.—No, sir.

Q.—Your brother? A.—I think I did speak to him.

Q.—I thought you did? A.—Not this winter, I didn't.

Q.—But last summer? A.—No, sir; not last summer.

Q.—When? We can fix the date without any trouble? A.—He might be appointed next spring.

Q.—When did you speak to Stratton? A.—During the winter.

Q.—Tell me the month? A.—January.

Q.—Before you got the money? A.—No, sir. I had got the money before.

Q.—Before you got the January money? A.—Yes, sir, it would have to be, because I just saw him the once in January.

Q.—Did you write to him about it? A.—No.

Q.—How did you get the application for your brother? A.—I did not get any application.

Q.—How did you make the application? A.—I spoke to Stratton personally.

Q.—You asked him if he could appoint your brother? A.—No, I told him I might ask later on to have him appointed.

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Q.—You might ask to have your brother appointed. That would depend upon whether the Government was in power? A.—It would depend upon how I felt.

Q.—Whether you felt friendly to the Government or the reverse? A.—No.

Q.—How were you going to feel to get him appointed? A.—If I wanted to deal with Stratton and get more evidence from him and get that much closer to him I might ask him some time before the House met.

Q.—But you were not going to have him appointed until the following summer? A.—I was not going to have him appointed at all by Stratton.

Q.—You were going to have him appointed by the other side? A.—I could have had him appointed, or at least other men appointed by Stratton.

Q.—We will see about that. Then we have the brother. When did you see Stratton about the brother? A.—I think it was in January.

Q.—What date? A.—13th.

Q.—13th of January? A.—Yes, at least I—

Q.—Now what was that deal you spoke about north of Sudbury—was that the Clemow deal? A.—His name was mentioned.

Q.—Then another matter before I deal with some correspondence here. Why did your son sign the letter for you of the 27th of October? A.—Because I asked him.

Q.—Why did you ask him? A.—Simply because I wanted to see if they would refer to that letter.

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Q.—Why would they make that reference to that letter? A.—If the signature was not the same as the other and the alterations the same, the Premier might write me about it. I wanted to get a letter from the Premier if I could.

Q.—You were trying to trap the old man by sending a letter? A.—I wanted to get a letter.

Q.—You were trying to trap the old man by getting an answer to yours on a false signature? A.—You may call it that.

Q.—On a signature that was intended to operate on his mind as a forgery? A.—Call it whatever you like.

Q.—Do you call it that? A.—I intended to get a letter from the Premier in regard to that letter if I could.

Q.—Do you call it that? A.—It was done with that intention.

Q.—That you intended to trap the old man into the writing of a letter on a forgery? Do you call it that? A.—I do not care what you call it.

Q.—Will you call it that? A.—You can call it what you like.

Q.—And if I call it what I like will it be right. A.—It will not make any difference to me. You can use your own term.

Q.—That matter was intended to be a misleading signature and in order to show that your name had been forged to that document, in order that you might get the Premier to answer that letter. That was the position? A.—Simply because they hadn't any business with the letter anyway. I felt warranted—

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Q.—Even with a forged name to it? A.—It did not make any difference. I did not forge any letter. They had not any business with any such letter or any such business.

Q.—We will see whether they had or not. You swear that that letter was Stratton's letter? A.—Stratton's letter? I will swear it came from Stratton's office.

Q.—And you swear it was part of his scheme to get you in to support the Government? A.—I will swear it was him that asked me to have it signed.

Q.—Now, I come back again to the fact that you and your son between you set up a job to entrap Mr. Ross, the Premier, to answer the letter. That is right, is it not? A.—You can call it that if you like.

Q.—I must ask the Court to get an answer to my question? A.—I did that—yes.

Q.—You did it? A.—Yes.

Q.—You and your son conspired together for that purpose? A.—He did not know anything about it.

Q.—Did he ever sign a letter for you before? A.—No, sir.

Q.—Never in his life before? A.—No.

Q.—How old is he? A.—About 16.

Q.—A young lad. Good training? A.—He is trained all right.

Q.—I should think so? A.—You need not worry about that.

Q.—I am not worrying about that. I should think he is trained all right. And you knew when he was signing that name that it was with the intention of conveying to Ross that that

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name was a forgery? A.—I knew that the intention was to get an answer from Mr. Ross in regard to the letter.

Q.—The intention was to get from Mr. Ross an answer to a letter, and the representation to be made by that letter was that your name was forged to it and thereby get an answer? A.—You can call it that if you like.

Mr. Blake: That would not be a forgery. That is a question of law.

The Chancellor: The objection is that the witness will not answer, but

turns it on the counsel to put it as he likes.

Witness: My Lord, I said—

The Chancellor: Will you be good enough to wait till I have done speaking. The objection to the answer is that the witness retorts to counsel, you can put it as you like. Counsel wants Mr. Gamey to put it as he wishes. Not as he likes, but as witness wishes to put it.

Mr. Blake: He cannot answer the question as put.

The Chancellor: Then, can he answer this question: Was it your intention in getting your son to put your name to that letter, to get Mr. Ross to think it was not your signature, and so to draw a letter from him? A.—Yes, sir, it was my intention to get a letter from him.

Mr. Johnston: Then, had you agreed at that time to give a letter similar to that? A.—Yes, sir.

Q.—And the letter that you gave the 10th September and as modified by the letter of the 27th October really represented the position you were taking towards Mr. Stratton, no matter wheth-

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er it was a true or false purpose—it really represents the position you were taking towards him, and the Government? A.—Yes, it represented the document that they wanted me to sign.

Q.—It represented the pretended position you were taking towards the Government? A.—Yes, sir, you can call it so.

Q.—Then, so far as the letters were concerned, there was nothing wrong in the letters for the purpose of carrying out your scheme? A.—Well, I do not know that there was anything wrong in them for the purpose of the scheme. I signed them as a part of the scheme.

Q.—And you did not sign the letter and the letter was not asked from you for any other purpose excepting as part of the scheme, I mean as far as you were concerned? A.—Yes, after the protest was withdrawn, to show that there was no deal on in regard to the withdrawal of the protest.

Q.—The letter was not asked from you so far as you were concerned by Stratton or by anybody else excepting as carrying out the deal that was supposed to be on between you and the Government, as evidence? A.—Yes, I could take that.

Q.—And you were giving these letters as part of your scheme? A.—Yes.

Q.—And the letter was not given in connection with the protest at all, was

it? A.—Oh, yes it was given in order to show the signature was after the protest.

Q.—No, but the first letter of the 10th September—that letter was not given in connection with the protest

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at all, was it? A.—Mr. Aylesworth spoke of my acting for him in the protest.

Q.—Was that the reason the letter was given? A.—Oh, I could not say why it was given. It was given because they wanted it.

Q.—Was that the reason you gave it, in order that the protest might be disposed of? A.—I gave it just as a part of the arrangement that they wanted me to carry out.

Q.—Will you answer my question? A.—Yes, sir, I have answered it. Go ahead again.

Q.—Was it given as part of the arrangement about the protest? A.—It was given by me as a part of the arrangement—the whole arrangement of the scheme.

Q.—Was it given on account of the protest and on account of the protest alone? A.—And on account of the protest and other things with it.

Q.—That is not my question? A.—I am telling you what the answer is.

Q.—Was it given on account of the protest alone? I want to pin you down to that? A.—No, sir, I would not say it was given on account of the protest alone. Part of the whole arrangement which the protest was part of—patronage, other things, and cash.

Q.—We will know by and by from a gentleman we can believe, as well as you, why that letter was given, and how, and it is important for me to have no dispute about what you are saying now.

The Chancellor: He says it was not given on account of the protest alone.

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Witness: It was given as a part of the whole arrangement. Just one piece or part of the arrangement, the protest, patronage—it was all the one deal and arrangement.

Mr. Johnston: Now, you claim to have got a certain amount of patronage? A.—Yes, sir.

Q.—By reason of your apparent turnover? A.—Yes.

Q.—What did you get? A.—I had an appointment or two made.

Q.—What did you get, is my question? A.—I had some appointments made.

Q.—What did you get? A.—I got appointments.

Q.—I am asking what you did get. Tell me what you got? A.—I told you I got appointments.

Q.—What appointments did you get? A.—I got the sheriff appointed as returning officer for the referendum.

Q.—And what are the sherriff's politics? A.—He is a Liberal.

Q.—I see. Appointed by a Liberal Government? A.—Yes, sir. When they did not want to appoint him. When they asked to have the other man appointed.

Q.—Mr. Abrey? A.—Yes, sir.

Q.—Another Liberal? A.—Another Liberal.

Q.—Who else did you get appointed?

A.—I got Mr. Flesher appointed.

Q.—Be careful about that, because do not swear beyond the length of the web you can cut off. We have correspondence showing why he was appointed and I want to warn you? A.—Mr. Flesher.

Q.—Will you swear that you were the means of getting Mr. Flesher appointed? A.—As far as I know I was.

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Q.—Appointed J. P. ? A.—Yes.

Q.—Who else did you get appointed? A.—I could have had the License Board any time.

Q.—Who else did you get appointed? A.—I did not appoint any others. I could have appointed them any time I liked.

Q.—You could have appointed dozens, no doubt? A.—No, sir, but I could have appointed the License Board any time I wanted to. Mr. Stratton asked me, and Mr. Frank Sullivan asked me.

Q.—Why didn't you appoint them? A.—Simply because I would not appoint a Tory, knowing that this was coming out afterwards. I would not put him in that awkward position. That is the reason I did not.

Q.—When did you apply for the appointment of Mr. Flesher? A.—I think that was in the fall some time.

Q.—What time in the fall? A.—It may have been the latter part of September. I do not remember the exact date.

Q.—The letter is the 20th day of September, relating to the appointment of Mr. James Flesher, customs collector on your island? A.—Thomas Flesher it should be.

Q.—That is the same man? A.—Yes, sir.

Q.—And that was the first move you made, 20th September? A.—Yes.

Q.—Do not say so unless you are sure of it? A.—So far as I can recollect.

Q.—Now, that is the time you recollect. Was the 29th day of September the first move you made in getting Flesher appointed? A.—I will not swear that positively. If you show me the letters I will say.

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Q.—I have your letter of September 29th? A.—There are a couple of letters in regard to the Flesher appointment—probably there are.

Q.—Then that letter was transferred to the Hon. Mr. Gibson, who has charge of the administration of justice. You knew about that? A.—I knew by the letters I got from Mr. Stratton, that was all.

Q.—And from whom did you get the petition asking for the appointment of Mr. Flesher? A.—From Mr. Flesher.

Q.—And you got that signed on the 20th day of September, 1902? A.—I do not remember what day I got it.

Q.—Look at it? A.—That is the date that it was dated there, but I did not get it that day.

Q.—And that petition says that certain residents and business men of good standing—(quotes from petition.) We therefore pray that you will direct that Thomas Flesher may be appointed Justice of the Peace. It is signed by the Huron Lumber Company, by McCormick, the President. Another company by Mr. Harvey, by Davis Ellis. These are the men who petitioned for the appointment of Flesher? A.—Yes.

Q.—Then was it known at that time that you were going to support the Government? A.—It was known I had signed the letter of the 10th.

Q.—Was it known to the people in the riding you were going to support the Government? A.—I do not know how many people knew it.

Q.—Was it known to the people who sent this petition through you? A.—I do not know.

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Q.—Did Flesher know? A.—He did not know as far as I knew.

Q.—And he sent it to you because you were the member for Manitoulin? A.—He asked me if I could get him appointed to the position of J. P. some time along in September. I told him I thought he could if he would get up a petition. He told me he could not get appointed in any other way. He said the Liberal candidate for his riding would not appoint him.

Q.—He then was appointed how long afterwards? A.—I do not remember exactly how long. I do not know. The document there will tell you.

The Chief Justice: I forget whether you told what Mr. Flesher's politics were? A.—I do not know that he has any, your Lordship.

Q.—Now, did you know that Farewell had been recommending this man formerly—the former member? A.—No, sir, he never recommended Flesher.

Q.—Do you know? A.—I do not know whether he did or not, but I do not think he did.

Q.—Did you know Flesher? A.—Yes, sir, I knew Flesher.

Q.—What was his business? A.—Customs House officer.

Q.—A man occupying a Government position already? A.—Yes, sir.

Q.—So far as you know a respectable man? A.—A respectable man so far as I know.

Q.—Fit for the business? A.—Yes, sir.

Q.—And a proper appointment? A.—A proper appointment.

Q.—Then you applied to have John McEachren appointed? A.—Sent in a petition.

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Q.—You recommended it? A.—Yes, sir.

Q.—That was refused? A.—No, it was not refused.

Q.—Was he appointed? A.—No, sir. The Chancellor: To be appointed what?

Mr. Johnston: A Provincial Constable.

Q.—He was not appointed? A.—No, sir.

Q.—Notwithstanding Mr. Gamey's recommendation? A.—Quite right.

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Q.—A recommendation of the 22nd day of January, 1903? A.—Yes, sir.

Q.—And will you produce the letter of the 24th January from Colonel Gibson to yourself, if you have not already produced it? A.—I have produced, sir, all the letters I have.

Mr. Johnston: "I have yours of the 22nd instant recommending John McEachren for the position of Provincial Constable at Little Current," and so on. (Read and marked Exhibit 36.) That is what Colonel Gibson wrote to you in answer to your letter. That is the 24th January.

Then I put in the application which this gentleman forwarded as to McEachren, and I will attach them together. December 7th, 1902, to the Department of the Attorney-General, Toronto. Then the Petition. These will all be Exhibit No. 36.

Q.—Then Mr. Gamey's letter of January 22nd, which I shall make

part of Exhibit 36. These will all be annexed to the letter Exhibit 36.

The Chancellor: To whom is that addressed?

Mr. Johnston: To the Attorney-General.

Q.—Was that a proper appointment? A.—It would have been, I think.

Q.—And what you stated there was absolutely true? A.—I think so.

Q.—And if the appointment had been made no complaint could possibly have arisen so far as you could judge? A.—So far as I could judge.

Q.—And he was a Liberal—this man? A.—He had been a Liberal. I

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think he voted for me last spring. At least I am informed he did.

Q.—Do not say he did? A.—I was informed so.

Q.—How do you know he voted for you? A.—He said so.

Q.—And you believe all the voters tell you? A.—Not all of them.

Q.—Then, did you apply for the appointment of Mr. Swanson? A.—Yes, sir.

Q.—Was he appointed? A.—No, I do not think he was.

Q.—Another Liberal, or a doubtful one? A.—Yes.

The Chancellor: Does he say a Liberal? A.—I think he was a Liberal—yes, sir. He may have voted for me last spring. I do not know that either.

Mr. Johnston: A good many Liberals voted for you. I am told? A.—I got a good many votes.

Q.—You got a good many so-called Liberals? A.—I got quite a few votes.

Q.—You got more than five or six, I suppose, but do not trifle, please. You stated in your letters you know that a number of Liberals voted for you? A.—So they did, so far as I know.

Q.—Or else you were lying in your letters? A.—I think they did.

The Chancellor: When was this application for Swanson?

Mr. Johnston: Your application—is that the first one you wrote to Gibson? A.—About Swanson?

Q.—Yes? A.—No.

Q.—When did you write the first one? A.—Possibly in July. I think so. Swanson's petition was given to

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me before the election at all last spring in April.

Q.—June? A.—That is possibly the first date. The Petition was given to

me in April, but I gave it to Farwell before the election at all.

Q.—But I am speaking about your correspondence with the Government?

A.—Mr. Swanson's friends asked me what I did with the Protest, and I wrote to find out what had become of it.

Q.—You were making application to the Government for the appointment of Swanson as a J. P.? A.—Yes, sir.

Q.—And he was a Liberal, from what you could learn? A.—He had been a Liberal. I understood he voted for me.

Q.—Another good man gone wrong, perhaps. Now, here is the appointment. Long before you were approached—long before you handled the dirty money, you were writing, using your influence as a member to get him appointed to office? A.—I was writing because that Petition was handed to me before the election at all, and I gave the Petition to Mr. Farewell, and Mr. Farewell—

Q.—You were recommending the appointment—trying to get the appointments for him long before any talk of bribery took place? A.—Not appointments—no—just the one case, and that was in regard to a Petition that was given to me before the election at all.

Q.—You pressed it, didn't you? A.—Certainly, I did.

Q.—And you recommended it? A.—Yes, sir, and would recommend it again.

Q.—Whether there was bribery or not? A.—Yes, sir, whether there was bribery or not.

Q.—And if the appointment was made, it would have been a good ap-

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pointment? A.—Yes, sir.

Q.—And one of the best? A.—Yes, sir.

Q.—And you blame the Government for not appointing him, because he was needed? A.—I think he ought to have been appointed—yes.

Q.—And you think McEachren ought to have been appointed quite apart from any relations between you and the Government? A.—Swanson's case is different from McEachren's.

Q.—You think McEachren ought to have been appointed? A.—I think so.

Q.—As a public necessity? A.—I think so.

Q.—And Flesher? A.—I think so, but he could not have been appointed except through me. You could put Mr. Brodie, the defeated candidate, in the box and see whether he would ap-

point him or not. Put any Liberal candidate in the northern country in the box, and see whether he would appoint Flesher or not.

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Q.—The Government have the appointment as I understood it? A.—They have the appointment on the candidate's recommendation.

Q.—Then Exhibit 37. I will read the first letter of June 24th, 1902. The petition was forwarded through Mr. C. F. Farewell.

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Exhibit 37 consists of the following:—

Letter 24 June, 1902, R. R. Gamey to Attorney-General's department.

Copy letter 10 July, 1902, R. Harcourt to R. R. Gamey.

Letter 10 November, 1902, J. R. Stratton to J. M. Gibson.

Letter 18 December, 1902, R. R. Gamey to J. M. Gibson.

Letter 27 December, 1902, C. F. Farwell to J. M. Gibson.

Copy letter 23 December, 1902, J. M. Gibson to C. F. Farwell.

Copy letter 30 December, 1902, J. M. Gibson to Wm. Irving.

Letter 5 January, 1903, Wm. Irving to J. M. Gibson.

Letter 23 January, 1903, Wm. Irving to J. M. Gibson.

Copy letter 5 December, 1902, J. M. Gibson to R. R. Gamey.

Exhibit 37 consists of 10 documents as follows:—

Gore Bay, 24 June, 1902.

Attorney-General's Department,
Toronto:

Dear Sir,—A petition was forwarded through Mr. C. F. Farwell from Whitefish municipality signed by the principal ratepayers asking that one W. J. Swanson of Whitfish Village be appointed a Justice of the Peace, as one is much needed there.

I would like to know if you can make the appointment. I will recommend the same.

Yours truly,

R. R. Gamey, M.P.P.,
Gore Bay P.O., Ont.

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(Private).

Toronto, July 10, 1902.

My Dear Sir,—I am reading for the second time your letter of June 24th addressed to the Attorney-General's department referring to a petition sent to the Attorney-General through Mr. Farwell. I now wish to say that search has been made for this petition, and as yet it has not been found, al-

though in all probability it will be. I infer that it contains a suggestion that Mr. Swanson be appointed a Justice of the Peace. You might write Mr. Farwell asking him if he has a copy of the petition. As you know the Attorney-General is now absent from the city, and he might if he were here at a moment's notice be able to lay his hands on it.

Faithfully yours,

(Sgd.) R. Harcourt.

R. R. Gamey, M.P.P.,
Gore Bay P.O., Ont.

(Copy of copy).

Toronto, Nov. 10, 1902.

My Dear Gibson,—I enclose a letter from R. R. Gamey, Esq., M.P.P. for Manitoulin, with regard to a petition which I sent you a short time ago for the appointment of Thomas Flesher as a J.P. at Spanish River Mills, on Aird Island. He says he has not received any notice of the appointment. I am also in receipt of a letter from him with regard to the appointment of E. W. Swanson at Whitfield. He says that a petition in this respect has already been sent you.

Yours truly,

(Sgd.) J. R. Stratton.

Hon. J. M. Gibson,
Attorney-General,
Toronto, Ont.

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Gore Bay, Dec. 19, 1902.

Hon. J. M. Gibson,
Attorney-General.

Dear Sir:—

Re Yours of December 6th.

Re E. W. Swanson.

A petition was handed to me by C. F. Farwell in April last and by him handed to your department from the ratepayers of that municipality asking for E. W. Swanson to be appointed as J.P.

I presume the petition has been mislaid. If you can make the appointment you will oblige,

Yours truly,

(Sgd.) R. R. Gamey.
Sault Ste. Marie, Ont.

Dec. 27, 1902.

(Private and confidential).

Hon. J. M. Gibson,
Attorney-General, Toronto Ont.

My Dear Col.—Yours of the 23rd inst. re E. W. Swanson is just received. I do not know this man personally, but I remember that shortly after Bob Gamey was nominated as the Con-

servative candidate for Manitoulin that he handed me a petition from several of the residents of the Village of Whitefish asking that some one down there, who I presume was this man Swanson, be appointed a J.P. I do not think the petition was signed by the Municipal Council, but it may have been. Whitefish is a municipality of Drury, Denison and Graham, and I think the Council usually meets

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at the Village of Worthington. I handed the petition to Mr. Ford, and at the time I gave it to him I explained the avenue through which I received it, and that I did not think it was wise to comply with it just at that time, as I concluded Mr. Gamey was trying to make some political capital by what he was doing and I did not propose to lend my assistance to any such improper practice. Whitefish has always been very strongly opposed to the present Government politically. In both of my elections I think I received only three or four votes in that polling sub-division. A man by the name of McVittie is the leading man in the place; he formerly was a strong Liberal, but he was mixed up with large tracts of nickel lands in that section of the country, and because he could not sell it at a fabulous sum he thought something was wrong with the Government and he then transferred his allegiance to their opponents. I think that either Dave Brodie or Dr. Arthurs at Sudbury would be able to tell you all about this man Swanson, or perhaps a better man to ask would be Wm. Irving of Webbwood, who is an official in your department. He is a very bright fellow, and his official duties take him to Whitefish and I think that he will know all about this man Swanson.

You will remember last session my discussing with you the salary of the registrar of this district, and you were kind enough to put in the estimates, the old salary of \$800. I have not received any of this, and I think that I should and I cannot understand why the Treasury Department does not forward the cheques at the end of each quarter, as they have been in the habit of doing. Upon reflection, I think Ford told me that before the last session you had written the Treasury Department not to send any more salary

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to the registrar up here without your instructions, and that I had better see you and ask you to recall that letter, or something to this effect. I neglected saying anything to you about

that part of the business, thinking that the Treasurer would issue the cheques for the salary at the end of each quarter when he saw that the appropriation had been made for that purpose. I would be glad if you would straighten this matter out for me, as I have no hopes that the fees of this office will continue as satisfactory as they have been for the last two or three years. It was for this reason, you will remember, that you asked for the appropriation for the salary.

Wishing you the compliments of the season, I remain,

Yours sincerely,

(Sgd.) C. F. Farwell.

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(Private).

Toronto, 23 Dec., 1902.

My Dear Farwell,—Do you remember anything about a man named E. W. Swanson of Whitefield (probably Whitefish is the proper address). It is said that a petition was sent in through (you) asking for his appointment as a Justice of the Peace, the petition coming from Whitefish municipality. If that petition was ever presented it must have gone astray. Tell me confidentially all about E. W. Swanson. I would like to make the appointment if there are no specially strong reasons why I should not do so, and you will understand what I mean when I say this. Please let me hear from you by return.

Yours sincerely,

(Sgd.) J. M. Gibson.

C. F. Farwell,

Sault Ste. Marie, Ont.

(Copy of copy).

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Toronto, 13th Dec., 1902.

Private and Confidential.

My Dear Sir.—A petition is said to have been sent to this Department some time ago from people residing at the village of Whitefish asking for the appointment of E. W. Swanson as a Justice of the Peace, and Mr. Gamey I believe favors his appointment. I would like to get some independent information confidentially as to Mr. E. W. Swanson. Presumably he is an opponent of the Government, but I do not know on that account that he should not be appointed, but I should like to have some idea of his qualifications and general suitability for his appointment.

Yours very truly,

(Signed) J. M. Gibson.

Wm. Irving, Esq.,

Provincial Constable, Webbwood.

(Copy of copy)

Webwood, January 5th, 1903.

Hon. J. M. Gibson,
Attorney-General, Toronto, Ont:

Honorable Sir,—I have the honor to acknowledge the receipt of your letter of the 30th ult., in reference to the appointment of Mr. E. W. Swanson of Whitefish as a Justice of the Peace, and in reply would say that I regret that I am unable to give you the information asked for as I am not acquainted with Mr. Swanson. I know of him but not as to his qualifications or general suitability for such a position. However, I expect to be at Whitefish in a few days and will make quiet inquiry and advise you.

I have the honor to be, sir,

Your obedient servant,

(Signed) Wm. Irving.

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Webwood, Ont., January 23, 1903.

Hon. J. M. Gibson,

Attorney-General, Toronto:

Honorable Sir.—With further reference to your communication of recent date re Mr. E. W. Swanson of Whitefish would say that on inquiry I find that Mr. Swanson does not altogether possess the necessary qualification for such appointment, but as the place is very small there are few men to pick from and probably Mr. Swanson is as good a man as you can get there who would act in such a capacity.

I have the honor to be, sir,

your obedient servant,

(Signed) Wm. Irving.

Toronto, 5th Dec., 1902.

My Dear Sir,—I have been looking into the correspondence as to the appointment of E. W. Swanson of Whitefish as a Justice of the Peace. There is some reference to a petition having been sent in asking for that appointment, but I cannot find that this is the case. Perhaps you may be able to say whether there really was such a petition, and if so enable me to ascertain what has become of it.

Believe me, yours very truly,

(Signed) J. M. Gibson.

R. R. Gamey, M. P. P.,

Gore Bay, Ontario.

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Q.—Now, you were undertaking to recommend appointments before anybody touched you? A.—That particular appointment, because that petition had been handed to me before the election at all.

Q.—In answer to that you got a letter? A.—Yes.

The Chief Justice: Will you annex the answer as one exhibit?

Mr. Johnston: Yes, my Lord.

Q.—You got an answer from Mr. Harcourt to that? A.—I do not remember.

Q.—July 10th? A.—Yes, sir, I remember getting the answer.

Q.—We will take that original if it is there. In the meantime I will read from the copy.

(Read by counsel, marked as part of exhibit 37.)

Q.—That is the letter you got? A.—Yes, sir, I suppose so.

Q.—Then you did write again about Swanson? A.—Yes, sir, I think I wrote two or three times about him.

Q.—Now, December 18th you wrote. That is the next letter we have? A.—Yes, sir.

Q.—A petition was handed by me, and so on. (Read and attached as part of exhibit 37.) That is to the Hon. J. M. Gibson. Now, the letter written on June 24th and the letter written on December 18th are both in the same spirit? A.—I suppose so.

Q.—Do not suppose. Are they not? A.—Yes, sir.

Q.—Both in the same spirit. Nothing in one more remarkable than in the other? A.—Not in that case.

Q.—And yet one was written before you were bribed and the other written afterwards? A.—Simply be-

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cause the Swanson case arose before the election at all—handed to me by Swanson's friends before the election came on, and I handed the petition and everything to Mr. Farewell and then Swanson's friends came back to me afterwards and wanted to know what I had done with the petition. I said I would write to the Department and see what had come of the petition.

Q.—A good appointment? A.—Yes, sir, but entirely different from the others.

Q.—You look up Mr. Farewell's letters in reference to that same Mr. Swanson and see what they say. They

wrote Mr. Farewell about that appointment. Did they write anybody about the later appointments afterwards? A.—Here is the appointment.

The Chancellor: The Swanson appointment?

Mr. Johnston: Yes, my Lord.

Q.—On December 27th the Attorney-General had a letter from Mr. Farewell. A.—Yes, sir.

Q.—In which he states that he gave the petition to Mr. Ford. (Read and marked as part of exhibit 37.)

Then we have the letter from Colonel Gibson to Mr. Farewell saying a petition was sent in through you, and so on. (Read and marked as part of exhibit 37.)

Then on the 30th day of December Mr. Gibson writes to Mr. Irving to get some information about Mr. Swanson. (Read and marked as part of exhibit 37.)

Q.—Then he gets a letter on the 5th of January from Irving. (Read and marked as part of exhibit 37.)

Then on the 23rd of January Mr. Irving writes back giving the result of his inquiries.

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(Read and marked as part of Exhibit 37.)

The Chancellor: What Mr. Irving is that?

Mr. Johnston: He is Provincial Constable for the District of Algoma. These all go in as part of Exhibit 37. That is the whole Swanson appointment.

There is a letter back on November 10th which we will also attach as part of Exhibit 37.

Mr. Johnston: Then, if your Lordship will permit me to put in a letter of the 26th February to complete McEachren's file. This is attached as part of Exhibit 36. That is the Attorney-General to Mr. Gamey.

That was the end of the McEachren matter. Then there was another appointment made up there, Mr. Murray.

The Chancellor: Appointed what?

Mr. Johnston: Treasurer of the Criminal Justice accounts for the Island? A.—I do not know anything about it.

Q.—You had nothing to do with that? A.—Yes, sir.

Q.—They made that without referring to you? A.—Yes, sir.

Q.—I thought so. Now, on the 7th October, 1902, you wrote this letter to Mr. Stratton. That is already in as Exhibit to I find.

Q.—Was that also true? A.—Yes, sir.

Q.—And if the appointment had been made it would have been a proper appointment? A.—It was made.

Q.—It would have been a proper appointment if made at any time? A.—Yes, sir.

Q.—What position does Abrey hold up there? A.—Registrar.

Q.—Of Deeds? A.—Yes, sir.

Q.—Appointed by the Liberal Government? A.—Yes, sir.

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Q.—On January 13th, Exhibit 26, you write. Would you kindly appoint Chas. C. Platt, and so on.

(Quotes letter which is already an Exhibit.) Is this the Charles C. Platt that you confided in? A.—Yes, sir.

Q.—The same man? A.—Yes, sir.

Q.—He was not appointed? A.—No, sir.

Q.—A good appointment? A.—Yes, sir, would have been. I could have had him appointed if I had wanted to.

Q.—He was not appointed? A.—He was not appointed.

Q.—Now, you got an answer to that, marked Exhibit 27, from the Minister's Secretary.

The Chief Justice: Simply acknowledging.

Mr. Johnston: A little more than that. Should it be deemed advisable to make the appointment it would be necessary to have his name and address in full. What does his second initial stand for? That is 15th January, Exhibit 27.

Then on the 22nd January you wrote this letter. You wrote that to the Minister's Secretary, E. D. Myers.

(Read and marked Exhibit 38.)

(See Exhibit 38, copied on next page.)

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Note:—Exhibit 38 will be copied in here when handed in to the Reporter.

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Q.—He was not appointed? A.—No, sir.

Q.—Notwithstanding your letter.

Mr. Riddell: That is in Mr. Stratton's Department?

Mr. Johnston: That is in Mr. Stratton's Department? A.—Yes, sir.

Q.—Issuer of marriage licenses. Then, just dealing with this correspondence for a moment. There is a letter here that does not refer to appointments, but I want to deal with it and dispose of it. (Exhibit 28.) February 7th, 1903. "Well, there is cer-

tainly a row on and I fancy it will be hard to satisfy our people." Is that true? A.—That is in the letter—yes. Is it true?

Q.—Yes. A.—There was a row. That was true enough.

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Q.—"It will be hard to satisfy our people." Was that true? A.—There was some truth in that.

Q.—Not much? A.—Yes.

Q.—Was it true or false? You can answer it and take your choice? A.—That letter was written as a part of the arrangement, and for a purpose.

Q.—I am not asking you that. I am asking you whether that statement is true or false. "Well, there is certainly a row on, and I fancy it will be hard to satisfy our people." A.—You can call it true. I suppose there was a row.

The Chief Justice: It is not what Mr. Johnston calls it. It is what you call it. We told you that before. That is a very plain question. You are asked whether it is true or not? A.—I am telling you, my Lord, there was a row on, certainly.

Mr. Johnston: I am not asking that. That is not what I have asked you. When I ask you an improper question their Lordships will stop me properly. Is it true or false when you wrote the words, "Well, there is certainly a row on, and I fancy it will be hard to satisfy our people." Is that true or false? A.—That is very largely true.

Q.—Is any part of it false? A.—Well, I do not know. I could say that that was true.

Q.—Why didn't you say so at first? Afraid of a trap? A.—Not very much.

Q.—Oh, no. "A meeting of our Executive, etc., is called for February 16th to consider the question." Is that true? A.—Yes.

Q.—"And I doubt very much if I can pass muster there. In

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fact it looks as if they will ask for my resignation." Is that true? Was that true? A.—It looked like it—yes.

Q.—Was it true or false when you wrote those words. A.—Well it was true it looked like as if they might ask for my resignation, but I knew they would not.

Q.—"I doubt very much if I can pass muster there." Was that true? A.—No, sir, that was not true. I knew I would pass muster.

Q.—That was false? A.—That was false.

Q.—It was a lie? A.—It was a part of the arrangement for a purpose.

Q.—It was a lie.

The Chancellor: He says it was false. He does not like the other epithet.

A.—It was a question of the arrangement I was carrying out.

Mr. Johnston: I will spare the gentleman's sensitive feelings. "I would beat by hundreds any Conservative put up to oppose me, if the Liberals would not put a man in the field, and give me a reasonable support." Was that true? A.—That might be my opinion.

Q.—Was it truly expressed according to your opinion? A.—I do not know whether it could be done or not.

Q.—And you were stating that, not caring whether it was true or false. A.—No, because that was a part of the arrangement.

Q.—The arrangement was a lie from the beginning? A.—Not a bit of it.

Q.—Then if it was not, wasn't it a false statement? A.—That was part of the arrangement.

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Q.—Was this a false statement? A.—Well, some of it might have been false. I do not know.

Q.—And you do not care I suppose do you? A.—That letter was written to see what reply would be got from Mr. Stratton.

Q.—You do not know and do not care whether that is true or false? A.—I do not care anything about that. It is a part of the arrangement.

Q.—"I believe that would be the strongest card to play." What would be the strongest card to play? To resign and run again as an Independent member? A.—I just wanted to see what they would say about it.

Q.—What was the strongest card to play? To resign and run as an Independent member? A.—I do not know what would be the strongest card.

Q.—What would you say, seeing your own letter, would be the strongest card? A.—Writing in that letter to see what answer they would give me.

Q.—I will show you by and by that you could not expect any answer to this. I am asking you what was the strongest card to play. Was it that you were to resign, run as an Independent, and give the Government an Independent support, and the Government not put up a candidate? Was that the proposition that you were making to Stratton on the 7th day of February, 1903? A.—Well, you might read it that way.

Q.—Again you are violating the rule which their Lordships laid down? A.—Yes, the letter reads that way.

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The Chancellor: You intended it to be read that way? A.—Yes.

Mr. Johnston: You intended that Stratton should advise your resignation and run as a Member of the House, independently? A.—To see what they would say.

Q.—Was that your intention, to draw him out? A.—To get a letter from him.

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Q.—Was that your intention, to draw him out, to advise you to resign and run as an Independent member? A.—I do not know how he would advise me. I wanted to see what he would advise me.

Q.—Was it your intention that he would so advise you? A.—It was my intention to get a letter from him, letting him advise me as he liked.

Q.—What did you expect he would say? A.—I do not know. That was his business.

Q.—Didn't write this with a purpose at all? A.—It might be.

Q.—What was it? A.—It was written with a purpose.

Q.—And when you wrote it what answer did you expect to get? A.—I did not know what answer he would give me.

Q.—Why did you write it in these words if you did not write it shaping towards the answer? A.—Wrote it to get an answer, whatever it might be.

Q.—Without thinking what the answer would be? A.—Possibly it might be along the line—very likely would be.

Q.—Did you expect it would be along the line of the letter? A.—How did I know what it would be.

Q.—Did you expect that? A.—I expected to get an answer from Stratton.

Q.—Along the line of the letter? A.—He might answer whatever way he liked.

The Chief Justice: I think he has answered that very well. Mr. Johnston. He did not care in what direction the answer came as long as he got a letter from Mr. Stratton.

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Mr. Johnston: I wanted to know whether he expected an answer along the lines of the letter? A.—I simply wanted an answer, let Mr. Stratton do his own expecting.

Q.—Then what was there in this letter to get any evidence against the

Government—to draw forth any evidence against the Government? Show me that? A.—I do not know that there was anything.

Q.—Show me that there was anything in that letter that would suggest a trap or draw the Government into making any statement that would commit them? A.—I do not know that there was anything in it.

Q.—And you cannot point to anything in it? A.—If they had given me a letter I would know what it was.

Q.—You cannot point to anything in your letter which would have drawn a dangerous admission from Stratton? A.—Why didn't he answer it then?

Q.—Can you point to anything in your letter which would induce or lead Stratton to give a dangerous answer? A.—I do not know that I can.

The Chancellor: What is the date of the letter?

Mr. Johnston: 7th February. And he cannot point to a single thing in the letter that would draw Stratton to give any kind of an answer of a committing character.

Q.—The letter I have just been speaking of is Exhibit 28. Now, is that the last letter you wrote to the Government or any member of it? A.—I think it was.

Q.—The last letter you wrote to the Government or any member of it was 7th February, 1903. Now, who was the man you were recommending for License Inspector? A.—Well, I had just

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named him. James Lewis was talked about. I had never written any recommendation.

Q.—When had you named him? A.—As early as the fall.

Q.—What time in the fall? A.—I do not know how early. I am sure.

Q.—Was it September? A.—His name might have been mentioned in September.

Q.—It might have been mentioned in August? A.—It might have been mentioned the latter part of August.

Q.—It might have been mentioned in July? A.—No, it might not.

Q.—You would not go further back than August? A.—It might have been mentioned to Sullivan in August—the latter part of August; it would not have been mentioned to the Minister, I do not think.

Q.—Then another piece of information that I want from yesterday's examination.

The Chancellor: That went no further—that Lewis matter?

Witness : His name was brought up at different conversations.

Q.—But it did not come to anything? A.—He was never appointed.

Mr. Johnston : And the License Board was never appointed? A.—Although they asked me different times to recommend it.

The Chancellor : He said that before. The License Board was never appointed, but he says he could have got them appointed.

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Mr. Johnston : Was there any other appointment made excepting the two you have given us on your recommendation directly or indirectly? A.—I think that was all, sir.

Q.—Was there any other appointment that you recommended, or were there other appointments you recommended not made as a fact? A.—Those are the only two that were made—yes, sir.

Q.—And you did make a number of other recommendations? A.—I recommended Mr. Swanson.

Q.—Now, let me see Mr. Latchford's correspondence. I will refer to Exhibits 22, 23 and 24 for a moment.

The Chief Justice : That is the petition and the two letters.

Mr. Johnston : Yes, my Lord.

Q.—Now, you recommend for the session a sum of \$3,200 for Manitoulin on roads. Is that right? A.—That is my letter, sir, whatever the letter says.

Q.—Is it right in results? A.—It is right in the letter.

The Chancellor : Do you mean the right amount? A.—Yes.

The Chancellor : It is a reasonable amount.

Mr. Johnston : That was a reasonable amount for colonization roads, and the arrangements, and so on. That was a reasonable amount for the riding? A.—That was not unreasonable. It was a good big large amount.

Q.—Well, they got more than that some years? A.—Before an election they might—yes.

Q.—An after an election? A.—Oh, no, not after an election.

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Q.—Will you swear to that, sir, because we have the returns. Will you swear that they did not get larger amounts than that frequently, both before and after elections? A.—I do not remember the amount they got exactly.

Q.—Then do not give any expression of opinion of a political character. You are not here to make political

speeches? A.—I am making it as I feel like it.

The Chancellor : Do we understand that this was a reasonable expenditure at that time? A.—Yes, it was reasonable for the whole riding.

Mr. Johnston : And the items were proper items, properly distributable? A.—I should say they were.

Q.—And that was made to John Boyd, the Commissioner? A.—Road Inspector.

Q.—And your letter enclosing that is Exhibit 23, and then you got a petition. Was this something extra? A.—That was one of the petitions sent in.

Q.—You had to have petitions for each one? A.—No, sir, not necessarily.

Q.—But you have it? A.—Not for each one.

Q.—Now, as a matter of fact, Exhibit 22 never reached the Government until your letter of the 24th December was written? A.—I could not say that.

Q.—Enclosed find petition from residents of Campbell for grant of \$300. Can you say it now? A.—I say I sent that petition to Boyd. I do not remember the date. If that is the same petition, I sent that.

Q.—Is that all you have to say? A.—That is the same petition.

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Q.—So that, although the petition is dated October, 1902, it did not reach the authorities until it came with your letter of the 24th December? A.—It might have been signed.

Q.—I did not ask that? A.—I am telling you.

Q.—Just tell what I ask. I have several things to ask you yet. A.—Somebody in town drew up that petition, and it might not have been sent out to the country for signature.

The Chancellor : It came first to the Government with your letter? A.—Oh, yes, there is no doubt about that.

Mr. Johnston : I will put that in, or it is already in.

Q.—Who got that signed? A.—I think I gave it out to some person. They went around and got the signatures on it. I signed it myself.

Q.—Then on February 3rd, you got a petition for the 10th concession Campbell road from Mr. Boyd? A.—Yes, sir.

Q.—Did you send that on? A.—I suppose I did if it is there. I don't remember.

Q.—Now, if you will be good enough to look at this petition. That is the petition? A.—That is the petition I sent.

Q.—And this is your letter. (Exhibit 30.) The petition is not dated, but it is to open up \$300?

Mr. Johnston: It was sent with the letter of January 30th and acknowledged on the 3rd February.

(The whole Exhibit is marked Exhibit 39).

It is acknowledged on the 3rd of February by Boyd. It is with reference to the only other grant he asked for of \$300. That is the only other grant you sent in an application for beyond those filed? A.—I sent in a petition to Latchford which included a

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good many other grants.

Q.—On the 30th January you wrote this to Mr. Campbell? A.—Yes, sir. (Part of Exhibit 39).

Q.—That was honest enough? A.—Yes, sir, that was honest.

Q.—And you would have done that whether you had been bribed or not? A.—I would have recommended that in any case.

Q.—And you would have recommended all the others in any case whether you had been bribed or attempted to be bribed? A.—Yes, sir, I suppose I would have recommended all the road money I could get.

Q.—And all the other appointments and grants you asked for? A.—I would have recommended all the road money. I wanted all they could get for that country.

Q.—It is needed? A.—Every dollar of it.

Q.—And the people cannot make their own roads? A.—That is quite right.

Q.—Then we have Mr. Boyd's letter acknowledging that on the 3rd February and I attach those together as Exhibit 39.

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Mr. Riddell: Those three papers are going in.

The Chief Justice: As one exhibit.

Mr. Johnston: Where they have gone in I am referring to the exhibit numbers, but the ones I am giving you numbers to are not in.

Then on the 31st January, you wrote your final application? A.—Yes, sir.

Q.—1903? A.—Yes, sir (referring to Exhibit 21).

The Chancellor: That is the final application to the Public Works.

Mr. Johnston: Yes, my Lord.

Q.—The sum total of that is about \$5,700? A.—Yes.

The Chancellor: Is that what Mr. Latchford spoke of as a large contract?

Mr. Johnston: Yes, my Lord. This includes all you had put in before and some new ones? A.—Yes, I think so.

Q.—Were the new ones as good as the old ones? A.—Yes.

Q.—And you think they were all deserving? A.—Yes, sir.

Q.—And whether it had been a Tory or a Grit Government, you could have honestly recommended everyone of them? A.—I would have recommended them.

Q.—And you would have pressed for their carrying out? A.—Yes, sir.

Q.—As being in the best interests of the island, and of the people? A.—Yes, sir. (Referring to Exhibit 25.)

Q.—Now, did you ever see Mr. Latchford with reference to that letter? A.—No, sir, I never did.

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Q.—And the only satisfaction you got from him was a request to eliminate some of the items? A.—Yes, sir, I got a reply to it.

Mr. Riddell: That is Exhibit 25?

The Chancellor: These applications have never been dealt with?

Mr. Johnston: No, my Lord.

That letter referred to is Exhibit 25.

Q.—Then was there any other correspondence you had with the Ministers, excepting what we have gone over? A.—Not that I know of. I cannot remember whether you have gone over it all or not, but I fancy you have pretty well. There might be more.

Q.—Well, I want to get all of it. I want to see what corruption, and all this. On February 13th, 1903, you wrote that letter to Mr. Harcourt? A.—Yes, sir.

(Exhibit No. 40).

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And Mr. Harcourt's reply of March 3rd, 1903, I put in with it. (Marked as part of Exhibit No. 40.)

Mr. McEvoy: There is a petition some place which should go with that.

The Chancellor: 13th February is the date of the letter.

Mr. Johnston: Yes, and 3rd March, 1903, is the answer.

The Chancellor: I thought he said a few minutes ago that his letter of the 7th February was the last letter he wrote.

Mr. Johnston: He is mistaken about that.

Mr. Blake: That is in the Latchford correspondence.

The Chief Justice: No. The witness said that was the last he wrote to any Member of the Government.

The Chancellor: Yes, that must have been an oversight.

Mr. Johnston: Oh, yes, I do not press that matter, because he has forgotten about it.

After reading further from Exhibit 40, Mr. Johnston said, "A turn down on Mr. Gamey, so far as you were concerned on that occasion?" Nothing done? A.—Nothing done that time.

Q.—Referred to Mr. Houston? A.—Yes, sir.

Q.—A man who could get all the appointment he wanted could not get one from Mr. Harcourt? A.—I did not care.

Q.—This was another part of the trick? A.—I sent it in because I received the Petition.

Q.—Part of the trick or scheme? A.—I suppose you can call it that.

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Q.—There you go again. I suppose you call it that? A.—Part of the correspondence, anyway.

Q.—Part of the scheme is my question? A.—Yes, you can call it that.

Q.—Part of the scheme. Traffic in the grant to your public schools in Manitoulin Island? A.—Glad to get all the grants we could.

Q.—Trafficked in that for the purpose of carrying on a scheme to ruin the Government? A.—It would not hurt, I suppose, if they got a fifty dollar grant.

Q.—Were you trafficking in that sort of thing for the purpose of entrapping the Government when you wrote the letter? A.—Trying to get any kind of correspondence we could get from the Government.

Q.—To show up against them? A.—Yes.

Q.—No matter how or when or where? A.—No matter where.

Q.—Or under what circumstances? A.—No.

Q.—You did not care, so long as you could get the evidence? A.—That is all.

Q.—And did not care how you got it? A.—Got it in the regular way of communication.

Q.—Do you mean this Exhibit 40 is not an honest application? A.—That grant would have been right if he had —

Q.—That would have been made by you without trying to get any evidence from the Government? A.—We would be glad to get that grant.

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Q.—Would have been made by you whether you were trying to get evidence against the Government or not—that application? A.—If I had not been in the deal with the Government that would never have come through my hands at all; it would have gone through the Liberal candidate's hands.

It was simply because there was a deal on the part of the Government that such things could go through my hands at all.

Q.—And the people all knew it, it was so public? Is that what you swear to? A.—No, the people did not all know it. Some of them knew it.

Q.—Then why would it go through your hands? A.—That came from Spanish Mills simply because I got Flesher appointed at Spanish Mills in the Fall.

Q.—Who, asking for this No. 1 Aird Island, knew about any deal between you and the Government? A.—Some of the people who had Flesher appointed in the fall—some of the same people that had signed Flesher's Petition. The man Ellis on the School Petition is the same name that was on Flesher's petition for the appointment last fall.

Q.—When I deal with the Ross correspondence I will deal with all of that. I think that is the end of it, as far as the correspondence goes. Now, without going into this for the moment, taking the letter, Exhibit 3, of the 10th September, 1902, the writing at the top, "To Honorable G. W. Ross, M.P.P., Toronto, etc., September 10th, 1902," the signature of R. R. Gamey is in your handwriting? A.—Yes, sir.

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Q.—Written where? A.—Mr. Aylsworth's office.

Q.—The address is in your handwriting? A.—That is not the address of that letter.

Q.—The address is in your handwriting on the envelope I show you, Honorable G. W. Ross? A.—Yes, sir.

Q.—Sent from Gore Bay, enclosing letter of the 27th October? A.—Yes.

Q.—The writing in that, excepting the signature, is in your writing? A.—Yes.

Q.—Mr. Scott, recommending Mr. Spencer for License Inspector. Did you know that? A.—I knew the Liberals of Little Current were recommending Mr. Spencer.

Q.—Did you know that Mr. Spencer was applying? A.—Yes.

Q.—Did you know that the Liberal Executive of Manitoulin and the Local Liberal Association at Little Current were endorsing that application? A.—I think I was informed of that fact.

Q.—Did you say that you had not pledged yourself in the matter and that you knew of no more capable and suitable man for the purpose? A.—I told them I knew he was a good man—I knew he was a capable man.

Q.—Answer that question. Did you say that you had not pledged yourself

in the matter and that you knew of no more capable and better suited man for the position than Spencer? A.—I will not say I said I had not pledged myself—no.

Q.—Did you say that? A.—I will not say that I did.

The Chancellor: Say to whom?

Mr. Johnston: To Thomas Conlan, some time about the 23rd February, 1903. Did you say that to him. A.—I never saw Mr. Conlan about that at all.

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Q.—Did you say that to Mr. Spencer? A.—No. I don't think I said that. I said Mr. Spencer was a good capable man, and if I was going to appoint a Liberal I would be glad to recommend him.

Q.—And that you had not pledged yourself? A.—I did not say I had not pledged myself. I said the appointment had not been made, and if a Liberal was appointed I would be glad to appoint him.

Q.—And that you would in all probability recommend him? A.—I told him I would not recommend anybody until after the 10th March. That is what I told him.

Q.—Did you apply for a mineral location to the Crown Lands Department? A.—Yes.

Q.—In the Township of McGregor? A.—Yes, sir.

Q.—Did you get it? A.—Yes, sir.

Q.—You paid for it? A.—Yes, sir.

Q.—The same as anybody else? A.—Yes, sir.

Q.—160 acres? A.—152.

Q.—About 160? A.—Yes.

Q.—And you had to make an affidavit that you were the discoverer? A.—Yes, sir.

Q.—Which you did? A.—Yes, sir.

Q.—And you did that on the 16th December, 1902? A.—Yes, sir.

Q.—And anybody who applied and made the same affidavit would have got the same location? A.—Yes, sir.

Q.—Any trap in that? A.—No, sir, nothing wrong about that.

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Q.—Is that the only honest application you ever made? A.—No, sir.

Q.—Is that the only application you ever made without intending to trap the Government? A.—I had made applications years ago for Crown lands.

Q.—Is that the only application you have made since the 7th August, 1902, without intending to trap the Government? A.—That is the only application for Crown lands I have made since the 7th August, 1902.

Q.—Is that the only application that you have made to the Government of any kind, shape or description, to any department since the 7th August, 1902, except those intending to trap the Government? Is that the only one? A.—That is the only one made to the Crown Lands Department that I know of.

Q.—Is there any application made to any department that was not made with the intention to entrap? A.—I do not know of any. I cannot say. That was made in the regular business way. I wanted the property.

Q.—It was made in a way in which Robert Roswell Gamey was personally concerned in getting the property? A.—Yes, sir.

Q.—And that is the only honest one, not made with the intention of entrapping. That will be Exhibit 41. Then you applied on September 12th, I should say on behalf of Cameron, renewal license for certain properties? A.—I asked about Cameron's license. I did not apply for it myself.

Q.—And you got the information? A.—Yes, for Mr. Cameron.

Q.—The pine timber has been sold to Mr. Shannon, and that was the end of that? A.—Yes, sir. It was not the end of the timber, but it was the end of the deal.

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Q.—Then on the 29th December you applied to the Department of Mines for something, didn't you? A.—That is the same property.

Q.—Then this is Miller? That is the one you spoke about? You made an application for Mr. Miller for a renewal of the lease? A.—I forwarded his letter.

Q.—That was all right? A.—That was all right, sir. Any more than Miller says the Crown Lands Department misrepresented the facts to him.

Q.—Do you know anything wrong at all in connection with your correspondence with the Crown Lands Department that you can show me in this letter? Do you know anything at all about it? A.—So far as I know that was all right.

Q.—The Crown lands was all right? A.—So far as I know.

Q.—Then I need not go through all these letters. Now, coming to the fact for a few moments. Who was the first man in Toronto you told about this matter? A.—You mean outside of the Sullivans? I think Mr. Might.

Q.—Who is Mr. Might? A.—J. M. Might.

Q.—What does he do? A.—I do not know what he does, I am sure. He was President of the Might Directory Company for years.

Q.—Stranger to you? A.—No, sir.
Q.—An old friend? A.—I have known him for some years.

Q.—Know many people in Toronto as well as him? A.—Yes, sir.

Q.—What induced you to tell him?

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A.—I do not know what induced me to call to tell him. I just told him because he was a Conservative and because I knew him.

Q.—When did you tell him? I do not want the conversation? A.—Some time in August.

Q.—Where did you see him? A.—At his office.

Q.—Went to his office on purpose? A.—Not on purpose.

Q.—What did you go for? A.—I went into see him just—I often run into his office.

Q.—What did you go for? Can you give me any reason excepting to tell him this story? A.—I cannot tell you anything else I went for. I went in to see him.

Q.—And if you had gone in to see any other Conservative that same day, you might have told them? A.—I might have.

Q.—Did you go to any other Conservative's place on that day? A.—I do not remember.

Q.—What day was it? A.—I don't remember the date.

Q.—The middle or end of August or September? A.—I think the latter part of August.

Q.—Did you tell anybody else that time? A.—Not just then. Not in Toronto.

Q.—Did you tell anybody else outside of Toronto? A.—Not until I got outside of Toronto.

Q.—Of course, you didn't. You did not stand on the boundary line and shout across the Township of York. Did you tell anybody else outside of Toronto at the time or about that time—the end of August? A.—Not that I remember.

Q.—You were out of Toronto in August—outside of Toronto? A.—I told people outside of Toronto in the month of August—certainly I did.

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Q.—Several people? A.—Yes, sir.

Q.—A good many? A.—You can call several a good many if you like.

Q.—Did you tell a good many people? A.—I told you the number of people I told.

Q.—Did you tell any people other than those you named at Gore Bay and vicinity and Mr. Might? A.—I told you I told my brother.

Q.—He lives up at Gore Bay and vicinity? A.—Yes, sir.

Q.—Did you tell anybody else? A.—I cannot say positively I did not tell anybody else.

Q.—Did you tell any politicians—any members of the House? A.—No, I did not tell any member of the House.

Q.—Not then? A.—No, sir.

Q.—Who was the first member of the House you told it to? A.—Well, I think possibly Mr. Smyth might have been the first member I ever told it to.

Q.—And you told it to him when? A.—The first time I spoke to Mr. Smyth about it was on the 7th January at the Walker House.

Q.—Had you told it to any member of the House, either verbally or in writing prior to 7th January? A.—No, sir.

Q.—You will swear that? A.—Yes, sir.

Q.—Then having told it to him did you tell it to any other member? A.—I did not tell Mr. Smyth all the particulars at that time.

Q.—I am not asking you what you told at all? A.—I beg your pardon.

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Q.—I do not want the details and I am not asking you about them. I am only talking about the subject matter of your conversation connected with this affair. Did you tell the story whatever the story was to any other member excepting Mr. Smyth in January? A.—No, sir.

Q.—Did you tell it to any other member in February? A.—No, sir.

Q.—Or in March, until you spoke in the House? A.—No, sir.

Q.—Did you attend the caucus of the Conservatives prior to the sitting of the House? A.—No, sir.

Q.—You were keeping aloof from everybody? A.—Yes, sir.

Q.—And you have told us you did not know the reason why you did not tell it to Mr. Whitney. Did you tell it to any other citizen of Toronto except Mr. Might? A.—I shewed the money to Mr. Crossin.

Q.—Did you tell the story to any other citizen of Toronto excepting Mr. Might? A.—I do not think so.

Q.—This is the Harcourt petition. I may as well put this in as part of that Exhibit? A.—Yes.

Q.—That is for the schools? A.—Yes. (Attached as part of Exhibit 40.)

Mr. Riddell: Then there will be three papers in Exhibit 40?

The Chief Justice: Yes, three papers in Exhibit 40.

Mr. Johnston: I understand you to say that this man, C. C. Platt, was a Liberal? A.—No, sir.

O.—A Tory? A.—A Tory.

Q.—Always? A.—Yes, so far as I know.

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Q.—And of course the other names you have mentioned were all Tories too? A.—Yes, sir.

The Chancellor: What other names do you mean? The other names of the persons he communicated with?

Mr. Johnston: Yes, Porter and Turner.

Q.—Were they all members of the Association and officers, or was McGregor the only one? A.—McGregor was the only one.

Q.—Did you appear always as a Conservative candidate during your election and during your campaign? A.—Yes, sir.

Q.—Ever express any independence at all? A.—During the campaign?

Q.—Yes? A.—No, sir.

Q.—Or subsequent thereto, except as these letters show? A.—No, sir.

Q.—You never told anybody at all quite apart from these letters—never told anybody that you would support whatever Government was in power? A.—No, sir, I never told anybody that.

Q.—And that you would give any Government that was in power an Independent support? A.—Except in connection with this arrangement—that is all.

Q.—I am speaking prior to the 7th of August, 1902. Never told anybody that? A.—That I would support any Government that was in power?

Q.—Yes? A.—No, sir, I never told anybody that.

Q.—Never told anybody you would give the Ross Government an Independent support because you thought it was in the best interests of the riding? A.—Prior to the 7th of August?

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Q.—Yes? A.—No, sir.

Q.—Prior to the 10th September did you tell anybody? A.—Except in connection with this arrangement.

Q.—Excepting the Sullivans? A.—I might have told Jones or I might have told Stratton.

Q.—I will take the people who were concerned in this matter out of your reach entirely. Did you ever tell anybody else up to the 10th day of September that you would give the Ross Government and Independent support? A.—I will not say up to the 10th September.

Q.—Up to the 1st September? A.—I will say prior to this arrangement—no, sir—prior to the 7th August.

Q.—And you will swear that you never told anybody that you intended to give the Ross Government a support—that Whitney you had no use for—that Ross' policy was the right policy,

and that Whitney did not understand his position? Never said that before the 7th August? A.—Yes, sir, I will swear that I never did.

Q.—No matter how many swear to the contrary? A.—It does not make any difference to me, because I never said it prior to the 7th day of August. I might have found fault with the Whitney policy probably, and I might have given some praise for Ross, but I never said I would support the Ross Government before that date.

Q.—After the 7th day of August who was the first man that you said to that you intended to give the Government an independent support, apart from Sullivan, Jones or Stratton? A.—I could not tell you the first man.

Q.—Do you remember anybody?

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A.—I might have said to some people—wherever I met Liberals—I was generally speaking and giving them to understand I was going to support the Ross Government after the arrangement started, as part of the the arrangement.

Q.—And were you finding fault with Whitney at that time? A.—I might have been finding fault with some of his faults, the same as with anybody else.

Q.—Were you complaining to people that you did not know at all—people you had never met before? A.—No.

Q.—Strangers to you—expressing your views readily and very willingly? A.—People I had never talked to?

Q.—Never talked to in your life before? A.—How could I express any displeasure to people I never talked to?

The Chancellor: That you had never talked to before? A.—I thought he said people I have never talked to.

Mr. Johnston: What do you say now? A.—Put the question again.

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Q.—Did you say to strangers, people that you had never talked to before, that you intended to give the Government an Independent support, that you had no use for Whitney? A.—No, sir, unless they referred to this particular arrangement.

Q.—Did you say to people at the Walker House during Exhibition week, men that you had never seen in your life before, and volunteered the information, and gave them the information that you intended to support the Liberal Government, and that you had no use for Whitney? A.—No, sir, I did not—people that I had never seen before?

Q.—People that you had not seen excepting just on that occasion? A.—I did not tell them I was going to support the Ross Government.

Q.—Answer my question? A.—I might have expressed dissatisfaction with Mr. Whitney to several people, but I did not tell them I was going to support the Ross Government.

Q.—I didn't ask you that. A.—I am telling you that.

Q.—Did you see Dr. Struthers at the Walker House in September, 1902? A.—Yes, sir.

Q.—Where you in his room during Exhibition time at bedtime about 11 o'clock one night? A.—No, but he was in my room.

Q.—You know the man? A.—I know him well.

Q.—Did you approach him and talk about giving the Government a support? A.—He and I talked about it—yes.

Q.—Did you approach him and say you were giving the Government a sup-

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port? A.—I do not know that I approached him. We discussed the matter.

Q.—Will you deny it? A.—I will deny that I approached him. I admit we discussed the question.

Q.—Did you approach him with the conversation? A.—I could not tell you how the conversation opened, but he and I had a conversation in regard to my support of the Government.

Q.—Did you tell him your protest would cost \$1,200 or \$1,500, and you couldn't stand it? A.—Well, I do not know how much I told him. I told him it would cost a certain amount of money.

Q.—Was it true when you told him so? A.—I told him it would if it went on. Certainly it was true.

Q.—Did he strongly advise you not to support the Government, and leave your party? A.—No, he did not.

Q.—Then if Dr. Struthers swears he did, he is telling what is false? A.—I did not strongly advise me.

Q.—If he swears to that, is swearing to what is untrue? A.—If he swears he advised me to not support the Government, he is swearing what is untrue.

Q.—Well, you will have a lot of them. Did he say that you would be damned for life, that you had a good start, and you had an easy riding, and that you ought to keep on and stick to your party, never mind about the protest? A.—He did not say anything of the kind, but he did say this, that he did not like deals of that kind.

Q.—Never mind what he said. I am asking you did you say this. Dr. Struthers still pressed you to stand

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firm, and that you talked for two hours. What do you say about that? A.—I could not say how long.

Q.—Did he still press you to stand firm? A.—No; he did not do anything of the kind.

Q.—Then did you meet him at Barrie on the way back? A.—I guess I might have—yes.

Q.—You guess. Did you or did you not? A.—I do not remember whether I met him at Barrie on his way back or not.

Q.—Do not get excited? A.—I am not excited.

Q.—I ask a simple question? A.—I am giving a simple answer. Do not worry about my getting excited. Do not you worry at all.

Q.—I am not worrying. A.—I am not worrying.

The Chancellor: Put the question. This is all being taken down in the notes, and what a nice piece of reading it will be.

Mr. Johnston, resuming:—

Q.—Did he see you on the train on the way back at Barrie, and did you ask him if he had seen The Globe of the 29th day of January? A.—Yes, that is a different occasion altogether, you see.

Q.—Did you talk over the matter there? A.—Yes, sir.

Q.—Did you say to him both at the Walker House and on the train that there was no money in it, and on that train that there was no money in it for you? A.—In What?

Q.—In this change of front? A.—No, we did not talk about money at all.

Q.—Did he ask you if there was any money in it for

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you, and you repudiated that very strongly? A.—He was a strong Liberal. I would not have mentioned any of the facts of the case.

Q.—I am asking what took place? A.—I do not remember his saying a word about money in it for me.

Q.—Will you swear he did not ask you if there was any money in it for you, and you repudiated it again and again at the Walker House? A.—I do not remember his asking me about money.

Q.—Will you deny it? A.—I will say I do not remember whether he asked me about money or not. I do

not believe he did. That is to the best of my knowledge he did not ask me anything about money at all. If he had asked me I would not have told him there was any money in it, because he was a prominent Liberal.

Q.—Did you ask him several times what you had better do, at the Walker House? A.—I asked him what he thought about it—yes.

Q.—What he thought you had better do? A.—Yes, sir.

Q.—And he told you that you could not afford to give Ross an independent support? Didn't he do that? A.—He said he did not like that kind of deal.

Q.—What kind of deals? A.—Well, I told him there was a deal on, an arrangement, part of which was I was to get my protest wiped off, and patronage of the riding, and that sort of thing, and he did not like that kind of a deal.

Q.—And he told you not to do it, and he was a prominent Liberal. Why did you tell him that? A.—Simply

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because we were discussing. He said to me what is the object, or what are you doing, anyway? He saw me around with Sullivan. He knew that possibly there was something wrong. He may have heard some rumors in regard to it.

Q.—That was during the second week of the Exhibition? A.—Some time.

Q.—In his bedroom or yours? A.—In my bedroom. I took him into my room.

Q.—And that you were quite frank with him, and told him about the protest, and he talked about withdrawing the protest, and getting the patronage, and that you would give the Ross Government an independent support? A.—I said that was part of the arrangement.

Q.—And you asked him what you had better do? A.—Yes, sir.

Q.—So that you were telling a Liberal, Dr. Struthers, very early in the game, before you had seen Stratton? A.—Well, he was an old friend of mine.

Q.—Were you telling him before you had seen Stratton? A.—I was telling him that much.

Q.—Up to that time you had got no money? A.—I had the promise, and the agreement signed, and all that sort of thing.

Q.—Then he saw you on the train as you say at Barrie, and read over The Globe interview? A.—That was in January.

Q.—The day on which it appeared, and he again asked you if there was any money in it for you, and you re-

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pudiated that strongly? A.—I do not believe he asked me anything of the kind.

Q.—Did he? A.—I do not know, I do not believe he did.

Q.—He says he did. Will you contradict him? A.—I have not heard him say so yet.

Q.—He will say so? A.—Then I say to the best of my knowledge he did not say anything about money to me.

Q.—And did you say to him you had to get the protest withdrawn? You told him that Whitney was discredited? Did you tell him that? A.—On the 29th of January?

Q.—Yes. A.—I might have been complaining of Whitney.

Q.—Did you use the words that Whitney was discredited? A.—I cannot remember what words I used in regard to Whitney in talking to him.

Q.—Will you swear you did not? A.—I might have said that. I do not know what I said.

Q.—That no one liked him? A.—No, I did not say that. I might have said he was not popular personally.

Q.—That you did not like him? A.—No, I did not say that.

Q.—And that you spoke very highly of Ross as a leader? A.—I have always spoken very highly of Ross as a leader.

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Q.—And that you could do better for your riding by supporting the Government than remaining in Opposition? A.—No, I did not say that.

Q.—Did you say that to Dr. Struthers? A.—No. Although I discussed the matter with Struthers, but I did not say those words. Perhaps Dr. Struthers may have used some of the words you have been trying to put into my mouth.

Q.—Did you ever say to anybody as late as the 11th day of February, 1903, or thereabouts, and I will give you the particulars in a moment, "I have not gone over to the other side fully by any means, and only went as far as I thought any man should go who represents this riding, the riding of

Manitoulin?" A.—I might have said that—yes.

Q.—Did you say as late as the middle of February that the question of your getting timber limits or any other concession was all pure nonsense? A.—Yes, sir, I might have said that. If I said it I said it to a Liberal.

Q.—You were lying when you said it? A.—That was for the purpose of satisfying any smoothing them over and keeping things quiet until the House met. That was part of the arrangement.

Q.—You were lying when you said it? A.—I did not get any timber limits, so that I was not lying when I said that. I never got any timber.

Q.—Or any other concession?

A.—I never got any concession.

Q.—You had the concession of patronage, and so on. A.—I mean I had never got any timber or mineral concessions. I paid for the mineral I got. I never got any timber at all. I never got a pulp concession.

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Q.—"Any man should go who represents this riding," that you had gone as far. What do you say about that? A.—If I said that I said it to some man in order to satisfy him, keep him quiet until the House met.

Q.—Why were you satisfying Liberals? A.—Simply because I wrote a letter to the editor of The Expositor at Little Current who was running after me—to keep him quiet until the House met. I think likely you have got that letter, because you are quoting some of the words.

Q.—Then did you have a conversation of that paper this for instance, which you did not say to the others: if I told what I thought of some men on both sides to-day it would surprise you, and many people are the same way? A.—I might have said that.

Q.—Did you say it? A.—Very likely. I do not remember what I said in the letter now. Very likely I did.

Q.—Then you did have a conversation—a business conversation—with Mr. Conmee at the Rossin House in June, 1902? A.—I do not think I had. I might have had in June. I had two or three business conversations with Mr. Conmee.

Q.—I will recall to you in a moment? A.—I had one on the train.

Q.—You knew about the Customs Smelting Company and water power

at Sudbury, to call your attention to the fact? A.—Yes, sir. There is no Customs Smelting Company at Sudbury that I know of.

Q.—Had you talked with Conmee about the establishing of one before the election? A.—I might have before the election.

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Q.—And did you discuss it in June just after the elections at the Rossin House? A.—Well, I think perhaps I did.

Q.—You remember the occasion? A.—I remember discussing it with him two or three times.

Q.—Now, remember, this is in June? A.—Yes.

Q.—Did you discuss the Ross policy at that time? A.—The mining policy?

Q.—Yes. A.—We might have discussed it—yes.

Q.—Did you or did you not? A.—Yes, I think we did.

Q.—Did he tell you he had discussed this same thing with Mr. Hardy, as to the mining policy and as to the Government assisting a Customs Smelting Company? A.—He told me he had discussed it with the Government—assisting a smelting company.

Q.—Did you tell Mr. Conmee in June, 1902, at the Rossin House on that occasion that if the Ross people would carry out in practice the policy which they announced, you would support them? A.—No, sir, I did not.

Q.—If he says that that is untrue? A.—He will not say that in those words.

Q.—Or words to that effect? A.—No, sir, he will not say that in words to that effect. I said to Mr. Conmee I would be very glad to give him or any person my idea of mining and if the Government would take my ideas I would be very glad of it.

Q.—I am not asking that. I am telling you I will call Mr. Conmee? A.—I do not care anything about that.

Q.—I will call a number of others, but I will call Mr. Conmee on this specific point. I want your attention

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directed to it. You say you did not use those words? A.—Not in the words you put there.

Q.—Nor words to that effect. I will read them again. You told him that if the Ross people would carry out in practice the policy which Ross had announced you would support it? A.—No, sir.

Q.—Or words to that effect? A.—No, sir, I did not say those words at all.

Q.—Did you say to him that you had run as an independent? A.—No, sir, I did not. How could I say that, when there was an independent candidate in the field? Conmee knew that.

Q.—He was a socialist? A.—Yes, but he was an independent.

Q.—Did you say to him that you had told Whitney and Conservatives that you were independent? A.—No, I never said anything of the kind.

Q.—Did you say to him that you were not bound in any way to Whitney? A.—No, I never said anything of the kind—no such words.

Q.—Or words to that effect? A.—No. We discussed the mining policy.

Q.—And that you told him you had gone into it for the best development of the industries of New Ontario, and for that alone? Did you tell James Conmee that? A.—I might have told him I would be very glad—

Q.—Did you tell him that? A.—I do not remember the words said to him exactly.

Q.—Did you tell him anything to that effect, that you had gone into it for the best development of the industries of New Ontario? A.—I told

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him I would be very glad to give all the knowledge I had.

Q.—Did you tell him that? A.—I do not remember the words said to him exactly.

Q.—Did you tell him anything to that effect, that you had gone into it for the best interests of the industries of New Ontario? A.—I told him I would be very glad to give all the knowledge I had—

The Chancellor: Answer the question.

Mr. Johnston: I am asking, did you say to Mr. Conmee that you had gone into this politics for the best development of the industries of New Ontario, quite apart from parties altogether? A.—I might have said those words.

Q.—Then, did you see him again later on in August at the Rossin House? A.—I saw him two or three times.

Q.—Have you any letters from him? A.—None.

Q.—Never received any letters or telegrams from him? A.—Not that I know of.

Q.—Then, on the second interview in August, did you meet again to see about this smelter business? A.—He sent for me to come to the hotel to see him about it.

Q.—And you went up? A.—Yes.

Q.—And you were talking about that for some time? A.—Yes.

Q.—At the Rossin House? A.—Yes, I was talking to him.

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Q.—And you were talking about that for some time? A.—Yes.

Q.—At the Rossin House? A.—Yes, I was talking to him.

Q.—Did you tell him at that time that you were still of the opinion to support the Ross Government? A.—In August?

Q.—Yes. A.—In those words?

Q.—Or words to that effect? A.—I do not know that I ever told Conmee I was of the opinion to support the Ross Government, in so many words.

Q.—That Conmee told you that your conversation was purely a matter of business, and sometimes the Tories got more than the Liberals got. Did you tell him on that occasion you were quite independent of Mr. Whitney, that you owed your election to yourself, and not to the Conservative party? A.—No, sir, I never told him that.

Q.—That you had tried to put them right, and failed? A.—I might have said they did not take the idea I had of mining.

Q.—Did you say to him that you tried to put them right and failed? A.—Never used those words.

Q.—That you were dissatisfied with Whitney's speeches, because he did not know anything about what he was talking about? A.—I never said any such words. I might have said he had not the grasp of the mining matters I thought he might have, and I might have said I did not think the Government had a grasp of the mining question either.

Q.—Gamey was the only man who knew that, I suppose? A.—I did not say that.

Q.—Was he asking you? A.—Conmee knew a little, too.

Q.—Conmee and Gamey? A.—Conmee knew a good deal more than any of the Government, so far as that is concerned.

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Q.—Did you say that Whitney's statement at Sudbury about the nickel industry was absurd, and made without knowledge of the mining requirements of the country? A.—I do not know what Whitney said at Sudbury—never heard what Whitney said in regard to mining at all. I was not at Sudbury with him.

Q.—Now, before and after the election, did you lead Conmee to believe that in this smelting business you thought you could put in \$10,000, if

necessary? A.—No, sir, I never led him to believe anything of the kind.

Q.—Never led him to believe you could put in a dollar? A.—Oh, yes. I told him I might put in some money.

Q.—How much? A.—I do not remember the amount. He might have asked me if I could raise \$10,000 from people in that country. That might be so. I never told Conmee or anybody else I could put \$10,000 into a smelting business. Conmee will not say so, either.

Q.—Did you see Mr. Marter along about June in Toronto in regard to your position as a member? A.—About June? I do not remember discussing politics with Mr. Marter about June. I might have.

Q.—Did you say to him that you intended to give the Ross Government an independent support? A.—In June—no, sir.

Q.—In July? A.—No, sir.

Q.—Up to 7th August? A.—No, sir.

Q.—And no matter if I could give you the exact time and place, you would deny it? A.—I will tell you when he did speak to me. He spoke to me in January after the bye-election. He said Mr. Gamey, what you ought to do is to support the

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Government, and go back into that country and tell the people together and tell them you will support them. That is what Mr. Marter told me. He was trying to induce me to support the Government.

Q.—I am asking about conversations shortly after the election? A.—I am telling you that prior to the 7th August I never told Mr. Marter I would support the Ross Government.

Q.—And if he says so that is untrue? A.—If he says so it is untrue—prior to the 7th August I never told him I would support the Government. I had that conversation with him in January.

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Q.—Did you at any time during your campaign at any public meeting take the position that you would support the Government in power, whatever Government it might be? A.—No, sir, I never did.

Q.—And nobody could possibly have heard you make that statement? A.—I never made any such statement at all. I might have said if the Government were sustained I would do the best I could for the riding. I never said I would support the Government in my campaign, because there was a Government candidate running and an independent candidate. It would be a peculiar statement to make.

Q.—Very. Did you say to Mr. Sims of Manitowaning—you know him? A.—Yes, sir.

Q.—In front of the Ocean House on the 27th February in Gore Bay, that the fellows who were making such a row over his action in supporting the Ross Government knew when the campaign was on that you would have to support the present Government, if Whitney was defeated, in order that you could make good your promises to the electors? A.—I might have used those words. I might have told him something to that effect. I might have told him to that effect, because he was a strong Liberal and prying around for information.

Q.—Did you tell John Mackenzie of Poplar Post Office—you know him? A.—Yes, sir.

Q.—Two weeks after the elections—were you speaking to him? A.—I might have been.

Q.—John Mackenzie, Poplar Post Office. And he asked you if you were going to support Whitney and throw down all the Grits who had voted for you. Do you remember that? A.—I do not remember it.

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Q.—Will you say he did not ask you? A.—I will not say he did not.

Q.—And you replied, "You bet I am going to support the Government and get all I can for Manitoulin?" A.—No, I never told John Mackenzie any such words. I told him I was going to do the best I could, for the ridings.

Q.—And get all you could for Manitoulin? A.—You say that was 7th June?

Q.—I say in June, two weeks after the election? A.—I say I never said I would support the Government at that date—never said it.

Q.—Now, don't you remember the question being a very peculiar one, "Throwing down all the Grits who had voted for you?" Do you remember that? A.—He might have asked me that question. I don't remember.

Q.—If you cannot remember the question he asked you, how do you remember the answer you gave? A.—I say I never gave that answer to any kind of question.

Q.—Or to anybody? A.—No, sir. I never said at that time I would support the Ross Government. I may have said I would do the best I could for the country, but I never said at that date I would support the Ross Government. I was talking to Charlie Sims in Gore Bay on the 27th February. That was a different date, and quite different circumstances surrounding that.

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Q.—Then I need not trouble you with any other statement of that character up to the 7th day of August? A.—No, sir.

Q.—Because you say that they never could have taken place? A.—I never said I would support the Ross Government.

Q.—Or give them an independent support even? A.—No.

Q.—Or words that would convey that meaning? A.—Not that I know of.

Q.—You will swear you did not do it? A.—I will swear, to the best of my knowledge, I never said any such words.

Q.—And anybody I name to you, you will contradict them if they say so? A.—I might have said I would do the best I could for the riding, but I never said I would support the Ross Government prior to the 7th August.

Q.—May I take this, that up to the 7th August you never said to anybody, publicly, or privately, and never took the position publicly or privately, that you would support the Government in power—that you would support the Ross Government—that you would give the Ross Government an independent support, or words to that effect? A.—Yes, sir, I never said anything of that kind prior to the 7th August, to the best of my recollection.

Q.—To the best of your recollection. You know whether you said it or not? A.—I never did. So far as I know, I never said it.

Q.—Now, you have told us about what was said with reference to the protest at Allandale, and at Toronto, by John Sullivan, and by Frank Sullivan, have you? You have told us all you are able to, I suppose? A.—I fancy so.

Q.—Now, John Sullivan and you had the talk at Allandale about August 7th just for a few minutes during the stoppage of the train at that station? A.—Yes, sir.

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Q.—Have lunch together? A.—I think we were walking up and down the platform.

Q.—On the 7th August you paid no attention to what was said? A.—I remember what was said.

Q.—On the 7th August you paid no attention to what was said? A.—I remember what was said.

Q.—You paid no attention to his remarks at all at that time? A.—I say I remembered what he said. I must have paid some attention if I remember it.

Q.—You just laughed at him, I suppose? A.—Well, I do not know whether I laughed or not. I don't remember. I remember the conversation. I remember what was said.

The Chancellor: Do you keep a diary? A.—No, sir. I keep a diary of cash payments that I pay out.

Mr. Johnston: You do not keep a diary of cash payments you take in? A.—Yes, sir, I keep a diary of cash payments I take in.

Q.—Now is it so, that you did not pay attention to it at that time? A.—I remembered it, I say.

Q.—Now that is not exactly what I want? A.—Yes, I paid some attention to it.

Q.—And you did not just laugh it off in that jocular way that you and I sometimes have with each other, did you? Did not just laugh it off at that time, according to what you say? A.—I could not say whether I just laughed it off. I do not know what you call laughing it off.

Q.—Treating it as of no consequence, treating it as a mere matter of idle talk? A.—I paid that much attention that I remembered what he said and went on about my business.

Q.—You paid some attention to it? A.—Yes.

Q.—Now, in your statement, this is the way you say you treated it. I laughed at him and paid no attention to it. That is your statement. What

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do you say now? A.—I just say the same as I said before. I remembered what he said, and that was all there was about it.

Q.—Which are you going to say, what you said in your statement, or what you have sworn to in the box?

A.—Whichever you like. I have said that what I said in my statement is correct, with what I say now. I remembered just what Captain Sullivan said, and that was all there was about it. I went on about my business.

Q.—Do you want to take the statement as you have it in the House, or what you have sworn to a few moments ago? A.—I will swear to what I am swearing to now, and I say that it means just the same as in my statement.

Q.—Then, let me see what he said to you for the moment at Allandale. What did he say? A.—He said he understood they had a good deal of evidence against me, and they might disqualify me. I told him I did not think they could.

Q.—And that was all? A.—There might have been some more words.

Q.—Was that all you remember? A.—That is the purport of the conversation.

Q.—That is all that you remember? A.—I will not say that is all.

Q.—If you remember any more, give it to me. A.—There might have been more. That was the idea. That was the principal thing talked about there, that they had a lot of evidence against me.

Q.—Give me any further conversation, if there was any, between you and

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Sullivan at Allandale Station? A.—I am just giving you, that he told me he understood they had a lot of evidence against me up there.

Q.—Could you give me any more conversation than what you have given me? A.—And I told him they could not do that.

Q.—You have given me that twice. Give me any more conversation, if there was any more? A.—Just this moment I cannot remember any more. There might be more, and probably was—likely was.

Q.—Then, where did you see Frank Sullivan? A.—At the Walker House.

Q.—When? A.—That same afternoon.

Q.—About what time? A.—Towards evening sometime. I don't remember exactly when.

Q.—Now, did Captain Sullivan recommend you to do anything, or to take any course then—Captain Sullivan? A.—I do not remember now whether he did or not. He might have recommended me to resign. I will not say.

Q.—Can you remember what took place since the 7th August better than you can remember what you swore to yesterday? A.—Well, I could not say.

Q.—You could not say. Will you swear that he did not recommend some course for you to take? A.—No, I will not swear that.

Q.—Would it be right to say that Captain Sullivan did not recommend any course to you at Allandale? A.—I do not remember whether he did or not. He might have said to me he thought I ought to resign, and he might not. I don't remember whether he did or not.

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Q.—Did you remember yesterday? A.—Possibly I might have remembered yesterday.

Q.—And forgotten? A.—I might have. You have been hammering away very hard all the forenoon.

Q.—Your answer yesterday was, "Did he recommend you any course? A.—No, Captain Sullivan did not." A.—I told you that to-day. That was my impression, but you have been trying to put other words in my mouth. I told you I did not think he did.

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Q.—What do you swear to now? A.—Just the same as I did a few moments ago. He might have or not.

Q.—Were you swearing to the truth when you swore that Captain Sullivan did not recommend any course to me? A.—To the best of my knowledge he did not.

Q.—Were you swearing to the truth then? A.—I say that to the best of my knowledge.

Q.—Then let us see what you said in your statement. We have got the question of the way in which you treated the conversation disposed of. Let us see what you said in your statement. "He said he would if he were me resign rather than face a trial." Did he say that? A.—He might have said that.

Q.—He might have said that? A.—I will not say that he did or did not.

Q.—He said if he were in my place he would resign? A.—He might have said that.

Q.—Did he or did he not? A.—I don't know whether he did or not.

Q.—You will not swear? A.—No.

Q.—Although you put it in your statement solemnly on the floor of the House, you will not swear that that is true? A.—I swear it might be true or it might not.

Q.—You will not swear it is true? A.—No.

Q.—Although you made that solemn statement on the floor of the House you will not say it is true? A.—No, but very likely it is.

Q.—Very likely it is true. Notwithstanding the fact that

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you swore yesterday that Captain Sullivan did not recommend any course? A.—Yes, and I swore yesterday I did not remember what conversation took place. I remember talking about the protest. I remember his telling me they had a lot of evidence and he may have said to me I ought to resign.

Q.—Why did you swear yesterday that he did not, if you do not remember? A.—I said yesterday I did not remember all the conversation.

Q.—I will give you one more chance, and drop that subject. "Did he recommend any course? No,

Cap. Sullivan did not." In your statement in the House you say, "That he recommended you to resign." To-day in the box you again put yourself upon oath the second time and you swear that you do not know whether he did or not. Which of these three statements is true, or are they all true? A.—I tell you right now I do not remember all the conversation that took place on the 7th August. He may have said that and he may not.

Q.—Why do you swear to-day if you do not remember it? A.—I would like to catch you remembering a conversation on the 7th of August—every word.

Q.—Why do you swear to it if you do not remember it? A.—I tell you I will swear to what I do remember, but what I do not remember I cannot swear to.

Q.—Why did you swear to it yesterday? A.—To the best of my knowledge. Yesterday I might have thought he did not say so.

Q.—And to-day you might think differently? A.—I might recall more of the conversation to-day.

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Q.—Do you recall it? A.—I might say—

Q.—Do you? A.—No. I do not say I do.

Q.—Then let us take the next step, Frank Sullivan at the Walker House. Where did you meet in the Walker House? A.—I think I met him outside, but I am not sure. Might have met him inside and might have walked outside.

Q.—It was in that vicinity at all events? A.—Yes.

Q.—And who opened the conversation? A.—I do not remember who opened the conversation.

Q.—What were you talking about? A.—I don't remember all we were talking about either.

Q.—What were you talking about? Give me any one part of it? A.—I remember we were talking about the protest.

Q.—What were you talking about before you discussed the protest? A.—Might have been talking about the weather or anything of that kind.

Q.—Do not guess. What were you talking about? A.—I do not know.

Q.—Then what did he say to you about the evidence? A.—He said he understood they had a good deal of evidence against me, and I told him I had not heard much about it. He said he understood they had got enough to

disqualify me. I told him they could not have that; I did not think it was possible to have that; I knew it was not possible to have evidence to disqualify me. That they could not get evidence of that kind.

Q.—What did he say about the evidence? I do not mean as to the protest, but what did he say about the evidence itself? A.—He said they had evidence—he understood they had evidence to disqualify me.

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Q.—And you denied it and what did he say? A.—He said later on that evidence of that kind could be got in some way or another.

Q.—Was that what he said, that evidence of that kind could be got in some way or another? A.—He said it could be got—it could be altered or changed or bought or something—I don't remember his exact words.

Q.—What did he say? A.—I could not tell you the exact words he said.

Q.—I do not want a whole list of things he did not say. I want to get from you what he said. Did he say it could be got or bought or fixed or altered, or which words did he use? A.—He might have used all those words.

Q.—I am asking you according to your best recollection what he did? A.—I would say he said that evidence could be bought or altered or changed or something of that kind.

Q.—It is not "something of that kind"; I want the words he used. Tell me what words he made use of according to the best of your recollection? A.—Well, I would say that evidence could be altered or bought or changed.

Q.—Will you swear he said the whole three words? A.—I say to the best of my knowledge he did.

Q.—Will you swear he said them in that way, "Could be altered, changed or bought"? A.—I would not swear he said them in that way—in that order—he might have said them in that order and he might not.

Q.—Will you swear he made use of the word "bought" at all? A.—I will swear to the best of my knowledge he did.

Q.—That is as far as you will go? A.—Yes.

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Q.—Did he use the words "Switched around"? A.—He may have. I don't remember.

Q.—Did he used the word "fixed"? A.—He might have used that word too.

Q.—Do you remember it? A.—Yes, I think he used the word "fixed."

Q.—But you don't think you remember his using the words "switched around?" A.—He might have. I would not say.

Q.—Do you remember it? A.—I do not remember that. He might have said it though.

Q.—He might have said anything. Do you remember that he said that evidence could be got? I am not speaking to you about bought, changed or altered, but that simply evidence could be got. Did he use that word? A.—No, he never used that word.

Q.—That evidence could be got? A.—that is, could be got by altering and changing it and buying it.

Q.—No, but that the evidence could be got? A.—He may have used that word "got" in connection with altering.

Q.—Now yesterday you were trying to give us that conversation and you swore that he used the words "switched around." A.—I say he might have used that word in connection with the words altered or bought.

Q.—You told me a moment ago that he did not use the words "switched around," and according to your memory yesterday you swore he did? A.—He might have. I will swear to the best of my memory.

Q.—I want to get at what I have got to contradict if

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necessary by Frank Sullivan and I want to get you down to the facts? A.—I am giving you the purport of the conversation.

Q.—I am asking the words he made use of. In an important matter of that kind I am entitled to them. Now, did he advise you to take any course? A.—Yes, he told me he thought if he were me he would resign.

Q.—Where did this conversation take place? A.—I think it took place outside the Walker House.

Q.—On the street? A.—I think so, on the sidewalk—next to the Walker.

Q.—Out on the street, and how long did the conversation take, that you are telling us about? A.—I don't remember exactly.

Q.—A few minutes? A.—Some little time.

Q.—Ten minutes? A.—It might have been more than that.

Q.—Half an hour? A.—It might have been a half an hour.

Q.—And you think it all took place on the street in front of the Walker House? A.—I will not say that it did.

Q.—Where do you say? A.—It might have taken place in the hotel or we might have walked out on the street.

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Q.—Can you tell me your best recollection whether it was inside the hotel or out? A.—I told you my best recollection was it was outside.

Q.—I am taking that as your best recollection. Will you tell me now your best recollection of how long you were talking? A.—I tell you we might have been talking for half an hour.

Q.—And you think that would be reasonable? A.—Yes.

Q.—And reasonable fixing of the time? A.—Possibly.

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Q.—Then that was all that was said until you came to the protest, was it—until you came to discuss the protest? I want to get your story. Was that all you talked about until you came to discuss the protest? A.—The discussing of the protest was part of the talk we had.

Q.—Did you begin on it—on the protest? A.—I do not know that the first words were on the protest. You would hardly open a conversation with words in that way.

Q.—He told you you could get rid of the protest? A.—Yes, sir, he told me that.

Q.—If you would resign? A.—He said that could be got rid of.

Q.—If you would resign? A.—That was one way.

Q.—And it could be fixed up all right, and make a fairly good thing out of it? A.—Not by resigning.

Q.—No, but that the thing could be fixed up all right and make a fairly good thing of it? Did he tell you that? A.—Yes, sir.

Q.—And you said you didn't think that could be done at all? A.—Yes, sir.

Q.—Because you did not think the Government or any sane person would do any such thing? A.—I told him I did not think any person could afford to go over or change it that time, they were too close.

Q.—You thought the Government would ruin themselves by dealing with any one while it was so close? A.—I told him I thought they could not do anything with any one at that time. I thought it would be injurious to them.

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Q.—Then on that occasion, without any request on your part, he said he could arrange it? A.—He told me it could be arranged.

Q.—And that he could get you \$5,000 out of this? A.—Yes, he said he thought \$5,000 could be got out of it.

Q.—You had not been asking for money up to this time? A.—No.

Q.—You had not been asking for a dollar? A.—No.

Q.—And you had not been looking for any favors? A.—No.

Q.—And your anxiety and the only anxiety you could have was the protest expenses? A.—That is all.

Q.—And he knew that? A.—Yes.

Q.—And he knew as far as you were concerned at any rate—and knew pretty well the country—that they could not disqualify you—that the evidence was not there? A.—I do not know what he may have known about that. I told him he could not.

Q.—And therefore your story is that the first talk of money is outside the Walker House, according to your recollection, in the public street in Toronto, on or about the 7th of August, and Frank offered or thought he could get \$5,000 for you, that you were not asking for? That is the story? A.—Yes.

Q.—And you said nothing? A.—I said nothing. I told him I did not think it could be done.

Q.—You did not repudiate it at that time? A.—Any more than I told him I did not think it could be done.

Q.—You did not repudiate it. You

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did not say to him, Frank Sullivan, I am not a man to be bought? A.—No, I did not say that.

Q.—You were not angry at all with him for saying or suggesting \$5,000? A.—No, I do not know that I was.

Q.—And you took it as a matter of course, his proposition to give you \$5,000? I mean you made no fuss about it? A.—I did not make any fuss about it.

Q.—And you were so good-hearted that you would wait for a couple of days to be convinced that he could get you the \$5,000. Answer my question, please? A.—I had—

Q.—Answer my question? A.—I had to go to Arnprior and come back.

Q.—Will you answer my question? A.—Yes, I was willing, if you want to put it that way. I would wait. It would be cheaper to wait there and find out than fight a protest.

(Adjournment 1 p.m. until 2 p.m.)

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Exhibit 36 is to be found on following pages:

It was not available to the Reporter to be copied in its order of filing.

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Exhibit 36 consists of the following:
Letter 26th February, 1903, J. M. Gibson to R. R. Gamey.

Letter 22nd January, 1903. R. R. Gamey to Attorney-General.

Letter December 7, 1902, John McEachern to Attorney-General's Department.

Letter 24th July, 1902, J. M. Gibson to Gamey.

(1)

Toronto, 26th Feby., 1903.

My Dear Sir,—

I have your letter of the 22nd inst., respecting the appointment of John McEachern as Provincial Constable at Little Current. The time is so short now until I shall have the advantage of discussing this and some other matters with you that I hope you will not mind my leaving it in abeyance in the meantime.

Yours very truly,

(Sgd.) J. M. Gibson.

R. R. Gamey, M.P.P., Gore Bay, Ont.

(2)

Gore Bay, Jany. 22nd, 1903.

Hon. Attorney-General, Toronto.

Dear Sir:—Enclosed find application of John McEachern for position of Provincial Constable at Little Current. I think you should in the interests of justice have an officer of this kind appointed there and if you are going to make an appointment I would recommend the enclosed name.

Yours truly,

(Sgd.) R. R. Gamey.

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Little Current, Dec. 7, 1902.
To the Department of the Attorney-General, Toronto.

I hereby respectfully make application for appointment of a Provincial Constable for the District of Manitoulin, with residence at the town of Little Current.

I am now and have been for some time Town Constable at the said town of Little Current and am confident of my ability to fill the position of Provincial Constable for said District in a capable, fearless and satisfactory manner.

I have the honor to be respectfully your humble servant.

(Sgd.) John McEachern.

(Exhibit 36)

Toronto, 24th Jany., 1903.

My Dear Sir,—

I have yours of the 22nd inst., recommending John McEachern for the

position of Provincial Constable at Little Current, and promise to give the matter due consideration. It will be necessary for me to decide how far a Provincial officer is necessary on the Island, in view of the opinion which is beginning to prevail that we are doing more in the way of appointing officers in the Northern Districts than is really desirable, by which I mean that we are paying the salaries of officers who formerly were engaged and paid for locally in the older sections of Ont-

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tario in days gone by, when these older sections were new sections of country. I do not want to be considered drawing the line at Manitoulin, and most likely will not do so, but I want to give the whole subject some consideration before I go on making any further appointments.

Believe me,

Yours truly,

(Sgd.) J. M. Gibson.

R. R. Gamey, M.P.P., Gore Bay, Ont.

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Tuesday, 14th April, 2 p.m.

(Cross-examination of Mr. Gamey continued.)

Mr. Johnston: Have you given us all the conversation that you can recollect that took place between you and Frank Sullivan on that day, the 7th of August? A.—Yes, sir, I think.

Q.—When did you next see Frank? A.—I saw him between that and the 12th several times.

Q.—Give me any day on which you saw him? A.—I saw him on Saturday, and that would be the 9th, I think.

Q.—The 9th of August? Where? A.—I saw him at the Walker House.

Q.—What time? A.—I may have seen him two or three times during the day.

Q.—Can you fix any time during the day? A.—No. I cannot fix any time.

Q.—Mind hazy about that? A.—I remember seeing him and talking with him.

Q.—Is your mind hazy about the time you saw him? A.—I cannot tell you the exact time that I saw him.

Q.—I am not asking the exact time. I am asking any time you choose to give me, within an hour? A.—I saw him the following Tuesday.

Q.—I am asking you about Saturday, the 9th of August? A.—I cannot say what time.

Q.—Whether it was the afternoon or forenoon? A.—I won't say.

Q.—How did you come to meet him at that time? A.—He would be there at the Walker. I was at the Walker House. He would be there, and I would meet him.

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Q.—That is the only reason you can give for seeing him—just that you happened to be there? A.—And he was discussing this question.

Q.—You just happened to be both there? A.—I was there waiting over for a few days.

Q.—Were you there by appointment, or was he there by appointment, as far as you knew? A.—On the 9th?

Q.—Yes. A.—I cannot say that we had an appointment.

Q.—Can you say you had not an appointment to meet on the 9th? A.—We would meet there any day. I was about the Walker House. He was around the Walker House a good deal of the time; supposed to be working for the Government, but really he was putting in most of his time around the Walker House.

Q.—Having got through that speech, tell me whether you met on Saturday by appointment or not? Take whichever course you like? A.—Well, I might say, perhaps, that I did meet him by appointment on Saturday.

Q.—Perhaps you did not? A.—I could not say positively.

Q.—You have no recollection of it? A.—I know I met him and his father both.

Q.—You have no recollection of meeting him by appointment on the Saturday, no recollection of making any appointment to meet him on the Saturday? A.—Well, not a direct appointment.

Q.—Where did the conversation take place on that day? A.—If I met him it would take place at the Walker House.

Q.—Whereabouts in the Walker House? A.—In the hotel.

Q.—Whereabouts in the hotel? A.—Likely downstairs, possibly up.

Q.—Tell me where it was. Don't be guessing, because you are only get-

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ting into trouble? A.—I say I cannot tell you anything about it—where it was.

Q.—Then answer my question frankly, and say you don't know? A.—I don't know. I don't remember that is all. I know I met him. I know I would meet him downstairs. I don't know whether I would meet him upstairs or not.

Q.—Did you have any talk with him in reference to these matters on

the 9th? A.—If I met him, certainly I did.

Q.—Not if you met him; did you have a conversation with him? A.—Yes, sir.

Q.—Where did you have the conversation with him? A.—Wherever I met him.

Q.—And you don't know where you met him in the hotel? A.—Very likely I met him downstairs in the hotel.

Q.—I am not asking "very likely" at all? A.—Well, I cannot tell you that.

Q.—I am willing to take your answer. You cannot tell me? A.—No.

Q.—I do not press it. Do not let us have "very likelies" about it; let us have the fact as near as you can get at it, and I will be satisfied. You do not recollect the hour, or near the hour, and you do not recollect whether there was an appointment or not, and you do not recollect at what part of the hotel it was in. Will you tell me how you recollect any of the conversation that took place, what means have you of recollecting that? A.—Well, I know this, that I had several conversations with Frank Sullivan and his father between the 7th and 12th of August at the Walker House.

Q.—I am asking you a simple question; can you tell me, forgetting all these other matters, how you remember any conversation you had on the

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9th of August, Saturday? A.—Simply because I know I met him every day I was at the Walker House. I know that.

Q.—Do you remember what conversation you had with him at the Walker House on the 9th of August? A.—I had a conversation in regard to this deal, if I had any conversation.

Q.—I am not asking you if you had this or not. I am asking you do you recollect what conversation you had with Frank Sullivan on Saturday, the 9th day of August, at the Walker House? A.—I don't remember the particular words that would be said on Saturday, no.

Q.—Do you remember what was said with reference to the particular words? A.—I remember, in the discussion between the 7th and 12th, we talked over this protest, and he told me they would have to send out in the country for some person, or telephone some place for some person, to come in, who could convince me that this money could be got.

Q.—Your Lordships see that this conversation is important, and I must have the question answered. If your Lordships think that is a sufficient answer I will not ask him more. He refuses to answer the question.

The Chancellor: Not exactly refuses. He cannot fix the particular time or conversation; he met him off and on on those days, but he cannot fix the particular occasion.

Mr. Johnston: If he says that applies to Saturday, I am content.

The Chancellor: Ask him that.

Mr. Johnston: Can you tell me what the conversation was,

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without going much into particulars on Saturday, the 9th day of August? A.—Just the style of conversation I have told you is the style we had each time that we met during the 7th to the 12th.

Q.—Will you swear that took place on the 9th? A.—I will swear that very likely I met him on the 9th day of August and that conversation took place.

Q.—You have sworn that you did meet him on the 9th? A.—To the best of my recollection I did, and to the best of my recollection that conversation took place.

Q.—What conversation took place on the 9th of August? A.—A conversation in regard to this deal we were talking about putting through, and he would get some person who would convince me, either him or his father, I don't say which one it was, to get some person who could convince me as to whether it could be put through or not.

Q.—You swear that took place on the Saturday? A.—I say that between the 7th and 12th those kind of conversations took place each time I met him, and to the best of my knowledge I met him on Saturday, as one of the times. Each time I met him those kind of conversations took place.

Q.—How long were you talking to him on the Saturday? A.—I cannot tell you.

Q.—Then what was the next occasion that you met him after the 9th? A.—I met him on Tuesday, I remember that.

Q.—Tuesday, that would be the 12th? A.—The 12th. Possibly on Monday.

Q.—Possibly on Sunday, for anything you know. I am asking you when you did meet him. A.—I say I am sure I met him on the 12th, on Tuesday.

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Q.—And you have no recollection of meeting him between the 7th and 12th excepting the Saturday the 9th? A.—I tell you I think I met him likely on Monday.

Q.—Will you swear you met him on the Monday? A.—Yes. I will swear that I saw him on the Monday.

Q.—Why didn't you swear so at the first? A.—I say to the best of my recollection I saw him. You did not ask me to swear that I met him on Monday.

Q.—Whereabouts did you meet him on Monday? A.—I would meet him at the Walker House.

Q.—Whereabouts? A.—Downstairs and likely upstairs in his father's room, too.

Q.—Whereabouts did you meet him as a fact? A.—Met him some place inside of the walls of the Walker House. Likely downstairs round where the reading room is.

Q.—Will you swear you met him downstairs on the Monday. A.—Yes, I think I did meet him downstairs on the Monday to the best of my recollection.

Q.—Was it by appointment? A.—He was in and out of the hotel every day during that time, and I was stopping there as a guest at the hotel.

Q.—Was it by appointment that you met him on the Monday? A.—I cannot swear that I made a positive appointment to meet him, but I think I met him on Monday.

Q.—I am not asking you that at all. The same thing was repeated on the Monday? A.—The same kind of conversation. I don't know what particular words on any one day.

Q.—The same kind of conversation on Wednesday? A.—I didn't meet him on Wednesday.

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Q.—Tuesday? A.—Tuesday.

Q.—The same kind of conversation? A.—Tuesday he told me they had a Liberal lawyer up in the room.

Q.—Was it on Tuesday the day Mr. Grant came up? A.—Yes, sir.

Q.—Did you know where his father's room was at the Walker House then on the Tuesday? A.—I think I did. Possibly.

Q.—Did you or not know where his father's room was? A.—I knew about where it was, yes.

Q.—You had been in it before? A.—I think I had likely between the 7th and 12th.

Q.—And you knew where it was without his telling you? A.—I don't know whether I would know it yet without his telling me or someone else, but I know just about. I think it is on the third floor.

Q.—You think you could not have found your way to it without being told the number? A.—No. I don't think I could.

Q.—What time of the day was this that he saw you, because Mr. Grant will be in evidence by and by, and I want to fix the time for you? A.—I could not tell you whether it was before or after.

Q.—And at that time you were to have the man who was going to do the financing, as you tell us from what Frank had told you? A.—He told me that this man would say that he understood I wanted to go into a stock proposition which would realize me a certain amount of cash. That is what I expected the man would say.

Q.—And that is what you say the man did say? A.—Yes.

Q.—And if Mr. Grant says that is not true, one of you must be mistaken? A.—Likely.

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Q.—Now, Frank Sullivan gave you the number of his father's room on that occasion? A.—Yes, I think he mentioned the number of his father's room.

Q.—And did he tell you that no mention would be made of money at all? A.—Yes, I think so.

Q.—Then you having got the number, shortly afterwards you went to the room? A.—Yes, sir.

Q.—And Frank and Grant were there? A.—Well, I don't know that. I don't remember whether I went in with Frank or not, but Grant was in the room when I got there.

Q.—I want to see how near your story comes with your original statement. You do not know now whether Frank and Grant were in the room or not when you went there? A.—I think possibly Frank might have gone up with me, but I'm not just sure whether he did or not.

Q.—When you made your statement in the House you said you went to the room and Frank and the lawyer were there? A.—They might have went up just a few minutes ahead of me.

Q.—Did Frank come after to get hold of you somewhere and take you to the room? A.—He told me downstairs about this.

Q.—Did he come to you and get you and you and he go to the room together? A.—He came and told me—

Q.—Answer my question, please. A.—I am answering it.

Q.—Did he and you go to the room together? A.—I cannot swear positively whether we did go to the room or whether he went three or four minutes ahead of me or not.

Q.—Why did you make in your statement this story, that when

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you went to the room, Frank and the lawyer were there? A.—It is likely they were there. I won't say to-day whether I went in with him or not.

Q.—This is the story you swore to yesterday, "Frank Sullivan came to me and said they had this party there then in his father's room in the Walker House and that he and I would go up to the room and meet the man. So Frank Sullivan and I went up to his father's room at the Walker House on the third floor and this gentleman was there, Mr. Grant." That was your statement under oath yesterday? A.—Well, that is practically correct. He may have gone ahead of me three or four minutes or he may have gone with me.

Q.—That is not what you said. A.—Well, it is just what I did say.

Q.—Have you any explanation to make? A.—No explanation. As I say he may have gone a few minutes ahead of me or he may have gone with me. He asked me to go up to the room, told me the number of the room.

Q.—Did you mean yesterday when you swore that Frank came to you and told you that the lawyer was in his father's room and that you and he went up to his father's room and found Grant there, did you mean that to be the truth? A.—Practically so, yes. Simply because if he went three or four minutes ahead of me it doesn't make any difference to the story.

Q.—Did you mean it also to be the truth when you said that when you went to the room you found Frank and the lawyer there? A.—Yes, and he might have gone three or four minutes ahead of me. There is no difference in that at all, not a particle, just a question of twisting a word.

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Q.—You do not discriminate between the two statements? A.—Because there isn't any difference.

Q.—That is your idea of the truth of the statement? A.—Yes, anybody's idea that wants to be—

Q.—You have nothing to add as to what Mr. Grant said to what you said yesterday? A.—Not to my recollection.

Q.—Were you introduced to Mr. Grant? A.—I fancy I was, yes.

Q.—Who was it spoke to you after you went into the room with Grant and after the introduction had taken place? A.—I think probably Mr. Grant spoke after the introduction.

Q.—Did he say to you that Sullivan had told him that you were discussing a timber transaction and that you wanted someone to take a financial in-

terest in it? A.—I think he said to me that he understood that I wanted to go into a stock proposition. He did not mention timber at all.

Q.—Will you answer my question as it is put? A.—I am answering it. He did not mention timber at all.

Q.—Did he make use of these words, that you were discussing a timber transaction and that you wanted someone to take a financial interest in it? A.—If you put the word stock instead of timber you would have it right. That is not correct.

Q.—And that you said yes and that Grant then asked you how much and you said about four or five thousand dollars, is that correct? A.—He told me—

Q.—Is that correct? A.—No, not that way, not the way you are putting it.

Q.—I am putting it my way. A.—Then it is not correct, the way you are putting it.

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Q.—Will you answer it the way I put it? A.—You ask me whether that is correct and I tell you it is not correct.

Q.—Did he tell you that if the proposition was all right he could probably manage it for you? A.—Yes, he told me that.

Q.—Did he tell you he was in a hurry and that when you had the details arranged you could see him about it further? A.—He told me he would see later on about it, or see further. He might have used the word further.

Q.—Did he say he was going away that afternoon? A.—I don't remember that. He might have said he was going away that afternoon.

Q.—And that no word was said about stock or stock company? A.—I say there was a word said about stock.

Q.—Then how long was Grant there? A.—Just a few minutes.

Q.—Now you are sure that was Tuesday, August 12th? A.—To the best of my recollection, it was.

Q.—Did you and Frank come to any agreement on that day beyond what you have just told us now about talking with Grant? A.—I don't know that we came to any further agreement.

Q.—Then when did you see Frank next after the 12th day of August? A.—I didn't see him until further on about the 25th of August.

Q.—So that in the meantime between the 12th and the 25th of August nothing took place between you and Frank? A.—Nothing after the night of the 12th, no. I left the evening of the 12th. Of course, I saw Frank, un-

derstand, after Grant left the room. I saw Frank during the day there.

Q.—I am asking you if anything took place in regard to these matters between you and Frank after Grant
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left that day? A.—After Grant left we discussed it during the day after he left.

Q.—The same way as you had discussed it on Saturday? A.—The different ways had been discussed between the 7th and 12th. The Captain and Frank had been discussing the question.

Q.—When did you see Captain Sullivan? A.—I saw him nearly every time I saw Frank.

Q.—Between the 7th and 12th? A.—Yes, he was at the Walker House.

Q.—Did you discuss on the Tuesday evening or afternoon after Grant left anything new? A.—I don't know that we discussed anything new.

Q.—The same proposition? A.—The same kind of proposition.

Q.—And then you saw him again on the 25th? A.—Somewheres about that.

Q.—Where did you see him on the 25th? A.—At the Walker House.

Q.—Where had you come from? A.—I had come from Arnprior.

Q.—And you had been at the Walker House how long before you saw him? A.—I possibly saw him the first day I arrived there.

Q.—Not possibly. A.—I cannot tell you the exact day. I don't remember the day I arrived. You will see it in my statement there the day I arrived.

Q.—You don't recollect then the day on which you saw him? A.—I think it was about the 25th. It is in the statement, the day.

Q.—When did you leave for home after the 25th of August? A.—I didn't leave for home until the 12th of September. 11th, I guess.

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Q.—In the meantime, you had been up at Gore Bay? A.—Between the 25th and 11th?

Q.—Between the 7th of August and the 26th of August. A.—I had been up at Gore Bay between the 12th of August and the 25th.

Q.—Between the 12th and 26th, and that was the time that you had seen McGregor? A.—Yes, sir.

Q.—Then you went to Arnprior again? A.—After the 26th of August?

Q.—No, before. A.—Yes, sir, I went to Arnprior about the 23rd of August.

Q.—And you arrived in Toronto about August the 26th; you say in your statement here it is a matter of no moment, "Arrived in Toronto and saw

both the Captain and Frank at the Walker House." A.—Yes, sir.

Q.—Tell me what day you saw them on that occasion? A.—I suppose I saw them the first day I arrived.

Q.—Did you or did you not? A.—I think I did. To the best of my knowledge I did.

Q.—I saw them off and on every day nearly.

Q.—And during that conversation did you talk about this transaction?

A.—Yes, sir.

Q.—Talked it over every time you met? A.—Practically so, yes.

Q.—Every time you met? A.—I suppose so.

Q.—And talking along the same lines? A.—Talking along the lines of the deal.

Q.—The same lines you had been discussing before? A.—Talking along the line of them getting me to support the Government and paying me

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so much money for it, and giving me the patronage, and getting the protest dropped.

Q.—You have told the details of it, on the street, and happening every time you met, in which you wanted to get \$5,000, and your protest dropped. During all this period you never resented it at all? A.—No.

Q.—And when was the agreement made between you and Frank that he was to have half. A.—Well, that was after the agreement was changed in regard to the man from Welland or St. Catharines getting the timber.

Q.—I do not care about the man from St. Catharines. When was it? A.—I could not tell you the day.

Q.—Whether in August or September? A.—I could not tell you.

Q.—When you finally made the deal with Frank that he was to get half, and you were to get half? A.—I could not tell you that.

Q.—Or anything near it? A.—Well, sometime along in the discussion after the idea of the Welland or St. Catharines man.

Q.—That was the McGregor Island deal? A.—Yes, I suppose that was the latter part of August.

Q.—Or the beginning of September? A.—Somewhere about that time.

Q.—Where was the agreement made between you and Frank about your getting half the plunder? A.—Well, as I told you, I don't remember exactly where it was.

Q.—It would be taxing your mind to recall so unimportant an event? A.—We were to go in and divide on everything we would make. We were to

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have timber or minerals or whatever we got afterwards.

Q.—It would be taxing your memory to much to recall such an unimportant event? A.—I could not tell you exactly.

Q.—Could not tell anything about it. Now, that was an important part of the deal, was it not, from your standpoint? A.—Not any more important than the other.

Q.—It was important to get money somewhere when the timber deal fell through, to carry out your scheme? A.—It didn't make any difference to me how much money they got.

Q.—I am asking you if it was not an important item in the deal to get evidence against the Government, let me put it in that way? A.—Yes, it was important to get money, of course.

Q.—And it was one of the most important things you were looking for, and your mind was set upon it, to get money in some way that you could catch the Government, and connect them directly with the giving of this money? A.—Yes, sir I had to get money.

Q.—That was the gravamen of the whole thing? A.—That was one of the principal things.

Q.—And once you proved that the others were of no more consequence? A.—They were all a part of the same scheme.

Q.—They were not of the same consequence as that, because the payment of the money was a direct act of bribery, you appreciated that? A.—Yes.

Q.—And once you got the money transaction connected with the Government, you had the Government? Any doubt about that? A.—Just one of the ways of catching them.

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Q.—Tell me any other item in the whole deal that was as important as the getting of the money through the Ministers? A.—I don't know that there was any as important. I considered the patronage, and the disposal of the protest of the same class.

Q.—I am not asking you that. A.—You asked me if I considered it so important, and I tell you yes, I considered the protest disposal was as important to me as the money.

Q.—I am speaking of the evidence you were looking for against the Government. A.—I considered it just as much an act of bribery as the payment of cash.

Q.—And just as easily proved? A.—Well, getting the money might be the hardest.

Q.—Might be the hardest to prove. Perhaps that is so. I think you are right. Then, that was one of the three main elements? A.—Yes, sir.

Q.—And you cannot swear where that agreement was made, or on what date, or what occasion? A.—No, sir.

Q.—At that time you had no written evidence in your possession, except Jones' letter? A.—Yes, sir.

Q.—That is all? A.—That is all.

The Chief Justice: What is that last question?

Q.—At the time the agreement was made as to the division, he had no evidence in writing. A.—Excuse me, there was an agreement drawn up on the 26th of August about that.

Q.—I am coming to that. A.—Well, the question of the division between us was made after that agreement was drawn up.

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Q.—Quite so. Now you were looking for evidence against the Government through Frank Sullivan at that time? A.—Through any person I could get.

Q.—Through Frank Sullivan amongst others? A.—Yes, sir, amongst others.

Q.—And you believed at that time Frank was the emissary of the Government? A.—I knew it.

Q.—You had no doubt about it in your own mind at all? A.—No, sir.

Q.—That whatever Frank was doing was done at the instance of some member of the Government? A.—Yes, sir, either through his father or directly.

Q.—Apparently through his father or direct with the Government. A.—Yes.

Q.—But that behind all this dealing there stood the figure of a Minister of the Crown? A.—Somebody had to authorize it.

Q.—And that somebody would in your judgment be a Minister of the Crown? A.—Yes.

Q.—And did you have your eye on Stratton at that time? A.—Well I just had what Captain Sullivan told me. About that time he told me he went to Gibson in the first place with the proposition and that he had been turned over to Stratton.

Q.—I am asking you if you were convinced at that time that Stratton was the man that was going to deal? A.—I was in the latter part of August, yes.

Q.—At the time you made this agreement with Frank? A.—Yes.

Q.—And what you wanted then at

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that time, according to your story was some evidence connecting Frank and the Government with this corrupt deal? A.—Well, any kind of evidence.

Q.—And the best evidence you could get would be cheerfully accepted. A.—Yes.

Q.—Now if your Lordships will pardon me a moment; I may have misunderstood the answer. I will ask the reporter to read the question and answer with reference to when the agreement was made between him and Frank by which each was to get one half.

The Chancellor: He says he cannot say whether it was August or September.

Mr. Johnston: That is true, my Lord, but did he speak of it with reference to another event?

The Chancellor: I think your question was then whether he had any written evidence up to the time or before the time of the agreement to share.

Mr. Riddell: If he will speak a little louder we will catch what he says.

Mr. Johnston: I had better ask you again. What I want to ask you is this, so that we may not trouble about it. When was the agreement made between you and Frank by which you were each to get half of the profits having regard to the written agreement which was drawn up by Frank? A.—Made after the written agreement was drawn up.

The Chancellor: The agreement to share was after the written agreement. That is what you say is it? A.—Yes, sir.

Mr. Johnston: Now you are quite clear are you that that is so, that after the written agreement between you and Frank had been made and destroyed according to what you

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told us, the agreement was made by which you were each to share half? A.—Yes, sir it was. I think so.

Q.—I do not want you to think so because if you will kindly put it before that I will take your statement? A.—I think it was after.

Q.—Have you any doubt about it at all? A.—No I haven't any doubt to the best of my recollection.

Q.—Surely you can tell whether it was before or after the written agreement that you and Frank were to divide up equally, you could tell that positively? A.—I told you it was after the agreement.

Q.—It was after the agreement then. I will have to be content with your answer,

and it was after the McGregor Island deal had fallen off was it? A.—Yes, sir.

Q.—And that is the statement you made in the House with reference to the dividing up, each taking half? A.—Yes, sir.

Q.—Then I will trouble you to listen to this; "On the 12th day of August, Tuesday, the occasion when Grant was in the room, and after Grant went away Frank and I agreed then if anything was done each should take half." A.—All the agreement was made at that time was in regard to the division of the value from McGregor Island.

Q.—I am not speaking about that. "Frank and I agreed then if anything was done each should take half." 12th day of August. Grant just left the room. Fourteen days before the written agreement was drawn up? A.—Yes, sir.

Q.—Anything more to say about that? A.—It don't make a particle of difference to the case.

Q.—It does not make a particle of

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difference to you? A.—Not a bit. Just simply written wrong at that time. What we agreed to do then was to take certain division of the timber from McGregor Island if it was made. They had a man they thought would take that.

Q.—"Frank and I agreed then if anything was done each should take half?"

A.—Well, that is put in the wrong place.

Q.—It is put in the wrong place? A.—Yes.

Q.—The statement made in the House was not true, if that is the statement? A.—Not at that time it was not. That is only the date, there is no difference at all. The principle of the thing is just the same. It does not matter about the time.

Q.—Then where was the written agreement drawn up? A.—In Captain Sullivan's room.

Q.—Who was present? A.—Frank Sullivan, his father and I.

Q.—Who drew it up? A.—Frank Sullivan.

Q.—That was dated what day? A.—I think it was the 26th of August. I am not sure.

Q.—And according to your story you gave him an agreement that you would support the Government? A.—Yes, sir.

Q.—And according to your story he gave you an agreement and signed it that he would get you \$5,000 and get your protest dropped and get you

the patronage for the Riding? A.—Yes, sir.

Q.—And that \$3,000 of that had to be paid between that date? A.—I think it was the 3rd and 5th of September. A short time anyway.

Q.—And the balance of \$2,000 was to be paid when? A.—After the Session.

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Q.—Who suggested that agreement? A.—Frank Sullivan and his father, at least his father suggested the agreement that I should sign to support the Government.

Q.—Who suggested the Frank Sullivan agreement? A.—The one that he signed?

Q.—Yes. A.—I think possibly I suggested it.

Q.—Why did you suggest the agreement for Frank Sullivan to sign? A.—Simply because they were getting an agreement from me.

Q.—And you wanted that as evidence? A.—Yes, sir, I wanted something from them.

Q.—How many days after did you destroy that agreement? A.—I couldn't tell you exactly.

Q.—Two or three days? A.—It might have been. I don't know exactly.

Q.—Was it more than a week? A.—I tell you I don't know exactly the time it was destroyed. I don't think it was more than a week.

Q.—Give me within a reasonable time, was it within a week? A.—I think it was within a week. I won't swear positively.

Q.—You think it was within a week. I am quite content. Where was the agreement destroyed? A.—It was destroyed in the Walker House.

Q.—In what room? A.—Well, I don't remember just what room we were in when we destroyed it. I don't remember just where.

Q.—What day of the week were they destroyed on? A.—I couldn't tell you that.

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Q.—Can you tell me whether it was in August or September they were destroyed? A.—I think they were possibly destroyed before the last of August, although I am not sure when they were destroyed.

Q.—I am asking you within a reasonable time, say within a week, and that would be the last of August. And you each produced your agreement, that is, Frank held your agreement and you held Frank's? A.—Yes.

Q.—And you carried that in your pocket, I suppose? A.—I think so.

Q.—Do you know or did you leave it around on the washstand in the bed-

room? A.—I carried it in my pocket.

Q.—And then when the meeting took place, at which you destroyed these two documents, will you tell me what was first said about the destruction of the documents? A.—I don't remember exactly what was said, first said about them.

Q.—As nearly as you can recollect, is all I want. A.—They did not have any further use for the document. They had shown it to the parties.

Q.—What was said? A.—I cannot tell you exactly what was said. The principle of what was said that they did not have any further use for the document. There was no further necessity, but I would have to sign another agreement when I got the money from the Government.

Q.—That is they did not have any further use for the document, they had seen the man and convinced him, as you understood? A.—They had seen some of the Cabinet, yes.

Q.—Some of the Cabinet and had convinced them? A.—Yes.

Q.—In that agreement you held the only incriminating evidence against Frank Sullivan that had been so far in existence? A.—Yes, sir.

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Q.—And the only document in which money was ever mentioned as a lump sum? A.—Yes, sir.

Q.—And you destroyed deliberately the only evidence of crime you had? A.—Yes, sir.

Q.—And you were then trying to hatch out a scheme? A.—Simply because they wanted them destroyed.

Q.—Will you answer my question? You were then deliberately hatching a scheme against the Government? A.—Yes, sir.

Q.—And trying to make evidence against the Government? A.—Yes, sir.

Q.—And you had the strongest evidence you had up to that moment in your trousers' pockets? A.—Yes, sir.

Q.—And you deliberately destroyed that because they said there was no further use for it. A.—Because you could not keep their confidence unless you did destroy it. That was done to keep their confidence.

Q.—You did not want their confidence when you had the incriminating evidence? A.—There was nothing in that. You could not get on.

Q.—Why didn't you take a photograph of it? A.—I supposed I would have been able to keep that document until the money was actually paid.

Q.—Why didn't you refuse to hand it over? A.—I might have done that. I wanted their confidence.

Q.—It was the best evidence you had up to that time? A.—Yes.

Q.—It was the best evidence you have had during the whole of this scheme and plotting? A.—Yes.

Q.—And yet you destroyed it before you saw a dollar of money, is that so? A.—That is right.

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You could not have got any money or anything else if you had not had the confidence of the Sullivans. You had to keep in their confidence or you could not do anything.

Q.—You said there was no further use for them, you have given us the reasons, and all you were anxious about was to destroy your own document. Now, you had a great deal of use for your document, the one you returned, against Frank Sullivan? A.—Oh, yes; it would have been useful.

Q.—A great deal of use for the one you held and when he asked you to give it back to him you gave it back? A.—Destroyed them.

Q.—Without a murmur? A.—They were destroyed.

Q.—Without a murmur? A.—They were destroyed together.

Q.—Without any objection on your part? A.—No serious objection at all, no.

Q.—Was there any objection on your part? A.—I don't recollect whether there was any exactly. Yes, there was no objection.

Q.—And you, the detective on the path of the Government? A.—Yes.

Q.—Have an incriminating document in your possession, the only document in the whole proceedings in which money is mentioned, in which the details are set out, and you come here and tell this story that you deliberately destroyed that document? A.—Yes, sir, simply because I wanted to keep their confidence, as I tell you.

Q.—Thank you very much. A.—You could not have got any money if you had not their confidence.

Q.—You had what was better than the payment of money, you had the

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evidence of an agreement. A.—I have not a single thing from the Cabinet at all.

Q.—You could have photographed that document and given it back? A.—Yes, of course.

Q.—Why didn't you? A.—Simply because I thought I would have had it for a longer period than I had, and I would be able to have a copy made.

Q.—Did you photograph it? A.—No.

Q.—Did you make a copy of it? A.—No.

Q.—Did anybody see it but yourself? A.—Not that I know of, but I expected to have taken a copy of it; I did not expect to destroy it; at that time I expected to have it in my possession until after the money was paid and the deal was carried out.

Q.—That is your story at any rate. Did you ever ask Frank Sullivan again for any written document or acknowledgment of the deal between you? A.—No, I don't think I did.

Q.—And yet that was the evidence you were looking for? A.—I was not particularly looking for evidence against Frank Sullivan at all.

Q.—Against the Government? A.—Yes, sir.

Q.—And you believed, as you have sworn, that Frank Sullivan was the emissary of a Minister of the Crown? A.—Yes, sir, I believed he was.

Q.—And that the Minister of the Crown stood behind him and that that man was J. R. Stratton at that time, or so they had told you? A.—Yes, sir.

Q.—And that Frank Sullivan was making that over to you at the instigation of J. R. Stratton? A.—At the instigation of some member of the Government.

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Q.—Whom you believed to be J. R. Stratton? A.—I believed it later. I don't know that I believed it then.

Q.—And you believed it from what they had told you? A.—Yes, at the same time Stratton would very soon deny it; I didn't have any evidence against him.

Q.—Then when did you next see Frank Sullivan after the destruction of the documents? A.—Well, I saw Frank Sullivan nearly every day while I was in Toronto between the 26th.

Q.—Was any new deal brought on between you and Frank Sullivan after the destruction of those documents? A.—There was no deal except just that he arranged to get the money from the Government instead of getting it from the timber deal.

Q.—In pursuance of that written agreement? A.—Yes; when that written agreement was made the money was supposed to come from the timber limit deal; at the time that written agreement was made they wanted that agreement to show the Government in order to get McGregor Island from the Government as part of the arrangement.

Q.—Did you ask them for an agreement or for a letter or anything of that kind to get the money in cash direct from the Government instead of

through the timber deal? A.—I did not ask them.

Q.—Then you were to get \$5,000, no matter what the Island realized? A.—That was the understanding.

Q.—Where was that understanding arrived at? A.—Something of that was talked about between the 7th and 12th.

Q.—Of August? A.—Of August.

Q.—When did they discover that they could not get the timber deal through? A.—I cannot tell you exactly, because they were not letting me know all about the part of it.

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Q.—When did they shut the matter of timber off entirely? A.—Must have been about the last of August; I don't remember exactly; they did not tell me just when they changed it.

Q.—When did they tell you that they would pay the money to you instead of waiting for the timber deal? A.—It must have been early in September or the last of August. I cannot tell you exactly.

Q.—Then you were to get more than the \$5,000? A.—To get more?

Q.—Yes, if the timber deal went through. A.—Well, not unless that there was more realized.

Q.—I mean if there was more realized. A.—I was to be guaranteed the \$5,000 anyway.

Q.—Were you to get more than the \$5,000 if there was more realized? A.—It is possible I might; yes, if there was more realized.

Q.—I am asking you if you were to get it. A.—Something of that kind was spoken of.

Q.—Was it or not spoken of? A.—Yes, it was spoken of.

Q.—You were to have a share with Sullivan and his son? A.—And this other man.

Q.—You knew that people had been applying for McGregor Island for years? A.—I did not know how many applications had been in.

Q.—You knew they had been applying? A.—I didn't know that they had been applying.

Q.—Never heard of it before? A.—Yes, I had heard of McGregor Island.

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Q.—Never heard of application for McGregor Island timber? A.—No.

Q.—And the transaction as first discussed and decided was that an effort was to be made, through your assistance, to get McGregor Island and realize upon that to pay you \$5,000 out of the profits, and the surplus, if there was any surplus, was to be divided between you, Capt. Sullivan, Frank

Sullivan, and some other man—that was the understanding? A.—After the man would get his \$5,000 back.

Q.—That was the understanding? A.—Something of that kind, yes.

Q.—And the first thing that took place with regard to the \$5,000 was with reference to the McGregor Island deal? A.—As I understood it, yes.

Q.—Then, when the McGregor Island deal could not be pulled off, you were to get the money? A.—Yes, sir.

Q.—You talked with him right along then until about the 9th of September? A.—Yes, sir.

Q.—As I have dealt with that a good deal, I won't deal with it in detail again, but there are one or two matters I would like to ask you about. The second time you met Mr. Stratton in his office, after you got through talking, he took out something out of his pocket, you say? A.—I would not swear positively, that it is the second time, but on that day he took out something out of his pocket, on the 11th of September, I think that was the second time; I might have met Stratton before that.

Q.—We have had all that before; I mean, as far as you recollect? A.—Yes.

Q.—And what was it? A.—Just an envelope.

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Q.—What kind of an envelope? A.—It was, I suppose, about that long (indicates).

Q.—About ten inches long? A.—Something about that, yes.

Q.—And the color? A.—I think it was white.

Q.—Not sure? A.—I would not say positively.

Q.—And he told you, what? A.—He told me that everything was arranged, that we would go down to the smoking-room.

Q.—And, according to that story, the everything arranged was the money? A.—Yes, sir.

Q.—And you knew that that was the money? A.—I thought it was.

Q.—And that was the parcel that was to be left in the smoking-room? A.—That is my understanding.

Q.—That is what you understood from what he said? A.—Yes, sir.

Q.—Who was present at the time? A.—I think Frank Sullivan was in and out of the room. I don't know that he was there, just standing there, when Mr. Stratton said that, but he had been in the room with me, and possibly was in the room at that time.

Q.—You don't recollect? A.—I am not sure.

Q.—You were then on the eve of the actual bribery, according to your story? A. — Yes, sir.

Q.—On the immediate moment of it? A. — Yes, sir.

Q.—And you cannot recollect who was in the room with you and Stratton? A.—Well, I told you that Frank Sullivan went in the room with him.

Q.—You cannot swear who was in the room at the time Stratton took it out of his pocket? A. — I swear, to the best of my knowledge, Frank Sullivan was somewhere in the room at

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that time. He may have stepped out into the ante-room between the two rooms, or he might have stepped into the other office.

Q.—I won't take that answer. I will have you swear one way or the other, if you can swear, and if you cannot swear, say so. Was Frank Sullivan in the room at the time Stratton is said to have taken this package out of his pocket? A. — Well, I will say that I don't know that he was, but I believe that he was, possibly, in the room or in the corridor between the two rooms.

Q.—That is nothing; you know he was possibly anywhere? A.—He wasn't very far away from there just then.

Q.—You cannot say as a fact whether Frank Sullivan was in the room? A. — I could not say positively that he was looking at Mr. Stratton or not. He might have been standing back. I don't say whether he was or not.

Q.—He might have been anywhere? A.—I say he was not very far away from there.

Q.—Can you swear? A. — I can swear he was very close to there at that time.

Q.—Can you swear whether he was inside the four walls of Stratton's room at that time? A. — I won't swear positively, but I think he was, likely.

Q.—That is only guess work, you know. Well, then, Stratton took it out of his pocket. What pocket? A. — The same as that.

Q.—His inside breast pocket? A.—I think so.

Q.—Coat buttoned, or had he to unbutton the coat? A.—I don't remember whether he unbuttoned it or not.

Q.—What was immediately said before he took it out of his pocket? A.

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He said something about sorry to have kept us, he was delayed, and everything was ready then.

Q.—That was all he said? A.—Practically all. Said good day, of course, when he came in.

Q.—Did you say anything to him? A.—I might have said something.

Q.—Do you recollect saying anything to him? A.—I don't remember just what I said.

Q.—That is a sufficient answer, if you don't remember. And he was standing up or sitting down at that time? A. — Standing up.

Q.—Any you were standing up? A. Yes.

Q.—Could have handed you the package, and said, Here, Gamey, is the price of your sin, if he had wanted to? A. — Yes, sir.

Q.—Didn't do it? A. — No, sir.

Q.—Sent it through two or three different hands? A.—Yes, sir.

Q.—Made evidence against himself? A.—Call it what you like, that is the way it went.

Q.—And you and Frank went to the smoking room? A. — Yes, sir.

Q.—And that smoking room is where? A.—On the same floor that Mr. Stratton's office is.

Q.—There is an ante-room between Stratton's room and the main office?

A.—An ante-room between his two offices.

Q.—Between the main office and his private room? A. — Yes.

Q.—And did you go out that way, or go through the main office? A.—I think I went through the ante-room.

Q.—Are you sure you went out through the ante-room? A.—Yes, I would say I went out through the ante-room.

Q.—Do you swear it? A. I — say, to the best of my recollection, I did.

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Q.—Your recollection pretty good? A.—Well, not bad. You have probably found that out.

Q.—Is your recollection good enough to say where you met Frank if he was not in the room? A.—Well, he was either in the room or just in that ante chamber, and when he went to go out he would be in the room going out. He may have stepped out into the ante chamber or into the other office and back again. I don't know that he stood absolutely still.

Q.—Where did you meet Frank after you turned away from Stratton? A.—I will say then I met him in the room we were in.

Q.—Will you swear it? A.—Yes, to the best of my recollection.

Q.—Have you any recollection about it? A.—Yes, sir.

Q.—Have you a recollection that you can swear to the fact? A.—Yes, well, I will tell you that to the best of my recollection he was in that room and went out with me.

Q.—You have sworn that you have recollection enough to swear to the fact. Then will you swear that Sullivan was in the room when you turned to go away from Stratton? A.—I will swear that to the best of my knowledge he was, to the best of my recollection.

Q.—That is not an answer. Then you had to go along the corridor opposite Stratton's room to the main corridor? A.—There isn't any corridor along opposite Stratton's room; there is only a little ante chamber between the two rooms.

Q.—When you get out into the corridor it runs north and south? A.—It runs right away.

Q.—Did you go direct to the smoking room? A.—We went right through the hall.

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Q.—Without turning? A.—Not exactly without turning.

Q.—Did you go out into a corridor from Stratton's room, walk down that and turn to the right into the main corridor? A.—Yes, sir.

Q.—And you walked to the end of that before you got to the smoking room? A.—Not quite to the end of it, just to the other side of the chamber.

Q.—The chamber is in the middle? A.—Yes.

Q.—So you went from the east end through nearly to the west end and on to the smoking room? A.—Part of it.

Q.—And you went in and waited for somebody to come? A.—Yes.

Q.—Who came? A.—Well, I couldn't tell you exactly. I can tell you what Frank Sullivan said, who came.

Q.—I can tell you what you said. A.—I believe that.

Q.—I can tell you what you said. A.—I can tell you what I said, too.

Q.—Who came? A.—Well, Frank Sullivan tells me that Mr. Myers handed the parcel—

The Chancellor: You are asked your recollection of who came to that room.

A.—My Lord, I could not swear who brought the parcel into that smoking room that day.

Mr. Johnston: Who did you see in the smoking room? A.—I didn't see the man, distinguishing him enough to be able to swear to him at all.

Q.—Did you see a man come in there? A.—I did.

Q.—And you were standing looking at him when he came in? A.—No, sir.

Q.—You did see him when he came in? A.—I saw him when he was com-

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ing out. The door opened and he came in and laid the parcel on the table and

I just looked back in that way and I saw the man going out.

Q.—Where were you looking at this time? A.—Looking out of the window.

Q.—You were looking out of the window and expecting a man to deliver a parcel? A.—Yes, sir.

Q.—And you were looking for evidence against the Government? A.—Frank Sullivan and I were standing right together, sir, the position I was in—

Q.—You were looking for evidence against the Government? A.—The position I was in I couldn't see the door or what man came in at all. It didn't matter who carried the parcel.

Q.—You were looking for evidence against the Government? A.—You can call it anything you like.

Q.—Do not have this parrot talk all the time. A.—Well, because you insist on certain things that are not sensible.

Q.—And you never looked to see who was the man that brought the bribe? A.—I looked back over my shoulder and saw the man as he was going out.

Q.—What kind of man was he? A.—If I had been asked before the meeting with Frank Sullivan in the Crossin Piano Factory the other night, who he was, I would have said I thought it was Mr. Myers who brought the parcel.

The Chancellor: You knew Mr. Myers, did you? A.—Yes, sir.

Mr. Johnston: And you knew Chace, the man who sits at the Premier's door? A.—I don't know Chace very much.

Q.—You had seen him? A.—I may have seen him, I didn't know him very well.

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Q.—You had been back and forward in that corridor again and again up to this period? A.—Yes.

Q.—And you had seen Chace sitting at the Premier's entrance? A.—I had only been in two or three times.

Q.—An elderly man sitting there. A.—I may have seen him.

Q.—You had seen him? A.—I don't know whether I have seen him yet.

Q.—Page 7 you say was written at Gore Bay and page 6 written at Gore Bay and page 5? A.—I expect they were, yes.

Q.—And written before the Crossin piano deal at all, a week or ten days or perhaps two weeks before, according to your story? A.—That alteration was not written then.

Q.—I know that. Now, at Gore Bay you undertook to state who it

was that brought the parcel. A.—As far as I knew, I thought it was.

Q.—“Frank and I went down to the smoking room a short time and Mr. Myers, Acting Secretary for Stratton, walked into the smoking room and laid the same large envelope parcel on the table.” A.—That is the man I thought it was at that time.

Q.—And that is the man you stated it was? A.—I thought it was, yes.

The Chancellor: Is that the statement— A.—He is reading the statement without the alteration. It is altered since that. There is an alteration in it in which it says Chace is the man that brought the parcel down, and that is what Frank Sullivan told me in the Crossin Piano Factory.

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The Chancellor: In this communication sent us from the newspapers as containing the charges for the investigation, it is said that Mr. Myers gave it to Mr. Chace who carried it to the smoking room.

Mr. Johnston: Yes. At Gore Bay before Sullivan told him anything this is what he wrote; “Frank and I went down to the smoking room and waited a short time and Mr. Myers, Acting Secretary for Stratton, walked into the smoking room and laid the same large envelope parcel on the table.”

The Chancellor: Is that altered there?

Mr. Johnston: Yes, it is altered afterwards.

The Chancellor: It is altered to this that we have here? A.—Yes my Lords, I changed it to that after Sullivan told me.

Mr. Johnston: Did you when you made the statement in the House as altered believe it was Chace left the parcel? A.—I believed that it was. Frank Sullivan told me so and I believed in Sullivan.

Q.—Did you believe that Chace left the parcel on the table when you made your statement in the House? A.—Well I am telling you I did to the best of my knowledge, having had that knowledge from Frank Sullivan.

Q.—You believed he was the man? A.—Yes.

Q.—Then according to that you did not know who it was that left the parcel although you had stated in your original document that Myers was the man? A.—I am telling you that I cannot swear to the man that left the document.

Q.—Why didn't you say so in your statement? A.—Simply because I thought that.

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Q.—You were putting it as a fact? A.—No, I was not putting it as a fact.

Q.—Mr. Myers, Acting Secretary for Mr. Stratton, walked into the smoking room. A.—That was my belief at the time and I wrote what I believed.

Q.—And you were believing that to connect Stratton with the payment? A.—That was the knowledge I had at that time and then Mr. Sullivan telling me it was Chace made the difference.

Q.—Will you answer my question? A.—I knew that somebody brought the parcel.

Q.—Believing that? A.—To the best of my knowledge then Mr. Myers was the man that brought the parcel. That was my impression at that time. I don't know yet that he did not bring the parcel. I only altered it because Frank Sullivan said so.

Q.—Are you thorough? A.—Yes, sir.

Q.—Now listen to my question. A.—I am listening.

Q.—You believed that Myers was the man that brought the parcel to the smoking room so that you would thereby connect Stratton with the deal? A.—Yes, I thought he was. I thought he was at that time. I told you that long ago.

Q.—Of course you did. A.—You keep on asking it over again, and I told you that Mr. Sullivan told me then I changed the document.

Q.—Now can you give me any reason that was assigned or alleged why Stratton did not hand the parcel to you when he was alone with you? A.—I cannot give you any reason at all.

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Q.—Cannot give me any reason? A.—No, sir, not at all.

Q.—No reason in the world? A.—No reason at all.

Q.—You knew this much if you and Stratton had been alone in his room, and he handed you a parcel of \$3,000, you could have kept the money if you wanted to, and there would have only been your oath against his? A.—That is right, and he could have easily had us alone if he had wanted to. He could have easily sent Sullivan out.

Q.—Instead of that he sends it through two or three different hands?

A.—Through one hand anyway.

Q.—Perhaps two? A.—Yes.

Q.—With Frank Sullivan present? A.—Yes.

Q.—Sends it to a room at the other end of the building, the smoking room? A.—Yes.

Q.—Goes through all this publicity when he could have handed you the parcel directly in the room? A.—If he had wanted to.

Q.—If he had wanted to? A.—Yes, as far as I know he could have done it.

Q.—It struck you that he was an easy mark? A.—No, it did not.

Q.—You were playing the spy upon the Government, the informer, you were the informer, the spy and detective? A.—I was looking for evidence.

Q.—You were betraying the man you were professing to be friendly to? A.—Yes, sir.

Q.—And holding up that you were genuine, and honest, and yet playing a part? A.—Yes, sir.

Q.—The part of the villain apparently? A.—Yes, sir.

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Q.—And you were proud of it, you are proud of it? A.—So you say.

Q.—Were you proud of it? A.—don't know. I am not telling you whether I am or not.

Q.—I ask you whether you were proud of it? A.—I refuse to answer. None of your business whether I am proud of it or not.

Q.—And the lying deception you used towards Mr. Stratton you feel justified in having adopted? A.—Well, we are not trying my justification just now. We will let the country try that. You are not trying to justify me at all.

Q.—Did you feel that you were justified in that course of lying deception and trickery? A.—I am telling you that the country will justify or condemn. I am leaving my case in the country's hands, not yours at all.

The Chancellor: I think you can leave it there. He does not wish to answer.

Mr. Johnston: You refuse to answer? A.—I am telling you that I leave that to the country to justify or condemn. Nothing to do with you at all. You have nothing to do with it.

Q.—I happen to be one of the country.

Mr. Blake: A very small part, Mr. Johnston.

Mr. Riddell: He is not alone.

Mr. Johnston: Not as big of course as my learned friend.

The Chancellor: Let me look at that paper. Where is that change made? Let me see where you were reading.

Mr. Johnston: At the bottom of the page.

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The Chancellor: The words that are struck out, you can read them and see what the first was.

Mr. Johnston: Yes, my Lord. I was reading it as it stood at Gore

Bay. What is interlined is, "Took the parcel from Stratton's office, and gave it to Mr. Chace, who carried it."

The Chancellor: Those words were put in then after Mr. Sullivan told him what occurred in the Crossin piano factory, and he adopted Mr. Sullivan's version of it as against his own recollection apparently.

Mr. Johnston: That is it? A.—Because I didn't see the man distinctly myself.

Q.—Mr. Myers is a tall, slight young man? A.—Yes.

Q.—Mr. Myers, be good enough to stand up? This is the man is it? A.—That is Mr. Myers, yes, sir.

Q.—And it was in the day time? A.—Yes.

Q.—Broad day light? A.—Yes.

Q.—How many windows in the smoking-room? A.—A good many, three or four.

The Chancellor: Is Mr. Chace here?

Mr. Riddell: He has been sent for.

The Chancellor: You can confront all three, and let them pick out each other if they can.

Mr. Johnston: Now, Sullivan and you, you say, were looking out of the window when the door opened? A.—Yes, sir.

Q.—And you were looking out of the window both of you until the man turned around to go out of the door back again? A.—Yes.

Q.—Both looking? A.—Well, I expect we were looking.

Q.—Did Sullivan look around when you looked around? A.—Well, the

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position Sullivan was in he could see the door easier than I could.

Q.—Did he look around when you looked around? A.—Let me explain the position we were standing in.

Q.—Did he look around when you looked around? A.—He did not have to look around. He was turned with his face more towards the door than I was.

Q.—You said you and Sullivan were both looking out of the window at the time the man came in and turned around to go out again? A.—Yes, if you will let me explain to you I will put you right about that. You won't do that, you want to have it your own way.

Q.—I will let you explain anything? A.—Supposing the window was here.

Q.—Draw it here, and I will put it in as an exhibit. A.—Just wait. Now I will show you my wise man. Supposing here was your door coming out of the hallway.

Q.—Where is the table? A.—Something like that. Now your window is over here. I was standing here, and Sullivan here. It was much easier for

him to see this door than me. Something like that. I don't say that is exactly the position, or anything like that.

Q.—Which is the west? A.—This is the west.

Q.—And this is the main corridor? A.—Yes.

The Chancellor: The man came in and put the parcel on that table and went out? A.—Yes, my Lord, he came in through this door, and I was standing here with my back to the table, and he put the parcel on this table and went out.

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Mr. Johnston: Whereabouts did he put it on the table, according to your story? A.—I cannot tell you. Some place about here. I don't guarantee that to be correct, but it is approximately something like the shape of the place. (Sketch marked Exhibit 42.)

Q.—Then, having got the money, and I divided it up, as you have told my learned friend, what did you do? A.—Well, I went out to College street.

Q.—Did Frank go with you? A.—I don't think he went with me.

Q.—Try and think for a moment. A.—No, I will say that he did not go with me from the building.

Q.—Where did you go from the building? A.—I went down to the hotel. I presume, and had my dinner.

Q.—Did you or not go to the hotel, not what you presume? A.—Well, I went and had my dinner. I expect I went and had it.

Q.—After dinner, where did you go? A.—Well, I was in Eaton's that afternoon for a few minutes. Went to the bank just before it closed. I was at the Crossin piano factory a few minutes, and I do not remember where else we were. Went to the theatre that night, I remember that.

Q.—With whom? A.—To the theatre.

Q.—Yes. A.—I had my boy with me.

Q.—Your boy did not go to the buildings with you? A.—No, sir.

Q.—Then when was your next interview with the Sullivans, or either of them? A.—I had some correspondence with them.

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Q.—When was your next interview with the Sullivans? A.—It would be about the 3rd or 4th of October. I suppose so.

Q.—Had you wired Frank Sullivan that you were coming? A.—Yes, sir.

Q.—What for? A.—Because I was going down to see Bristol in regard to the process.

Q.—Why did you wire to Frank Sullivan? A.—Because he was talking to me about Davis' petition, sawing it off.

Q.—And why did you wire to him? A.—To let him know that I was coming down in regard to the sawing off of the Petition.

Q.—That was honest enough, I suppose? A.—As far as I know, yes.

Q.—Then, did you see him when you came down in October? A.—Yes, sir.

Q.—About the 2nd or 3rd or 4th of October? A.—I think about the 3rd or 4th.

Q.—How long did you remain in Toronto then? A.—Three or four days.

Q.—Did anything take place between you and Sullivan on that occasion? A.—On that occasion? Well, just discussion.

Q.—Did anything take place about the money matters? A.—Nothing that I know of.

Q.—Then, on that occasion in October, when you came down with him, you eliminate all question of money matters, and confine yourself to the protest, is that right? A.—As far as I know.

Q.—Was that the first time you had seen Frank Sullivan after the 10th day of September? A.—After the 11th of

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September I expect it was. I don't know whether I was back in Toronto or not.

Q.—You don't know whether you ever saw him again between times? A.—No.

Q.—Then, did you see Frank Sullivan after you claim to have got the money? A.—I think likely I saw him that night.

Q.—Where? A.—If I saw him it would be at the Walker House.

Q.—It is not a matter of if you saw him. Did you or not see him? A.—Well, I think I did see him. I think so. I will swear to the best of my knowledge I did see him and his father.

Q.—Did you have any talk with him? A.—It would be very short if I had any.

Q.—Did you have any talk with him about the money matter that night? A.—No, I don't remember that I had.

Q.—What time did you leave to go home to Gore Bay on the 11th of September? A.—11.15.

Q.—And you usually have your dinner between 12 and 1 or half past 1, that will help you fix the time? A.—Something like that.

Q.—And on that day, do you remember would that be about the time you would have your dinner? A.—I cannot tell you.

Q.—Or when you might have had dinner? A.—I cannot tell you exactly when I had dinner.

Q.—You had it at the Walker House? A.—I think I had. I won't swear I had my dinner at the Walker House.

Q.—Where did you get your tea that afternoon? A.—I got my tea at the Walker House, to the best of my recollection I did.

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Q.—Then, did you get your dinner at the Walker House on that day later than half-past 1, according to your recollection? A.—I cannot tell you whether I did nor not. You have been asking me a lot about that dinner; I tell you I don't know, I won't swear whether I got my dinner at the Walker House, but I think I did. I get my dinner when I eat it, and I think I was there.

Q.—You got it when you had the money in your pocket? A.—Yes, sir.

The Chancellor: Is this in October you are speaking of?

Mr. Johnston: No, my Lord, the 11th of September. I wanted to find out if anything took place when he last saw Frank. He thinks he may have seen him that night, but he does not remember, which, of course, goes for nothing.

Q.—Then, on the 2nd or 3rd or 4th of October you saw him again? A.—Yes.

Q.—When was the next time you saw him personally? A.—After that visit to Toronto?

Q.—Yes. A.—It would be the latter part of October, the 23rd or 24th or something, 22nd I guess. I don't remember the exact date. You have the date there.

Q.—Where did you see him? A.—Well, I saw him in Stratton's office once, and saw him at the Walker House on that visit.

Q.—How long were you in Toronto on that visit? A.—I think he was up at the piano factory once on that visit. I must have been at Toronto two or three days that time.

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Q.—Did you go up to see Stratton? A.—Yes, sir.

Q.—On your own account that day? A.—Yes, sir.

Q.—What did you go to see him about? A.—I went to see him about the rumours that were going in regard to the fact that I was going to support the Government, or had given a promise to support the Government.

Q.—Why did you go on that account? A.—Because I had that letter from Mr. Whitney in regard to what he had heard, and the letter from Cap. Sullivan denying the fact that he leaked.

The Chief Justice: Would you like to sit down? A.—Well, I am pretty tired, but I want to go on with it. I will go ahead just as I am. I am certainly tired, of course. It is tiresome work standing up here.

Mr. Johnston: We have both been standing. A.—Yes, I sympathize with you, Mr. Johnston.

Q.—When I want your sympathy I will ask for it. A.—I thought I would give it to you, then.

Q.—I would rather have my learned friend's satire than your sympathy. A.—You will have both, perhaps.

Q.—On the 22nd or 23rd of October, I am asking you what business was it of Stratton's, or of yours, about these rumours, if you were playing a game? A.—Well, the less rumours there were circulating through the country, the more comfortable it was to live in the country.

Q.—And that was the only reason you had? A.—That was the principal reason.

Q.—What had Stratton to do with rumours? Well, I knew.

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that he knew the position of affairs up to that time.

Q.—What had he to do with the rumours? A.—I don't know that he had anything to do with them. I won't say that he had. He may have.

Q.—You don't know of any? A.—I don't know of any, no.

Q.—You went up, and told him that Sullivan had been talking? A.—Yes.

Q.—Give me the date as near as you can fix that occasion? A.—About the 22nd or 23rd of October, somewhere about that time.

Q.—What time of the day did you see him on that occasion? A.—What time of the day?

Q.—Yes. A.—Well, I was in his office a couple of hours one day. Not in his office, but in the ante-room a couple of hours.

Q.—Can you say what day it was that you went up there? A.—Well, I think it might have been the 23rd and 24th I went up there; I say I think I was there both days likely.

Q.—Was it the 23rd and 24th, or 22nd and 23rd? A.—Well, I say I don't know; I think likely it was the 23rd or 24th.

Q.—You think likely the 23rd or 24th? A.—Yes, likely.

Q.—Then on that day, or one of those days, or both, you saw Mr. Stratton? A.—Yes.

Q.—Did you see him the day you came to town? A.—I think I did.

Q.—That was on the 22nd then? A.—I am not sure. I cannot say which day.

Q.—Did you see him the following day? A.—I saw him two different days; I know that.

Q.—In succession? A.—I think they were in succession. I would not say that positively.

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Q.—Then having seen him the first time you went up to see about the Sullivan rumors? A.—Yes, sir.

Q.—Was that all that you saw him about on that occasion? A.—I don't remember what else we talked about that day.

Q.—Then that disposes of that. Then on the following day did you see him do you think? A.—I saw him two different days, I know.

Q.—About what hour would you go up to see him on either of these days, forenoon or afternoon? A.—I think likely I saw him in the forenoon the first time.

Q.—The second time can you tell me? A.—I couldn't tell you when. It may have been the afternoon.

Q.—There is a very grave reason why I am so particular about these days, and I would like to get your best information? A.—Well, it is likely I saw him in the afternoon of one day, I think so.

Q.—And in the afternoon of the other day? A.—Yes, I think so; I would not be sure.

Q.—Why did you make the distinction? Well, I think I went up shortly after I came to the city, and saw him as early as I could; that is why I made that statement.

Q.—Why did you go up the second day? A.—I may have had something to go up about. I cannot tell you why I went up. He may have asked me to come back the second time.

Q.—Still looking for evidence? A.—I would get evidence any time I could, or take it any time I could.

Q.—Were you looking for evidence in the plot? A.—As I tell you, I was looking for it whenever I could get it. You can have the answer yes if you

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want it; I was looking for evidence all the time.

Q.—On these occasions did you come up to look for evidence against

Stratton? A.—I have told you what I went up for. I went up in regard to the rumors that were afloat the first time.

Q.—And you cannot tell about the second time? A.—He may have asked me to come up the second day. I remember this letter was brought into consideration then that they wanted me to sign. He showed it to me. That letter may have been shown to me the first day I was up at Stratton's, but I won't say it was for sure. It was shown to me during that visit to Toronto.

Q.—And you took it home with you? A.—Yes.

Q.—And made the alterations in your own writing? A.—Yes.

Q.—And had it signed by your son? A.—Yes.

Q.—On the 22nd of October? A.—That was the date it was signed, dated rather. It was signed after. Dated in Toronto before I left.

Q.—Was there any statement talked about being published in the papers at that time? A.—Yes, sir.

Q.—And whilst he was seeing the Premier, according to your story, Myers took you down to a room in another part of the building? A.—Yes, sir.

Q.—What room? A.—I couldn't tell you the room.

Q.—Whereabouts? A.—I think it was downstairs on the flat below that if I ain't mistaken.

Q.—In the west or east end of the building? A.—It seems to me it was in the west end.

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Q.—What did he take you there for? A.—Because it would not be in Mr. Stratton's office, I suppose. I didn't have any other reason.

Q.—Did you ask to go there? A.—I didn't ask to go to that room, because I didn't know the room.

Q.—Did you ask for a room apart from Stratton's office? A.—Well, before Stratton told me that they would send me to a room.

Q.—You could have waited in the main waiting room outside? A.—I suppose I could. I don't know the reason why.

Q.—But because they said you would go to a room, Myers took you to a room, and you don't know what it was? A.—Myers can tell you what room it was.

Q.—Mr. Myers cannot tell me what room it was; that is where the difficulty is. How long did you remain in that room? A.—Quite a long time.

Q.—Alone, doing nothing? A.—Not of any account. Reading.

Q.—Reading what, papers? A.—I don't know what. It was there in the room anyway.

Q.—Perhaps an hour? A.—Perhaps an hour, I don't remember.

Q.—Perhaps two hours? A.—Short part of the time I was talking to Mr. Stratton, because he came down to that room himself wherever it is.

Q.—In the ground floor of the Parliament buildings? A.—I think it was. I wouldn't say positively that it was. I never was in the room before or since.

Q.—Did he come to the room there with any message from

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the Premier? A.—Yes, at least he said he did. I believe he did.

Q.—That he thought you had better not publish anything about it? A.—Yes, sir.

Q.—Then what did you do? A.—Went down town, I suppose, after that.

Q.—And that was all that took place after that on that occasion? A.—Well, as far as I recollect, that letter might have been mentioned that day.

Q.—Did you see anything of Frank after that on that occasion? A.—Well, he was not at the building with me during that visit, I don't think.

Q.—And that was about the 20th or 21st of October, along there, and you were alone on those occasions?

A.—On that one occasion, that day, that one day.

Q.—And at the time the letter was talked about you were alone? A.—No, sir.

Q.—Who was with you? A.—Well, as I tell you now, the letter might have been spoken of that particular day. If it was not spoken of that day, it certainly was the next day, and Frank Sullivan was with me the next day.

Q.—Who had the copy of the letter when you got it? A.—Sullivan had it in his pocket part of the time, and it was given to me before I went home to Gore Bay.

Q.—What was he doing with it? A.—I don't know. It was him told me what to do with the letter.

Q.—Was he in Stratton's room when you were there? A.—Yes, one of the visits there at Stratton's.

Q.—One of the visits on that occasion? A.—Yes.

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Q.—When did you leave for home? A.—Well, I cannot recollect. I may have left for home Saturday night, the

25th, or I might not have left until the 27th. I am not sure.

Q.—Then your next communication was with him on the 4th of November, 1902? A.—Likely, yes.

Q.—Did you want to borrow \$2,000 from him? A.—That is what I said in my letter.

Q.—Did you want to borrow it? A.—I wanted to get evidence against him.

Q.—Did you want to borrow it? A.—I am telling you I wanted to get evidence.

Q.—Did you want to borrow \$2,000, as stated in the letter? A.—My intention was to get whatever evidence I could from him in regard to this.

Q.—My Lords, I must ask a ruling that this witness should answer. A.—Well, I am telling you, answering you.

Q.—Did he intend to borrow \$2,000 when he wrote this letter if he could get it?

The Chancellor: You ought to answer yes or no to that. A.—Well, I don't know that I wanted to borrow the money. I didn't need the money.

Mr. Johnston: Did you want to borrow it, as stated in the letter, or did you not. A.—I would say not then.

Q.—Then that was a false statement? A.—If you call it that, yes, sir. I didn't need \$2,000.

Q.—Did you intend to take it if he would lend it to you and give you notes for it? A.—It would just depend on what evidence he gave me. If I got a letter from him that I con-

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sidered good, satisfactory material to use, I would have been guided by the letter whether I would have taken it or not.

Q.—You would have taken the man's money if he had sent it to you, and signed notes for it? A.—I am telling you I would have been guided according to the letter he would have sent me whether I would take it or not.

Q.—Supposing he had sent you the \$2,000 with notes payable after the first session, would you have signed the notes and returned them? A.—Just depended on the kind of notes and kind of letters and everything that would come along. They did not come, so I could not tell you whether I would or would not. I am just telling you exactly.

Q.—You were willing to take the thirty pieces of silver wherever you could get them? A.—Take evidence wherever I could get it.

Q.—And the thirty pieces of silver? A.—Evidence, whether it was silver or letters or gold.

Q.—And willing to spend it in your own business? A.—I am willing to put it up there in court.

Q.—You were willing to take it and spend it in payment of your debts? A.—Willing to put it up in here when it came.

Q.—Willing to take the Judas' money and spend it in your business? A.—You have repeated that half a dozen times.

The Chancellor: It is better not to use these strong epithets.

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Mr. Johnston: "I have a chance to buy some timber lands here, out of which I can make some money, if I can raise that amount at once." Was that a lie? A.—Yes. There was no timber limits at all, that was just written for a purpose purely and simply.

Q.—Tell me in what way you expected an incriminating answer to be given to a letter of this kind? A.—Whatever letter would have come in answer to it would have spoken for itself when it came.

Q.—You concocted this as part of your scheme? A.—Yes, sir.

Q.—What kind of answer did you expect to come back from this letter? A.—I couldn't tell you what answer Mr. Stratton might write to any letter.

Q.—What were you hoping by laying this trap was going to be the result? A.—That was just a way to get a letter from Mr. Stratton.

Q.—Of any kind? A.—Of any kind.

Q.—It might have been of use, and might not have been? A.—It turned out that I didn't get any.

Q.—It might have been of use or not? A.—That is quite right.

Q.—You were willing to lie under the words "Personal and confidential"? A.—Yes, I was willing to send that letter, and see what kind of answer I might get.

Q.—"Kindly do not delay answer, as I have an option only for one week on the lands." That was absolutely false? A.—Yes, it was just a part of the scheme.

Q.—You were willing to lie to entrap a man to commit a crime? A.—If it was necessary to get evidence, yes.

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Q.—And that is the keynote of your whole conduct in this scheme? A.—As I told you before, you are not trying me at all. The country will justify me or not. They will condemn me or justify me.

The Chancellor: He has answered that several times. It was part of his scheme, and he entered into it.

Mr. Johnston: In the same letter you recommend the appointment of J. W. Swanson? A.—In the same letter?

The Chancellor: Yes, it is in the same letter.

A.—I don't know. I might. Just show me the letter and I will tell you whether I do or not. Yes, here is your letter.

Mr. Johnston: Was that part of the scheme? A.—I might have just thought of that appointment, and wanted to see what would happen about it.

Q.—Now, did you intend at the time you wrote this letter, if he sent you a cheque for \$2,000, to give your notes for it? A.—I don't tell you what I intended to do at all. I intended to act according to the letter which would come from Mr. Stratton. I have told you that three or four times. You insist on asking the same question over and over again. You think you are getting further answers. Now, I tell you I intended to act according to the letter Mr. Stratton would write me, whatever that might be.

Q.—Are you through? A.—Yes.

Q.—When you wrote this letter, had you any idea in your mind that you would send notes for it, payable in the spring? A.—I had an idea that I would act according to the letter I got from him. I don't know whether I would or would not. I am not tell-

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ing you whether I would or would not. I would act according to the letter I got from him.

Q.—Now, you never even got an answer from him about that letter? A.—I got an answer from Mr. Myers, his secretary.

Q.—You never got an answer from him about that letter? A.—No, not that I know of.

Q.—You knew at that time you were dealing with a man that you had held up, you and Sullivan, apparently for \$3,000? A.—Yes.

Q.—And you knew, as far as the past history was concerned, that all you had to do was to go and demand \$2,000 more, and he would have to pay it to you, or you would tell? A.—Well, I thought, in writing that letter, that perhaps it would have that effect in bringing out something of that kind, do you see, that would be better evidence than getting the \$2,000 to pass from one hand to the other, the way it was in Toronto first.

Q.—And, going back to the original part, the only written evidence of the \$3,000 that you ever had, you had destroyed months before? A.—Yes.

The Chancellor: He said that.

Mr. Johnston: I merely want to bring the witness' mind to that connection.

The Chancellor: It is probably vividly present to him.

Mr. Johnston: Was that letter about the borrowing of the \$2,000 ever mentioned afterwards between you and Stratton? A. — No, sir, I don't think it was.

Q.—You never even asked him why he did not respond to your letter? A.—I don't think so. I don't remember that I ever did.

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Q.—And you did not even tell the Sullivans about it? A. — I don't think I did. I did not see them for quite a while after that.

Q.—Then, that being the 4th of November, you were not in Toronto until December? A.—I don't think so.

Q.—Did you see Stratton at that time? A.—In December? No, I don't think I did.

Q.—And you were pretending, of course, to him, at any rate, truthfully or otherwise, that you were going to give the Government an independent support? A.—Yes, sir.

Q.—I mean, I may take that as your general statement to him? A.—Yes, sir.

Q.—And when the letter of the 10th of September, and the amended letter of the 27th of October, were drawn up, they represented truthfully what you had been pretending to Stratton? A.—What I had been pretending to him, yes.

Q.—At these interviews, he had reproached you for attending the Conservative caucus? A.—Stratton had?

Q.—In Toronto, at some of these interviews? A.—He might have. I don't remember.

Q.—And he objected to your speaking for the Conservatives in North Perth? A. — That was later.

Q.—But he objected to it? A. — Yes, that was later.

Q.—Now, was his objection to your speaking in North Perth at the first interview after that of the 23rd or 24th of October? A.—I think it was.

Q.—So that, from the 24th of October, or thereabouts, up to the 13th of January, 1903, you had not seen Stratton? A. — I think not.

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Q.—And on the 13th of January you had reached a point after the elections in Perth, Grey and York? A.—Norfolk.

Q.—You came to Toronto from Perth? A. — Yes.

Q.—Fresh from the elections? A. — Yes.

Q.—And you saw Stratton at his office, about what time? A.—I think about the 13th.

Q.—Tuesday morning, you say, at about what hour? A.—I think I had an early appointment there, about a quarter past nine, or something of that kind, but he wasn't in just at that time.

Q.—Then when you went there you had to wait some considerable time? A.—Yes.

Q.—And then you were called in? A.—Yes. You were over all that yesterday, that same question.

Q.—Who was present at that interview with Stratton of the 13th day of January? A.—I don't think anybody was.

Q.—Will you swear no one was present? A.—Well, Mr. Myers might have been in and out when the interview was going on. He was possibly in and out, taking letters.

Q.—Nobody else? A.—On the 13th?

Q.—Yes? A.—I will not swear that part of the time there wasn't anybody there.

Q.—Will you swear that on the 13th two people were not in that office substantially the whole time you were there? A.—Well, they might have been hid or something. They were not there that I could see.

Q.—No, there that you could see: that Stratton was there and that you were there, and that two other

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people were there during the whole of that interview excepting for a moment or two at the beginning? A.—Well, I don't think so.

Q.—Will you swear they were not? A.—I will swear to the best of my knowledge they were not, yes sir, except as I tell you Mr. Myers was in and out of the room two or three times, and he might have been in part of the time.

Q.—The whole of the interview, excepting the moment of introduction and shaking hands, the whole of the interview that two other men were in that room in your presence during the whole of that interview, will you swear that is not true? A.—I will swear that Dr. Chamberlain was in that room a little while part of the time, he came in on the order of Mr. Stratton and went out.

Q.—I want you pinned down to this question? A.—Well, I will swear positively that there was not two men in there during the greater part of that time, with the exception that Mr. Myers may have been in and out, and Dr. Chamberlain was called in by Mr. Stratton.

Q.—Don't get away from my question. A.—It is a big, broad question, it covers the whole time that I was in there. I am trying to bring in the man that I know was in there at that time. I am not going to let you get away from me, either.

Q.—I am going to put the question again as the foundation of a fact. Except for the moment of the introduction, the first minute or two of that interview, will you swear that two men were not in that room during the whole time you were there with Stratton? A.—Not to my knowledge they were not.

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Q.—You swear that they were not? A.—I swear that they were not, and I told you who was possibly an exception. I said that Dr. Chamberlain was in part of the time, and Mr. Myers part of the time, and there may have been some of the other clerks in there during that time. I am qualifying it to that extent.

Q.—That is not my question at all. You and Stratton were together on the 13th of January, and excepting the first moment or two, two men were in that room sitting with you and Stratton during the whole of that interview until you got up and went out. That is my proposition? A.—They were not sitting in that room, I swear positively they were not.

Q.—Now, on the 18th of September, you profess to have got an unsigned letter from Frank Sullivan according to your statement? A.—There was an unsigned letter about that date. I thought you were over all the letters.

Q.—Why did you sign F. J. Sullivan to that letter, when the original had not his signature? A.—When the original had not his signature?

Q.—Yes. A.—On what?

Q.—In your statement? A.—in my statement? I didn't sign it.

Q.—Let me see the original. Now, you show your statement, published in the paper—

The Chancellor: What is the date?

Mr. Johnston: September the 18th, my Lord. Signed F. J. Sullivan, you saw that in the paper? A.—I did not sign that at all.

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Q.—You saw that in the paper? A.—I don't know that I did. I don't know that I read it in the paper, and I didn't sign that newspaper at all. What are you talking about?

Q.—I am asking you if you knew about it? A.—I am telling you I did not. You know very well I did not.

There is the original letter used. I assumed it was from Sullivan, and I believe it was yet.

Q.—Now, in your statement you say, "I received a letter from Frank Sullivan." A.—Yes. I believe it was from him.

Q.—It does not make any difference what you believe. You stated as a fact that you had received a letter from Frank Sullivan, an unsigned letter.

Mr. McEvoy: It is printed at page 83 of the report, my Lords. And wrongly printed. Printed as if it had been signed.

The Chief Justice: Yes, it appears to be signed there, but the signing is struck out, and if you look at page 82, it says, "Exhibit No. 4, unsigned typewritten letter." It is struck out in our copy, and designated as an unsigned letter.

Mr. Johnston: Is Mr. Chace here? Come this way, Mr. Chace and Mr. Myers. Will you tell me which of these two gentlemen you saw in the room? A.—I couldn't tell you. I told you I couldn't recognize the man that came out of the room. It might have been either one of them.

Q.—You don't recognize this gentleman, Mr. Chace, at all? A.—I don't know Mr. Chace, no. I might have seen him sitting at that door, going

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in and out, and paid no attention to him.

Q.—Do you remember seeing him before as a man? A.—I might have seen him before. Probably have.

Q.—May have seen him before the 10th of September? A.—Might have seen him. I don't know that I might have seen him before the 10th day of September. I wasn't around there before that much.

Q.—The 11th of September? A.—I might have seen him. I don't know anything about him, whether I seen him or not.

Q.—You have to pass Chace's position at the head of the stairs in order to get to Stratton's room? A.—Yes. Still, I might pass there without looking at Chace. You think I cannot. I suppose.

The Chancellor: You cannot say whether it was either of these? A.—I said distinctly long ago, I could not say which of them it was.

Q.—You have not heard my question. You say now that you cannot tell whether it was either of these two men that brought that parcel in, it may have been a third man? A.—It might have been some other man. I cannot say. I won't swear who brought

the parcel. I simply say Mr. Frank Sullivan told me this was the gentleman that brought it in, Mr. Chace, but to my recollection I thought it was Mr. Myers brought it in. I didn't see the man distinct enough to say who brought it in. Those men themselves know which one brought it in. They don't want any checking from me.

Mr. Johnston: They say it is false, if you want to know what they say.

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The Chancellor: Then we will pass from that episode, I suppose, and take something else.

Mr. Johnston: The other question is upon a new branch, my Lord.

The Chancellor: Then it can stand until to-morrow. (To witness) At page 82 of the book I see here, in answer to a question you are asked what day was that, and you say "About the 25th or 26th of August, I could tell you if I had my book." Now, what book do you refer to? A.—I had a little memorandum book that I copied down the amounts, payments that I paid out each day as I went along, and that leads me to believe that I was at a certain place at a certain time.

Q.—When I asked you if you kept a diary, you meant that sort of book? A.—That sort of diary, that is all.

Q.—And that book satisfied you that this was the 25th or 26th of August? A.—Yes, sir.

Q.—Where is that book? A.—I have it here.

Q.—Then, it can be looked at, if necessary. We will adjourn to 10 o'clock to-morrow.

Mr. Blake: I may say, my Lord, that the witness to whom you have referred, it has been arranged that he need not be here until he is telegraphed for. We have arranged that he is not to be here until telegraphed for.

The Chancellor: Have you seen him?

Mr. Blake: He has been telephoned to.

The Chancellor: Very good.

(At 4 p.m. adjourned to 10 a.m. on Wednesday, the 15th day of April, 1903.

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FOURTH DAY.

April 15th, 1903, 10 a.m.

Cross-examination of Mr. Gamey, resumed by Mr. Johnston:—

Mr. Johnston: Now, we left off I think about the 13th January. was it? Your interview then? Do you remember? A.—The last words I heard you say last night was something about the letter of the 29th September. I do not know

where you left off. Go ahead wherever you like.

Mr. Riddell: Will your Lordship direct the witness to speak louder if he can?

The Chancellor: Can you speak any louder? Are you speaking in your usual tone? They complain that they cannot hear you. If the court-room is kept perfectly still I think the witness could be heard. There is such a moving about and changing of seats it is difficult to make oneself heard.

Witness: I am speaking in my ordinary tone of voice.

Mr. Johnston, resuming:—

Q.—And you remember that you were also dealing with the alleged facts connected with the payment of the money on the 10th September. Do you remember that? A.—Yes sir.

Q.—And do you remember saying that from the 7th of August or thereabout, up to that time that you made your statement in the House, your position was to lead the Government, and the friends of the Government to believe that you were going to give them a support? A.—Yes sir.

Q.—And there was no secret about that, was there? A.—I do not know

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that there was any secret.

Q.—And during the whole of that period from the 7th of August, until the 10th or 11th of March, the meeting of the House, when you made your statement, you told your Conservative and Reform friends alike, or gave them to understand, that you were leaving your party, and going to give the Ross Government an independent support? A.—No, sir.

Q.—When did you make the change? A.—I did not tell the Liberals and Conservative friends alike, that is a different thing.

Q.—Whom did you tell? A.—The impression was given to the Liberals, if I was talking to any, that I might be going to support the Government. The impression I would give to Conservative friends, if I was talking to them, was that I was not going to support the Government.

Q.—Now, it had been known in Manitoulin at any rate, your own riding, that you were talking that way—generally known, was it not? A.—Some rumors.

Q.—A good many rumors? A.—I do not know how many I am sure.

Q.—Was it not generally talked about in Manitoulin during the autumn of 1902? A.—I think it was talked about some—yes.

Q.—So much that you complained in the House that you had to live a life of a very uncomfortable character. A.—

That was later on I complained in the House. That was not in the autumn.

Q.—Your life was quite unpleasant during the autumn? A.—My life was as

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pleasant as I made it myself.

Q.—It was quite unpleasant so far as political rumors were concerned during the autumn of 1902? A.—I do not know whether it was pleasant or unpleasant. It is no difference to you whether it was or not.

Q.—Not the slightest. And it is no difference to me, I suppose, whether or not you were telling Conservatives along about that time you were going to support the Government independently? A.—I was not telling the Conservatives in the autumn.

Q.—Were you publicly announcing in the autumn of 1902 that you were going to support the Conservative Government if there was one in power? A.—What do you mean by publicly announcing?

Q.—In any way? A.—Public platform?

Q.—You were not making speeches then. That was reserved for a later occasion. I am speaking of the autumn of 1902. Were you telling publicly and generally that you were going to support the Conservatives? A.—I explained to you before, I may have stated to parties I wanted to tell, that I was going to support the Government.

Q.—Whom did you tell it to? What kind of parties? A.—It might have been stated to any kind of parties. I will not say who.

Q.—Did you state it to Conservatives as well as Liberals? A.—That I was going to support the Government? What time?

Q.—In the autumn of 1902? A.—I will not say whether I did or not. I might have said so.

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Q.—A moment ago you swore that you did not tell the Conservatives? A.—I told you, generally speaking, I did not tell Conservatives. I gave the impression to Conservatives generally I was going to support the Conservatives, and individual cases might have been different.

Q.—Now I ask you whether you told Conservatives during the autumn of 1902 that you were going to give an independent support to the Government? A.—Not generally speaking I did not.

Q.—How many did you tell particularly, do you suppose? A.—I could not tell you.

Q.—Half a dozen? A.—I could not tell you.

Q.—A dozen? A.—I have no idea.

Q.—A hundred? A.—I could not tell you how many.

Q.—You cannot tell from half a dozen to a hundred? A.—May not have told that many, or may have told—

Q.—You may have told more than a hundred, or not? A.—Oh, I say I may have told more than half a dozen.

Q.—You may have told more than a hundred or less than a hundred? A.—I would say less than a hundred.

Q.—Less than fifty? A.—I tell you I cannot tell how many. I am not going to tell you how many.

Q.—You are not going to do what? A.—I say I cannot tell you how many.

Q.—You said you were not going to do something? A.—I said I am not going to tell you how many, when I cannot tell you how many.

Q.—In the autumn of 1902, if you were telling Liberals that you were going to

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support the Government, and leading them to believe that, of course you would expect that to get out—to become public property, would you not? A.—I do not know that I was telling Liberals even that to any extent. I might have been, I said, where I was discussing politics with Liberals. I was not discussing politics all the time with anybody.

Q.—Is that a fact about which you can pledge your oath—any fact at all in this action, because you might have done this, and it is likely you did that, and fact that you can pledge your oath to? possibly something else. Is there any? A.—You go on and ask questions and I will try.

Q.—Is there any fact in connection with these rumors that you can pledge your oath to as a positive fact? A.—Ask the fact and I will tell you.

Q.—Is there any fact? A.—I say you ask the fact, and I will tell you whether I can or not.

Q.—I have asked you two or three. A.—Ask me the fact now.

Q.—I have given you two or three, and you will not give me an answer. A.—Well, go ahead and give me another one, and I will tell you whether I can answer it or not.

Q.—Did you convey generally to the Liberals wherever you met them in the fall of 1902 that you were going to give the Ross Government some kind of support? A.—When you say did I convey generally, I might say I did not convey generally, but I conveyed to Liberals if I was speaking politics.

Q.—Was that what you generally conveyed—the impression? A.—I do not know that it always was.

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Q.—Did you ever say to Liberals at all that you were not going to support the Government? A.—I do not know whether I did or not. I might have said it to Liberals.

Q.—You might have said many things? A.—Yes.

Q.—Did you say it as a matter of fact?

A.—I might say I did say to some Liberals I would not support the Government, and I might say I said to some other Liberals I would. It depended upon the Liberal, or what he was fishing for when he was talking to me—what kind of evidence he was after.

Q.—Were you holding out to the people of Manitoulin at that time publicly or in any public way that you were going to support the Conservative party during the autumn of 1902? A.—Yes, I was.

Q.—Now, you say that the kind of talk you would give to the Liberals would be dependent upon what they would be fishing for. What would they be fishing for? A.—Some Liberal might think he was very wise, like some Liberals do sometimes, and think he was going to get some information, and he might not get as much as he thought.

Q.—What information could he get if it was not known publicly you were going to support the Government? A.—You know there were rumors to that effect—I told you so—through the country. He might have heard those rumors.

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Q.—And if you stated to Liberals that you were going to support the Government, and then stated publicly that you were not going to support the Government at all, what position did you think that would place you in? A.—You are just playing on words.

Q.—I am? A.—Yes sir.

Q.—If you stated to Liberals that you were going to support the Government, and in the same breath you were publicly stating that you were going to support the Conservative party, how did you expect to reconcile your position? A.—We were not publishing anything at the time.

Q.—In the fall of 1902, between September and the next year—I ask you if you were publishing statements during that time that you were going to support the Conservative party, and at the same time telling Liberals that you were going to support the Government—Liberals that were fishing? How did you expect to reconcile these two positions, if that was your conduct? A.—Well, I am not trying to reconcile them at all.

Q.—I thought not. Did you do it? A.—I have answered a half a dozen times, my Lord. I told you distinctly, in some cases if I was talking to Liberals I might tell them I would support the Government. In some cases, if I was talking to Conservatives, or possibly to Reformers, I might say I was going to support the Conservatives.

The Chancellor: You admit in fact that on different occasions, and under different circumstances, you occupied different positions? A.—Yes. I told him that half a dozen times.

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The Chancellor: You accept what I am going to say, and without hearing what it is? A.—Go ahead, my Lord.

The Chancellor: I do not want to go ahead, because you go ahead of me. I will not say any more. Go on? A.—I beg your pardon.

Mr. Johnston: Did you expect the Government to believe your story, that you were going to support them, if you published statements that you were going to support the Conservatives? A.—I told you before we did not publish any statements that I know of.

Q.—Did you expect the Government to believe you, or to deal with you in any way and accept your statements that you were going to give them a support, if at the same time you were making public statements that you were going to support the Conservative party? That is a simple question? A.—I expected the Government would use their own judgment in that.

Q.—Did you expect that they would deal with you under that state of circumstances? A.—I am just telling you, I expected they would deal as they liked—use their own judgment. I did not have any expectations at all.

Q.—Then what you state to this court, if I may put it plainly, is this. You were professing to lead the Government on with promises of support? A.—Yes.

Q.—You were at the same time making statements, publicly, that you were going to support the Conservative party, and that the Conservative party would be in power? A.—I tell you I did not publish those statements at all.

Q.—Did anybody publish them for you or circulate them in any way? A.—Not

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that I know of.

The Chief Justice: Are you using "publish" in the sense of publishing it in the newspaper?

Witness: Or broadcast, or in any other way.

Mr. Johnston: Taking means to make it public generally. A.—I was not taking means to make it public.

Q.—And you were not taking means to make any statements public so as to stand in with the Conservative party at the same time that you were making statements to the Government to make them believe that you were going to support them? A.—I was not taking any means to do it at all, either one way or the other.

Q.—Now, I am speaking of the fall of 1902. A paper called the Manitoulin Conservator was your supporter? A.—Yes.

Q.—It is the Conservative paper of the riding? A.—Yes.

Q.—And on the 23rd of October you saw Mr. Stratton about the rumors? A.—About that time.

Q.—About that time. You had received a letter from Mr. Whitney on the 17th September. A.—Yes.

Q.—In which Whitney had called your attention to the fact that John Sullivan had been circulating some story A.—Yes.

Q.—And that was a story that you did not desire to have made public at that time? A.—Yes.

Q.—Yes. Then you did not see Stratton after you got Whitney's letter for five weeks? A.—After I got Whitney's letter?

Q.—Yes. You did not see Stratton for five weeks? A.—I think you are wrong.

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Q.—That is what you have sworn to? A.—Well, I think I saw Mr. Stratton possibly early in October. I don't remember whether I saw him or not, though.

Q.—You have sworn consecutively to me yesterday— A.—I know I saw him the 23rd October, or the latter part of it.

Q.—Quite so. You swore yesterday that after the 10th day of September, or 11 September, the next time you saw Stratton was the 24th or 25 October? A.—Well, I think that is correct.

Q.—And you swore you had not seen him in the meantime? A.—I think that is correct.

Q.—Then why do you swear to-day you think possibly you might have seen him between times? A.—I saw the Sullivans. I was in Toronto in the meantime.

Q.—Why did you swear this morning that you thought you might have seen him between the 11th— A.—I cannot remember unless I look at the dates and see what dates I was in Toronto. Give me a moment.

Q.—Is it a fact that you got your letter from Whitney about the 17th September?

The Chief Justice: 19th, I think. It is exhibit 12, Mr. Grant.

Mr. Johnston: No doubt your Lordship's note is correct. The 19th September. Two days out of five weeks is not a matter of great moment, but it is better to be exact. Now, I ask you under those circumstances, and you being alarmed about the rumors, why you did not see Stratton for five weeks after you got the Whitney letter, and knew about the rumors? A.—I do not

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know that the rumors were very general through the country, or that it was talked about much until after the 3rd or 4th of October, when I was in Toronto --after I returned from Toronto.

Q.—Is that the only reason you give? A.—That is the only reason I know of.

Q.—The rumors had got to Mr. Whitney away down in Morrisburg? A.—Yes sir.

Q.—In the eastern part of the Province? A.—It was very handy to go from Ottawa there.

Q.—It was published in the Ottawa papers? A.—No.

Q.—No rumors published in any of the papers? A.—In the Ottawa papers, not that I know of. I never heard of any.

Q.—And that is the only reason you can give for keeping quiet during the five weeks without seeing Stratton? A.—I do not know that I thought about seeing him during that time.

Q.—That is the surprise to me, you know. It may not surprise you. Then you told me yesterday that between the 11th September and the time that you saw Stratton, about the 24th October, you did not see the Sullivans? A.—I did not tell you anything of the kind.

Q.—Well, when did you see them? A.—About the 3rd or 4th of October.

Q.—Where did you see them? A.—In Toronto.

Q.—When you were in Toronto about that time? A.—About 3rd or 4th October.

Q.—And how many days in Toronto then? A.—A couple of days.

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Q.—Now you take the Conservator. I suppose? A.—Yes sir.

Q.—“Denial.” A foolish rumor was started last week which appears to have had its origin in Toronto, and was to the effect that R. R. Gamey, M.P.P., had sold out for a consideration to the Ross Government. Mr. Gamey called at this office on Tuesday and asked us to give the rumor implicit denial, and at

the same time stated that the absurdity of the rumor should be a sufficient denial in itself, for if we must judge the political situation by the Oxford election trial, it must be apparent to anyone that it can only be a matter of a few months until the Conservatives would be in power. The odds were in their favor.

"Mr. Gamey felt hurt that anyone should have been so malicious as to start and circulate such a rumor. He had lived here from his boyhood, and he thought he could safely say that no one could show any justification for starting such a yarn." (Put in as Exhibit 43.)

Q.—Is that right? A.—I suppose it is.

Q.—That was published with your consent, knowledge, and approval? A.—I did not say that it was—no.

Q.—Do you repudiate it? A.—No. Just let me explain that.

Q.—Wait a moment? A.—Go ahead.

Q.—What did you call at the office of the Conservator for? A.—Simply because I call at the office very often when I am in town—very often.

Q.—That is the reason you give for calling this time? A.—Possibly the reason. He may have said when I called there, what about these rumors? I may have said there is nothing in them,

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Mr. Price, why should a man go over now? I did not tell him to publish that in the paper.

Q.—I am not saying you did? A.—He was a man I would likely say to, there was not anything in the rumor, because he was a Conservative.

Q.—You saw this in the paper? A.—I may have seen it.

Q.—You take the paper? A.—Yes. I am not always at home. I am away for weeks. It is likely I saw that. I would not swear.

Q.—You went home about the 25th or 26th October? A.—Yes.

Q.—So that you would be home shortly after the paper was published? A.—Very likely.

Q.—You were or you were not. The paper was published on the 24th. Were you home shortly after the publication of the paper? A.—I was home about the 28th.

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Q.—And the paper takes a day or so to go to your place? A.—Yes sir.

Q.—So that it would reach you at any rate by the 26th, or 25th probably? A.—It would reach me sometime within a few days.

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Q.—The 24th was Friday? A.—Yes.

Q.—Then you see part of that quotation where it says: "Mr. Gamey felt hurt that anyone should have been so malicious as to start and circulate such a rumor." A.—Yes.

Q.—He had lived here from his boyhood and he thought he could safely say that no one could show any justification for starting such a yarn." Now the man did not invent that out of his own imagination, I suppose? A.—I do not know that he did.

Q.—You gave him the information upon which that was based? A.—I simply told him as I tell you, because he was a strong Conservative, that there was nothing in the rumor.

Q.—Do you say that this publication is untrue in any way? A.—I do not say that it is.

Q.—I put it in then if you say it is not untrue.

The Chancellor: Does the expression mean that he authorized that?

Witness: No, I did not authorize that. I said distinctly I did not authorize it, and yet I do not say it is absolutely untrue. There may be a certain amount of truth in that.

The Chancellor: That paper says "authorized."

Mr. Johnston: It says "asked us." "Should be a sufficient denial in itself." A.—I may have said that.

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The Chancellor: Did you write a letter to the paper saying you had not asked him to put it in? A.—No; I did not pay any attention to it at all. If you follow up the papers you will see something in them every few weeks.

Mr. Johnston: And you did not need expressly to contradict the rumor? A.—I do not know that I did. I go into his office very often when I am in town.

Q.—You did not go there for the purpose of contradicting the rumor? You say no. A.—I say that I do not remember that I did, no.

Q.—Will you swear that you did not? A.—I will not swear that I did or not. I don't remember whether I went in for that purpose or not. That conversation I had with him may have been a week before the paper was published.

Q.—You were in Toronto about the 3rd or 4th October? A.—Yes sir.

Q.—How long did you remain in Toronto then? A.—I was in Toronto two or three days I guess.

Q.—Did anything take place between you and Sullivan on that occasion? A.—I was talking to him—to Sullivan.

Q.—Which one? A.—I was talking to Frank and the father, both I suppose.

Q.—Did anything take place about the money matters? A.—Not to my recol-

lection then. You asked me that same question yesterday.

Q.—Do not be so sharp so early in the day. Then on that occasion in October when you came down with him, you eliminate all question of money matters, and confined yourself to the protest. Is

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that right? A.—I say the money matter might have been discussed. I do not remember that it was.

Q.—Is that right? On that occasion in October when you came down with him you eliminated all question of money matters and confined yourself to the protest? A.—I will not say we did not talk about money matters. I will say I do not remember. There was no money passed between us then.

Q.—I am not speaking about that. I am speaking about the discussion. Was there any discussion about money matters between the 3rd or 4th or 5th October? A.—There might have been. I would not say. I do not think there was.

Q.—Then it is right that you confined yourself entirely to your protest discussion? A.—I do not remember exactly what we did discuss or did not discuss, it is that long ago.

Q.—Do you know that you discussed the protest? A.—Yes.

Q.—And as far as you know that is all that was discussed? A.—I say the question of money might have been discussed.

Q.—We have had thousands of questions answered. "It might have been." Now, I want to know what really happened, if I can get an answer to a single question? A.—I told you that the protest was discussed.

Q.—Then I have got that fact? A.—And I am telling you that the other might have been discussed, and I am not going to tell you whether it was or was not, because I do not remember.

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Q.—As far as you know now, was there any other question discussed excepting the matter of the protest? A.—I am telling you I do not remember exactly what discussion took place. I am not going to put it into words. I cannot do that.

Q.—You will not answer my questions in the way I put them? A.—Yes, I will, as well as I can.

Q.—I will put my question again.

The Chancellor: He has answered it fully in his own way. He says it might or it might not have been discussed; a great many things may have been said which he cannot remember he says.

Mr. Johnston: Yesterday he denied it, my Lord; that is all.

The Chancellor: Then he cannot remember to-day.

Mr. Johnston: And yesterday he denied it. He said that was all that was discussed. That is all I can say about it. What position did you take with your Conservative friends after the interview with the Globe was published, when that became public property? A.—Well, I took the position, with the exception of those few who knew about it, that I was going to support the Government.

Q.—And your meeting of the Executive was after the publication of the Globe interview? A.—Yes.

Q.—And you were there? A.—Yes, sir.

Q.—Then in order that there may be no doubt about another matter, you saw the Mail and Empire, I suppose, on September 11th containing a report of the Conservative caucus? A.—I will not say that I saw it. I might have seen it.

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Q.—"Might," yes. "Robert Gamey, M.P.P. for Manitoulin, felt satisfied that the Conservatives throughout the Province were satisfied with their leaders, and united and hopeful to a degree." Mail and Empire of September 11th, 1902. You will not object to that, Mr. Blake? Is that correct?

Witness: I may be correct.

Q.—"It might be." Is there any certainty about anything with you? "It might be correct?" A.—If you ask me a question I will tell you with certainty.

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Q.—You know what you said, I suppose? A.—I do not know exactly what I said on the 10th September at the Conservative Executive meeting. I will venture to say you cannot tell me what you said on the 10th September.

Q.—I was not making political speeches? A.—You were not?

Q.—No, not on the 10th September. A.—I will bet you said something, and I will bet you cannot tell me the exact words, smart as you are.

Q.—I was not paying my debts with other people's money.

Witness: I will bet—

The Chancellor: Witness, please keep quiet. Understand, sir, that you are in a court. You have to defer to some one. Some one has to control this pro-such questions at all. ceeding. You are not controlling it. You must keep quiet.

Witness: He has no business to put such questions at all.

The Chancellor: Will you keep quiet, sir?

The Chancellor: Mr. Johnston, just abstain from these personalities between yourself and the witness. No good will come of it. This is being written down in the book to be discussed in cold blood, and it will not look so well. You are both somewhat heated.

Mr. Johnston: If the witness would answer the questions.

The Chief Justice: The witness will not allow the court to expostulate without interrupting.

Mr. Johnston: I thought in view of the answers I got I kept myself measurably in control. It is not so very easy sometimes to do that.

Q.—“Robert Gamey, M.P.P. for Manitoulin, felt satisfied that the Conserva-

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tives throughout the Province were satisfied with their leader, and united and hopeful to a degree.” Did you or did you not say words to that effect, or with that sentiment or spirit at the Conservative caucus? A.—Yes. I probably did say words that have that meaning. I will not say that they are the words.

The Chancellor: I am very much afraid that a good deal of this evidence is being given to the papers. That is my impression. I think we should not have had this sort of demeanor if the newspapers were not interfering in this matter, perhaps unreasonably.

Mr. Johnston: This evidence is to show the motive and the intention of this man at a very critical time.

The Chancellor: I know, and he should answer properly.

Mr. Johnston: I think so.

The two newspapers already referred to in this morning's examination are now marked exhibits 43 and 44. Copies of these are to be found on the following pages.

(Exhibits 43 and 44 follow.)

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EXHIBIT 43.

(DENIAL.)

A foolish rumor was started last week which appears to have had its origin in Toronto, and was to the effect that R. R. Gamey, M.P.P., had sold out for a consideration to the Ross Government. Mr. Gamey called at this office on Tuesday and asked us to give the rumor an implicit denial, and at the same time stated that the absurdity of the rumor should be a sufficient denial in itself, for if we must judge the political situation by the Oxford election trial, it must be

apparent to anyone that it can only be a matter of a few months until the Conservatives would be in power. The odds were in their favor.

Mr. Gamey felt hurt that anyone should have been so malicious as to start and circulate such a rumor. He had lived here from his boyhood, and he thought he could safely say that no one could show any justification for starting such a yarn.

EXHIBIT 44.

Robt. Gamey, M.P.P. for Manitoulin, felt satisfied that the Conservatives throughout the Province were satisfied with their leaders, and united and hopeful to a degree.

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Mr. Johnston: Q.—Now, when was this meeting? A.—It was late in the afternoon.

Q.—What hour? A.—I say late in the afternoon.

Q.—How late in the afternoon? A.—Possibly between 3 and 4 o'clock.

Q.—And you were there about how long? A.—Half or three-quarters of an hour.

Q.—What time was the meeting called for, do you know, on the 11th September? A.—I couldn't tell you that. Very likely there were two meetings. Likely one in the forenoon and one in the afternoon.

Q.—I am not asking what was likely? A.—You asked me when it was called. Likely it was called for the forenoon.

Q.—Do you know whether it was or not? A.—I do not know absolutely, as I remember seeing the circular, and having an indefinite idea there were two meetings, one called for the forenoon and another one for the afternoon.

Q.—Then having disposed of that part of it, which is the newspaper record to fix dates, you never saw Jones and Sullivan together during any of these visits to Toronto, did you? A.—I could not say that they were talking together. I may have seen them during the same visit.

Q.—Do you recollect ever having seen them together during your visit to Toronto? A.—Talking together, do you mean?

Q.—Together in any way? A.—No, I could not say that Jones and the Sullivans were together at all.

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Q.—Did you refer at any time to Jones when you were talking to the Sullivans? A.—I think I have mentioned his name to them—yes.

Q.—Tell me where you mentioned the Jones matter to the Sullivans? A.—I do not know that I mentioned the Jones matters; I might have mentioned Jones' name to the Sullivans.

Q.—But not in connection with this deal? A.—I might have said to the Sullivans that Jones was trying to work in the deal, too—something of that kind.

Q.—Again you might have said a great many things? A.—I will say I did say that.

Q.—You will swear now that you did say that? A.—Yes sir; I do not remember the exact words, but I said something to that effect.

Q.—You swear that you remember saying something about Jones in this deal matter to the Sullivans? A.—Yes.

Q.—Where did you say it? A.—At some conversations in the Walker House.

Q.—Fix some conversation? A.—I cannot fix any particular conversation—any particular day. I remember this much, mentioning Jones' name to the Sullivans some time between the 25th August and the 10th September.

Q.—But you do not know what you said? A.—I think perhaps the meaning of what I said was that Jones was trying to make some arrangement with me, and that I was not anxious that he should make any arrangement at all.

Q.—Now, so that I may fix the time, which is somewhat important here, are you prepared to contradict this statement in the Mail: "Promptly at 2.30

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o'clock Mr. Foy took the chair, etc.?"

(Marked exhibit 44. This will be inserted here when handed in to reporter.)

Q.—Are you prepared to contradict that or will you accept that as the statement? A.—I do not know whether he called it to order, because I was not there at 2 o'clock.

p.m.? A.—No.

in these papers prior to 2.30 o'clock

Q.—You would expect a notice of a committee meeting if there had been one? A.—I do not know that it would be in the papers. I am not responsible for the publication of the Mail.

Q.—However, you are not prepared to contradict it? A.—No. I was not there at two o'clock. I do not know whether Mr. Foy called the meeting to order or not.

Q.—Who was speaking when you got there? A.—I cannot tell you that.

Q.—No recollection? A.—I might tell you somebody spoke after I got there; I remember that.

Q.—Who spoke after you got there? A.—I think Dr. Lackner made a short speech after I got there—I think so.

Q.—Had Mr. Fox spoken when you got there? A.—I do not remember whether he spoke or not—I do not remember hearing him.

Q.—Do you remember Mr. Miscampbell speaking? A.—I do not think he did.

Q.—Do you remember whether Mr. Hanna spoke while you were there? A.—No sir, I do not think he did.

Q.—Mr. Reaume? A.—I do not think he spoke.

Q.—Mr. Duff? A.—I cannot tell you whether he spoke after I was there or not. I tell you I think Dr. Lackner spoke after I was there. There may have been some others. I do not know who they were. No use your reading from the papers.

Q.—Then I will not read? A.—I told you to the best of my recollection I went to that meeting later than 3 o'clock, or about 3 o'clock, or between

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3 and 4.

Q.—Now there are one or two facts I omitted to ask you about in connection with 10th September. How long after you left Stratton was it before you went to the smoking-room on the 10th September, or 11th September, whatever day you say it was? A.—I walked right down from Mr. Stratton's office to the smoking-room.

Q.—How long did you remain in the smoking-room before anything arrived there? A.—Well, not very long; just a short time.

Q.—How long would you say? A.—I would say possible about 15 or 20 minutes.

Q.—You remained there until the parcel arrived there? A.—Yes sir.

Q.—And were you standing up all the time or sitting down? A.—Standing up I think.

Q.—Was anyone there besides the man who brought the parcel, according to your story, and Sullivan and yourself? A.—No sir.

Q.—Did you see anybody in the corridor going down? A.—I don't remember seeing anyone.

Q.—And all that was seen around the room was one man whom you thought was Myers? A.—Yes sir.

Q.—Now you had an interview with Mr. Stratton more than once in January did you? A.—Yes sir.

Q.—Can you fix the date pretty correctly to-day as to when that other interview was—other than the 29th? A.—I think it was the 13th—the following Tuesday after the bye-elections in the three norths.

Q.—An election in which you had taken part? A.—Yes.

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Q.—And you went there for what purpose? A.—Where? To Mr. Stratton's office?

Q.—Yes? A.—I went there because the Sullivans told me Mr. Stratton wanted to see me.

Q.—And when you went there on the 13th, what did you say when you went in, or what did he say to you? A.—You mean after I got into Mr. Stratton's presence himself?

Q.—Yes, that is what I mean? A.—He asked me what I was doing up in Perth. That is one of the things he said to me.

Q.—Was that the first thing he said to you? A.—I don't know that it was.

Q.—You made that appointment yourself, you say? A.—I think I made the appointment myself with Mr. Myers perhaps, over the 'phone.

Q.—And the conversation was, generally speaking, about the election? A.—That was part of it—only a small part of it.

Q.—And the other was about what? A.—Discussed the question of appointment for Manitoulin, the License Board; discussed the condition of the lock-up at Little Current, and the appointment, or whether the man should continue in it or not who was in it. We discussed the question of the letter that was altered. That was spoken of, and quite a considerable discussion.

Q.—Along those lines, I mean? A.—Yes.

Q.—Then nothing, as I understand your evidence there, was said about money? A.—That day?

Q.—Yes? A.—No, I have no recollection of it.

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Q.—Then the next meeting you had with him was when? On the 29th? A.—29th.

Q.—Well on the 13th of January, did you speak about an interview in 'the Globe'? A.—On the 13th? I don't think it was mentioned at all.

Q.—Did you give Mr. Stratton that day information of a memorandum, not in writing yourself, but told him what would be proper to publish? A.—On the 13th?

Q.—Yes? A.—No sir.

Q.—It was not mentioned? A.—It was not mentioned at all.

Q.—Then on the 29th you have given us about the hour you went up there? A.—Yes sir.

Q.—What hour do you now say it was? A.—I think I went up there about 2.15 first—between that and 2.30.

Q.—Had you an appointment? A.—Yes sir.

Q.—With whom? A.—Mr. Stratton.

Q.—Made how? A.—By Frank Sullivan.

Q.—Did he go with you? A.—He met me up there.

Q.—Did he go with you? A.—You mean into the room?

Q.—Did he go with you from where you were up to the buildings? A.—No sir; he did not go with me from the Walker House.

Q.—Did you go to his office first? A.—No.

Q.—Did you go into Mr. Stratton's room first? A.—Yes.

Q.—I do not mean his private room. I mean his general room? A.—Yes.

Q.—And did you on that occasion have to wait? A.—Mr. Stratton was not in when I went in, and I went out of the room and walked around the corridor.

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Q.—Where did you go to after you went out? A.—I think I went into one or two of the Departments downstairs, into the Surveys Department with Mr. McGregor.

Q.—Where was Mr. McGregor at this period? A.—He went up to the building with me from the Walker House.

Q.—How did you go up? A.—Took a car likely.

Q.—Not likely? Do you remember? A.—I would say we did to the best of my recollection—yes.

Q.—Might have taken a car and might have walked? A.—I am telling you to the best of my recollection we did take a car. That does not seem to do you.

Q.—Because you would not swear to it at the beginning. A.—You want it repeated two or three times.

Q.—You will say to the best of your recollection you took a car—you and Mr. McGregor together? A.—Yes.

Q.—Arriving at the buildings at 2.15? A.—About that time.

Q.—Then how long were you in the office before you left? A.—In Mr. Stratton's office?

Q.—Yes. A.—I suppose I was only in there a minute or two; when he was not in I did not stay.

Q.—Did you ask when he would be in? A.—Yes likely I asked.

Q.—Do you recollect it? A.—I assume I would ask when I went there to meet him. I don't recollect. I assume I did and believe I did.

Q.—Do not believe and do not assume? A.—Oh, I will believe and assume when I do not recollect.

Q.—Whether I care or not? A.—It does not make any difference to you. I will believe and assume to the best of my recollection.

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Q.—Just as much as you please? A.—Whenever I have to. I will not if I can get along without it.

Q.—Shall I take your answer? A.—I say to the best of my recollection I believe that I asked for Mr. Stratton when I went in.

Q.—Whom did you ask? A.—I expect I asked Mr. Myers.

Q.—Whom did you ask as a fact—not whom you expected? A.—I asked whoever was in the office, and I believe Mr. Myers was the man that was in.

Q.—Did you ask? A.—Yes sir.

Q.—And what did Mr. Myers tell you? A.—He told me Mr. Stratton would be in in a few minutes.

Q.—He told you that? A.—Whoever I asked told me.

Q.—And then having got that answer you went out? A.—Yes.

Q.—And you were then down stairs. Was McGregor waiting outside some place along the corridor? A.—Yes.

Q.—Was he waiting outside for you? A.—Yes sir, he was.

Q.—Then you and he were conspiring to get some evidence on that occasion, I suppose, were you? A.—I was going into some of the other offices with him, and went into some of the other offices with him afterwards, into the surveys, or some office. I don't remember which one.

Q.—Do you think that is an answer to my question? Were you and McGregor conspiring then to get some more evidence?

The Chancellor: Suppose you say "seeking" to get some more evidence.

Witness: He knew I was going up to visit Mr. Stratton, and I gave him the

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information that I was going up to Mr. Stratton, and he went up with me.

Mr. Johnston: Did he go there for the purpose of aiding or assisting you in getting evidence of any kind? A.—I might say that was one of his reasons. He had other reasons at the building as well, and other business.

Q.—I am satisfied if that was one of them. I do not care about his other business. What other business did you know he had at the buildings, besides going to help you? A.—He had some business in regard to a water lot in Gore Bay.

Q.—And was that what you went down to see the Crown Lands about, or the Surveys branch? A.—I think so.

Q.—Then how long did you remain down stairs? A.—Possibly 15 minutes. I don't remember how long—a short time.

Q.—And then you came up? A.—Yes. Q.—Did he go with you? A.—He came upstairs with me, I think.

Q.—Don't you know? A.—I would not swear positively? I think he did.

Q.—He could not help you very much, I suppose, unless he came up-stairs with you, could he? He couldn't assist you very much unless he came up-stairs with you? A.—He could not assist me very much after that anyway. He knew I had the appointment with Stratton. He had not any business in there.

Q.—And that was all the assistance he gave you was to go to the buildings—that is what you have told us? A.—

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And saw me go in there—that is all.

Q.—That is all? A.—So far as I know. I thought he saw Frank Sullivan and I go into the building. I would not say whether he did or not. I couldn't say.

Q.—Then when you came upstairs where did you go? A.—Well, I saw Frank Sullivan in the corridor, and we went into Mr. Stratton's office together.

Q.—Now you met Frank Sullivan where? A.—Some place in the corridor along there.

Q.—Can you tell me about the place where you met him? Was it on the Stratton corridor or on the main corridor? A.—I could not say which. It might have been along the main corridor. It possibly was.

Q.—If you cannot say which, I will take your answer? A.—I say it is probably on the main corridor.

Q.—Can you tell whether it was the side corridor or the main corridor? Can you tell from recollection which it was? A.—To the best of my recollection it would be the main corridor. I would not swear positively that it was. That is the best of my recollection.

Q.—Then was McGregor with you then? A.—No sir, he was not with me—not close to me.

Q.—How far was McGregor away from you at that time? A.—I could not tell you exactly how far.

Q.—Did you see him? A.—Not when I met Frank Sullivan.

Q.—Where was he when you met Frank Sullivan? A.—He may have been in the same corridor.

Q.—Do you know whether he was or was not? A.—I know I left him there. I do not know whether he remained there or not. I am hardly accountable for a man after I leave him—what he may

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Q.—And having met Frank Sullivan, what did you say to him, or he to you?

A.—We went into Mr. Stratton's office together.

Q.—What did he say to you, or you to him? A.—I do not remember what words he said to me.

Q.—Do not remember what he said? A.—He did not say very many words until we went into Mr. Stratton's office.

Q.—You do not remember what he said to you, or you to him. You went into Mr. Stratton's office, through what door? A.—Through the private door.

Q.—That is a door leading out on to the corridor? A.—Yes.

Q.—And leading into the room between Stratton's room and the main room? A.—Yes.

Q.—Did you find Mr. Stratton there? A.—Yes, sir, he was there then, or at least I think he was.

Q.—What time would that be? A.—Well, that possibly might have been a quarter to three or somewhere about that. I would not say exactly. Perhaps a little earlier. Fifteen or twenty minutes to three, or something like that. I do not remember exactly.

Q.—Then what was Stratton doing when you went into his room? A.—I assume he was sitting at his desk.

Q.—What was he doing? A.—I tell you I do not know exactly whether Mr. Stratton was in his office or not, but I think he was, and if he was, he was sitting at his desk. If he was not in he came in a minute or two after we came in.

Q.—If he was in, I assume he was sitting at his desk, and if he was not in

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he was not sitting at his desk? A.—If he was not in, he came in in a minute or two afterwards and sat down at his desk.

Q.—And you don't recollect whether he was in or not when you went in? A.—He may have been out in his private department behind.

Q.—You do not know whether he was in his room when you and Frank Sullivan went in? A.—He was in there within a minute or two afterwards.

Q.—I am not asking that. Do you know whether he was in his room? A.—I will not swear positively whether he was in or not. He was either in there or in his private room behind.

Q.—He was either in or out of that room? A.—Yes, sir, that is sure.

Q.—Then what door did he come in at? A.—He came in from his private departments behind.

Q.—From the private part of the room? A.—Yes.

Q.—And that you saw? A.—His private departments?

Q.—Yes. A.—I know where the door is.

Q.—You saw him come from his private departments? A.—I told you a minute ago—you are only playing on words—that I will not swear positively whether he was in his room sitting at his desk when I went in with Frank Sullivan, or whether he came in within a minute or two afterwards from his private departments and sat down at his desk. That is all the answer you will get in regard to that.

Q.—That is all I will get in regard to that? A.—That is the best of my recollection.

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Q.—Then if you do not know whether he was in his room or in his private department, it is all guess work as to where he came from? A.—I tell you he came within a minute or two afterwards, if he was not in. He may have walked in just when we came in, and sat down at his desk. I do not remember just exactly how it happened. I am telling you within a minute or two after we went in the room he was at his desk.

Q.—You do not remember the details? A.—I do not remember whether he was sitting at the desk, or whether he walked in and sat down just as we came in.

Q.—Then what was the first thing said? A.—I suppose he said good day.

Q.—Do not suppose. Do you remember? A.—It is likely he did. I do not remember what was the first words he said. You would not remember that long ago the first word anybody said to you either.

Q.—No. I am surprised that any attempt should be made to remember the first word. A.—You asked the first word he said.

Q.—What was the next thing that was said? A.—I will tell you what the conversation was in general.

Q.—No, that won't do. A.—Then I will not tell you the exact words.

Q.—I am not asking the exact words either. Do not let us misunderstand each other. I am not asking you the exact words. I am asking you as nearly as you can to give me the conversation between you and Stratton on that occasion. After the usual greetings were over, who spoke? A.—Now, I could not tell you who spoke first after the usual greetings were over. That is quite a question to ask.

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Q.—Who opened up the conversation that afterwards took place? A.—In the

conversation Mr. Stratton spoke about Island affairs. He spoke about the License Board, and he spoke about an interview he wanted to have published in the *Globe*.

Q.—Now tell me which subject he spoke of first between you and him? A.—I suppose he asked me how things were up on the Island—likely he did. I will not tell you positively which words he said first or last, or in the middle, or any place else. I will give you the gist of the conversation that took place between us, and I cannot tell you and will not swear the exact words and the order of the exact words, or anything of that kind. I will not make any attempt to swear that.

Q.—You will not commit yourself to exact words? A.—I will tell you the meaning of the conversation that took place.

Q.—Now I am going to trouble you for a moment if you will have patience with me. I am going to trouble you not to give me the exact words, eliminate that from your mind entirely; I am not asking that. I do not want the exact words. I want your best recollection of who opened the conversation that took place between you and Stratton after the usual formalities had been gone through? A.—Just let me explain the conversation to you?

Q.—No. Answer my question. A.—When the usual formalities were opened the conversation would go right on from that point. I could not tell you whether my word would get in ahead of his, or his ahead of mine.

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Q.—It is not so very long ago. 29th January. Tell me as nearly as you can who began the conversation that had some substance in it? A.—I will give you the conversation—the gist of it—as well as I can remember it.

Q.—You have given us that, you know? A.—If there was a conversation in regard to the License Board, Mr. Stratton of necessity must have started that conversation; in regard to the interview for the *Globe*, he would naturally start that conversation. I knew nothing of any interview before I saw it there in his office, so that you can know without asking any further questions that he must have started the conversation in that respect. Just word for word now I cannot tell you.

Q.—I will assume Mr. Stratton commenced the conversation on various subjects, the interview as to the License Board, and so on. I will assume that? A.—He must have introduced the subject.

Q.—Tell me what Mr. Stratton said about the License Board? A.—He said they wanted the names of the License Board to make the appointment in a short time.

Q.—Is that your recollection, that that was the first thing spoken of? A.—I cannot tell you whether that was the first, or the interview was the first.

Q.—Then when he made that remark what did you say in substance? A.—In substance I told him I would give him the License Board in a short time.

Q.—What reply did he make to that in substance? A.—I suppose he said that was satisfactory. Q.—Did he say it or did he not? A.—I do not remember the

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exact words he said in reply. He was satisfied with getting the names of the Board in a short time.

Q.—I'm taking your best recollection. Did that dispose, as far as your memory goes, of the License Board question? A.—That day?

Q.—Yes? A.—It may have been referred to later on.

Q.—As far as your memory goes, did that dispose of the License Board question that day? A.—No, I would not say it did. We talked of the License Board two or three times that day.

Q.—Give me anything further that was said about the License Board? A.—He may have asked me the names of those I wanted to appoint.

Q.—Did he ask you the names of those you wanted to appoint? A.—I think he referred to the dismissal of the other inspector that day.

Q.—Anything else in connection with the License Board that you can recall? A.—It is likely it was discussed—the size of the district—

Q.—Do you remember discussing that with him? A.—It may have been discussed that day—I fancy it was.

Q.—Do you remember it? A.—I will not say it was or was not. Likely it was discussed that day.

Q.—Then did that exhaust the license matter, because we are coming to a critical moment. Did that exhaust the license conversation as far as you recollect? A.—As far as I recollect there would not be anything more to say, but it was spoken of two or three times during the day or during the afternoon.

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Q.—Then we come to the newspaper interview. Who suggested that? What did he say in substance? A.—He said, here is an interview I want to publish in the paper, I want you to sign it.

Q.—And what did you say? A.—I looked at it and read it over and said

I do not think I can sign that as it is now, it will have to be changed.

Q.—Did he make any reply to that?

A.—Well, he said, take it and change it the way you want it.

Q.—Did you make any answer to that?

A.—I told him I would take it away and bring it back some time later on, with the alterations in it, and let him see it.

Q.—Now, did that exhaust his paper interview? A.—I think perhaps it did. I would not say exactly.

Q.—What else did you talk about? A.—I made an appointment to go back later with this interview.

Q.—These are all the subjects you can speak of on that occasion with any degree of definiteness? A.—There might have been other subjects; I cannot remember them now.

Q.—There might have been many others, but you cannot remember them. Then you were there how long altogether in his office on that occasion? A.—I was not there very long that time. I was not there over 20 or 25 minutes the first time.

Q.—Then where did you go? A.—I went upstairs with Frank Sullivan.

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Q.—With him? A.—Yes.

Q.—And where did you find Frank Sullivan? A.—He was with me in Mr. Stratton's office at that time.

Q.—All the time? A.—I think he was.

Q.—And you went out, how? A.—We went out of the same door we came in.

Q.—That is the entrance to the little ante-room? A.—Yes.

Q.—Then you went upstairs with Frank Sullivan. How long did you remain upstairs, about? A.—Well, I was only a short time upstairs altogether—perhaps 20 minutes or something of that kind—25 minutes—I don't remember exactly. It might not have been that long. I was not long upstairs.

Q.—20 or 25 minutes is your best recollection? A.—Yes.

Q.—What were you doing upstairs? A.—I went into the—I think it was Mr. Campbell's office—the Public Works Department.

Q.—Went in to see him about some business? A.—Some road affair.

Q.—Then where did you go? A.—I went down town.

Q.—Alone? A.—Yes sir.

Q.—Where had McGregor gone to in the meantime? A.—I don't know.

Q.—He had disappeared anyway? A.—He had left the buildings.

Q.—You did not see him after you left him somewhere on the way up, or after you got upstairs from the Survey's

branch, or the Crown Lands, until you came down town? A.—No.

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Q.—Did you meet him down town? A.—Yes sir.

Q.—Did you go down town alone? A.—Yes sir.

Q.—And you went where? A.—I think I went into Crossin's piano factory for a few minutes, and went into the Walker House a few minutes.

Q.—Then where did you go? A.—Then I went back up to the Parliament buildings.

Q.—At what hour did you go back to the Parliament buildings? A.—I might have arrived there between a quarter to 6 and 6 o'clock—something like that.

Q.—6 p.m.? Did anybody go with you? A.—No.

Q.—Went alone? A.—Yes sir.

Q.—Had you seen McGregor in the meantime? A.—I think I had—yes sir.

Q.—Did you ask him to go up with you? A.—No sir.

Q.—And he did not go? A.—No sir.

Q.—Then you went up alone at a quarter to 6 or 6 o'clock, and where did you go first when you went into the Parliament buildings? A.—I went upstairs in the Public Works Department—into the office of a young fellow named Doherty.

Q.—You saw Doherty? A.—Yes sir.

Q.—Anybody else? A.—And Frank Sullivan.

Q.—Anybody else? A.—I think those were all that were in that office.

Q.—Then where did you go? A.—I waited there a few minutes and then went down to Mr.—after Sullivan came and told me they were ready I went down to Mr. Stratton's office.

Q.—Did Sullivan tell you they were ready in the presence of Doherty? A.—I do not know whether he did or whether he called me to the door, or whe-

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ther he said it at the door, or whether we went out together.

Q.—But Doherty and Sullivan were in the room in the Public Works Department when you were there? A.—Yes sir. Sullivan went out and went away from there and left Doherty and I together for some time.

Q.—And did Sullivan come back? A.—Yes sir.

Q.—Came back and said they were ready? A.—I do not remember exactly whether he said it in the office or whether he called me to the door and said, we will go down now, or we are ready.

Q.—You do not know which words he used? A.—I do not remember exactly.

Q.—Now at that time you and Sullivan were together going down to Stratton's room? A.—Yes sir.

Q.—And which door did you go in at? A.—Went in to the private door.

Q.—Did you see anybody there excepting Mr. Stratton? A.—Not in his room.

Q.—Did you see anybody around there excepting Mr. Stratton? A.—Not in his room.

Q.—Anyone around there? A.—In the other room I saw Mr. Meyers after I went out and the Globe reporter.

Q.—Now you went into Mr. Stratton's room—you and Frank Sullivan together? A.—Yes sir.

Q.—According to your story? A.—Yes sir.

Q.—What was Stratton doing at that time? A.—Sitting at his desk, to the best of my recollection.

Q.—And what took place between you as nearly as you can recollect. An im-

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portant event of this kind, I suppose you remember something of it? A.—Well, I showed him the interview as I had it altered.

Q.—The writing on the interview that is published here was the alteration that you made? A.—Yes sir.

Q.—And what did he say? Did he read it over? A.—He looked at it. I expect he read it over. He read the alterations.

Q.—And about what time would this be? A.—I should think it would be a quarter to seven or something like that—perhaps.

Q.—And did you have any talk with him much before he read the interview as amended by you? A.—We were talking, and possibly he was reading it.

Q.—But do you remember it? A.—I cannot say whether I was talking when he was reading it or not.

Q.—What did he say after he had finished reading it, if he said anything? A.—He said he thought that would do. He had not any great objection to it.

Q.—And what did he say? A.—And we discussed the question of this money payment.

Q.—Now, "this discussion" will not do, you know. I want what was said. He read it over and he said he thought that would do? A.—Yes.

Q.—Then what was said after that? A.—He said if I gave that to the Globe reporter, who was waiting out in the other room, that he would fix up this money.

Q.—Those are the words he used, or words to that effect? A.—Yes, to that effect. I do not say the exact words.

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Q.—The word "money" was clearly referred to? A.—Yes sir, at that time.

Q.—And he said that in the presence of Frank Sullivan? A.—Frank must have been in there, I guess.

Q.—Do you know whether he was or not? A.—Yes sir. I believe he was in there. He went in with me.

Q.—And you came out together? A.—Not only that, but there was a discussion of further money that was to be paid after the first vote was taken in the House.

Q.—Then he said to you, he thought that would do, and then he talked about fixing the money matter with you? A.—Yes sir.

Q.—Any amount mentioned? A.—I understood I was to get \$1,000.

Q.—Was any amount mentioned? A.—I do not think Mr. Stratton mentioned the amount exactly—not then.

Q.—Had anybody else mentioned the amount to you? A.—Yes, Frank Sullivan had mentioned it.

Q.—Where? A.—When we went out of Mr. Stratton's office in the afternoon.

Q.—What had he said? A.—He said we would get a payment of \$1,000 if the interview was signed.

Q.—Then after having said that he would arrange about the money matters, what did you say? A.—I said all right, I would give the interview to the Globe reporter.

Q.—Was there anything more said before you gave the interview that you

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recollect? A.—Well, I think he asked me again something about the License Board, if I would send him the names of the License Board. There might have been some short discussion in regard to that.

Q.—But nothing of any consequence? A.—No.

Q.—Then did you go out into the other room? A.—Yes sir.

Q.—And did you give the reporter the statement that appeared in the Globe? A.—Yes sir.

Q.—How long did you remain in the outer room? A.—I did not remain there only a few minutes—possibly five minutes, or something like that.

Q.—Then you came back again? A.—Sullivan came into that room then.

Q.—What did he say? A.—Well, I do not know exactly what he said—something about that we would go now, or something like that.

Q.—And where did you go then? A.—Stepped out from that office into the corridor between the two offices.

Q.—Now at this time there was in the other room, who? A.—Mr. Stratton was in the other room alone. I do not know whether Sullivan was in there or not.

Q.—Who was in the main room? A.—The private room?

Q.—The main office? A.—Mr. Meyers, the Globe reporter, and myself.

Q.—Was the electric light turned on? A.—There was some light—yes.

Q.—Was the ante-room lit? A.—Why, I think it was. When the doors were opened there was some light in it anyway.

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Q.—You did not notice whether the ante-room was lit or not? A.—I would not say.

Q.—That is lit, you have noticed perhaps, by an electric bracket, or 3 or 4 lights? A.—I do not remember that. I do not think I was ever in there only that one time.

Q.—Then it was of course dark then, because this was the 29th January? A.—Yes.

Q.—And having gone out with Frank into this ante-room, what did you see? A.—Mr. Stratton was in there.

Q.—Hat on and waiting? A.—I do not think he had any hat on—no—I don't think so.

Q.—And when you and he went in what did he say to you? A.—Frank Sullivan went on out into the corridor ahead of me, and Mr. Stratton shook hands with me and said good-bye; he said I have given Frank so many fifties, so many twenties, and so many tens.

Q.—How many did he say? A.—I do not remember the number he said. I remember him repeating the words, fifties and twenties and tens, making \$1,000 in all.

Q.—With the Globe reporter and Meyers in the other room, Stratton and you in the corridor, and Frank Sullivan outside, that was the position of the parties? A.—That was the position of the parties.

Q.—No locking of doors that you saw? A.—No.

Q.—Can you give any reason why it was not given to you in the corridor? A.—I cannot tell you any reason.

Q.—Can you give any reason why a Minister of the Crown should have taken this roundabout way of getting money to you that he had promised five minutes before? A.—I do not know

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why, unless Frank might have suggested to him he would hand it to me—I do

not know. He did not tell me that he did.

Q.—But so far as you and Frank and Stratton were concerned, you all knew there was to be a payment of \$1,000 at that time? A.—Yes sir.

Q.—And you all knew that the payment was to be made there and then? A.—Yes sir.

Q.—And that if made the three of you would know about it? A.—Yes, sir.

Q.—And he went so far as to give you information as to the denomination of the bills? A.—Yes.

Q.—And you were not asking for money at all at that time? A.—Asking Mr. Stratton?

Q.—Yes? A.—No. I might have said to him something about, how about the balance of the money, during the afternoon, because Mr. Stratton distinctly told me I would get another \$1,000 after the first vote was taken, so that I might have spoken of that in the afternoon.

Q.—In answer to Mr. Blake and in answer to myself on many occasions, and in your statement to the House, there is not a word of that given? A.—Well, that took place, though.

Q.—Is that new? A.—No, that took place that afternoon.

Q.—Why didn't you put it in your statement? A.—I cannot give you any reason why I did not.

Q.—Why didn't you tell it to Mr. Blake when you were asked to give what took place between you and Stratton? A.—I do not know why. I might not have remembered it. But I can tell you positively that that took place that afternoon—that evening.

Q.—When that evening? A.—That evening during our conversation.

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A.—That evening during our conversation.

Q.—At the time you were getting the payment of the money? A.—At the time Mr. Stratton and I were discussing.

Q.—At the time you were getting the payment of the money? A.—In the evening when I was getting the payment.

Q.—When you were getting the payment of the money, that was discussed between you, and that was the time he said it? A.—That was mentioned.

Q.—A moment ago you said he told you that in the afternoon? A.—Well, I say during that discussion that day.

Q.—Oh, no, you have not said that? A.—Yes, sir, I did say that a few minutes ago.

Q.—There was not a word of money between Mr. Stratton and I during the first time that Frank Sullivan and I were in; the question of money between

Mr. Stratton and I was in the later visit in the evening—all the question of money? A.—Money was not mentioned between Mr. Stratton and I in the first conversation in the afternoon.

Q.—And you have no reason to give why you didn't put it in your statement, and you have no reason to give why you did not tell this in the piece of evidence to Mr. Blake when he asked you to give what took place? A.—No, but I know it was spoken of that evening.

Q.—Is there anything else you want to add—anything else new that you want to add? A.—Nothing that I can remember.

Q.—Nothing that you can exercise your mind on so as to bring it back to you? A.—Not for the moment—no.

Q.—Then you shook hands and went out? A.—Yes, sir.

Q.—And you went outside. Which side of the building did you go out?

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A.—The west side.

Q.—Did you go down by the staircase or by the elevator at that time? A.—By the staircase.

Q.—And then you walked to the west side, and when you got outside you saw what? A.—Frank Sullivan took the envelope out of his pocket and counted the money.

Q.—Light there? A.—Just light enough to see money.

Q.—You counted it upon the platform going into the west wing of the building? A.—Just outside the door.

Q.—That leads right on to the platform? A.—I remember it was just after we got outside the door.

Q.—It was on the platform, just before you came down the steps was it? A.—Yes, sir.

Q.—And there are electric lights there—two or three of them, are there not? A.—I remember it was light enough to see money—I do not know how much light.

Q.—There was electric light? A.—I do not know that. I doubt very much whether there was much electric light there or not. There might have been some light.

Q.—There must have been some light to see to count the money? A.—Yes, sir.

Q.—And it was done outside the door? A.—Outside the door.

Q.—How did he count it? A.—He counted it over in his hands.

Q.—You standing waiting there? A.—Yes.

Q.—Say anything? A.—I don't remember.

Q.—Then you parted there, did you?

A.—Yes.

Q.—And you went to College street, and went down to the Walker House?

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A.—Yes.

Q.—And you kept it quiet, as you have told us? A.—Yes.

Q.—That was a piece of evidence you wanted to preserve for yourself? You did not want to say anything about it, apparently, from what you have sworn to? A.—I discussed that that evening—discussed the questions with Mr. McGregor at the opera house some.

Q.—What question? A.—The question of the deal with the Government.

Q.—I am not speaking about that. I am only speaking about the money—the \$500—because I have you on record. Do you want to change that in any way? Do you? A.—I did not show him the money.

Q.—You did not say anything about it? A.—No, because we had not any chance at the opera.

Q.—You neither showed him the money, nor did you tell him anything about it? A.—I did not tell him I had the money that night. Still, we discussed it.

Q.—You left for home the next morning? A.—Yes, sir.

A.—And McGregor remained in the city? A.—Yes.

Q.—Did you and McGregor have supper that night together? A.—No, sir.

Q.—And after supper you and McGregor walked to the Princess Opera House? A.—Yes.

Q.—From the Walker House? A.—Yes.

Q.—Walked up York street and went along King to the opera house? A.—Yes.

Q.—And you went in there and remained there for two or three hours? A.—Remained there until the snow was over.

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Q.—From about 8 to 11? A.—Yes.

Q.—While you were at the theater you were discussing the matter of the Government with McGregor? A.—Some, yes.

Q.—Now, was that the last interview you had with Mr. Stratton? A.—Yes, sir.

The Chancellor—Why did you show Crossin the money and not McGregor? A.—The reason I did not show McGregor the money, I had no opportunity.

Q.—Or tell him you had the money? And yet you showed it to Crossin? A.—I did not show that money to Crossin. I showed the \$1,500.

Q.—You did not show this money to anybody? A.—No, not then. Not that day.

Mr. Johnston—Now, you knew from Frank Sullivan in the afternoon that you were going to get a payment of money that night? A.—He said we would.

Q.—Why didn't you take McGregor up on that occasion? A.—It did not occur to me to take him up. I could not take him into Stratton's office, anyway.

Q.—It did not occur to you to have him around there to watch? A.—No, sir.

Q.—Now, is that all that you have to say about the transaction by which the Minister is alleged to have paid you the thousand dollars—to you and Frank Sullivan? A.—That is all that I can recollect now.

Q.—And did you demur to Frank Sullivan getting the half of it? A.—No.

Q.—There was no dispute between you at all as to that? A.—No.

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Q.—Then the next day after this, on the 29th, where did you go? A.—Took the train for home.

Q.—Did you see Mr. Crossin before you went home? A.—The next morning?

Q.—Yes. A.—I do not remember whether I did or not. I question very much whether I did.

Q.—What time did you leave the next day? A.—8.35, or something like that, the next morning.

Q.—Why did you show the first money to someone, and not show the second money? A.—I had not any chance to show the second money, the same as I had the first money.

Q.—You had a chance to show it to McGregor if you wanted to? A.—No, I had not much of a chance to show him: we were in the opera house, and after the opera was over he met two lady friends of his, and we walked down street with them. They were friends visiting from Gore Bay, and they were discussing Gore Bay affairs, and we left them at their home, and we went back to the Walker House together, and we were discussing incidents that they had spoken of in reference to Gore Bay, and some parties—this man Cashman, Crown Attorney there—he had been discussed and some others, and when we got back to the hotel, I said to McGregor, "Come into my room and we will discuss this further," and he said, "No, wait until the morning," and he went on to his own room.

Q.—And he knew you were going away in the morning? A.—He did not know I was going away.

The Chancellor—When did you go? A.—About 8.35.

Mr. Johnston—You walked from the Walker House up to the Princess Opera

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House? A.—Yes, sir.

Q.—And you had not a chance to take it out and say, "McGregor, look at what I got"? A.—I knew I would have lots of chances to show him the money in the future.

Q.—You did not do it? A.—No.

Q.—You had the opportunity going from the Walker House up to the Princess Theater? A.—And when we were walking from the Walker House to the Princess Theater we were discussing business generally.

Q.—If you wanted to show him the money you had the opportunity between the Walker House and the opera house? A.—I could have, I suppose.

Q.—Then, when you swore that you had no opportunity to show it to him, that was not correct? A.—I tell you, when I swore I had no opportunity, we were not discussing the affair walking from the Walker House; we were discussing something else, and when we were discussing, it was in the Princess, and I had no opportunity to show him the money without others seeing it.

Q.—You had no opportunity of showing it to him without discussion? A.—I will put it better. I could have made an opportunity if I had wanted to, but I did not. That would have been the better way for you to have put it to me.

Q.—That is what I thought would be the easiest way for you to put it? A.—Well, you did not put it that way.

Q.—You could have had the opportunity? A.—I could have made the opportunity, but I did not do it.

Q.—Now, why didn't you do it? A.—Simply because it did not make any dif-

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ference to show it to a man. We were discussing this business, and I showed them the money later on. I did not consider it necessary to show him that money that night at all. It did not occur to me.

Q.—Was it true when you swore a few moments ago that the reason you did not show it to him that night was because you did not have the opportunity? A.—If I had the opportunity I think I would have shown it to him, but I did not have the opportunity, and it did not occur to me to make the opportunity.

Q.—Was it true when you swore a few moments ago that you did not show it to him, and the reason was that you did not have the opportunity? A.—It was true—wait until I explain it to you, and do not run off. It was true that if I had the opportunity I should have shown him the money possibly, but I did not have the opportunity, and I did not

make the opportunity to show him, and I did not show him the money. Now, it does not make a very great deal of difference to the story why I did not show it to him. I swear I did not show it to him that night. That is the material fact for you.

Q.—You did not show it to him? A.—No, not that night. I told you that on the start.

Q.—And you did not tell him that night? A.—I did not tell him about the money that night, because we were not in a position where we could talk this confidentially over. We were not going to talk to the air.

Q.—What were you talking about in the theater? A.—We were discussing things in connection with the deal.

Q.—What was it? A.—We were discussing the patronage and the appoint-

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ment of the license board, and several things of that kind—discussing what had been done.

Q.—And in connection with the Government's relation to you, and to these matters? A.—Yes.

Q.—Matters that the people in the opera house⁴ had no earthly connection with, and nothing to do with? A.—Exactly.

Q.—Matters that you thought you could discuss in the opera house in the presence of others? A.—We did not discuss it in the presence of other people particularly. When we went out in the smoking room of the opera house we discussed that. There were other people in the smoking room sitting and sitting around through.

Q.—Then you could have told him you got the balance without anybody knowing it? A.—Possibly, I might. I might have been able to have slipped it in without anybody hearing, if I had been looking for the opportunity keenly and alert, like you are now.

Q.—I am just giving you the opportunity to explain why you did not do it. A.—I have explained it to you time and again, and over and over again.

Q.—Anything further that you desire to say before I ask the next question? Anything further in connection with that? A.—Not unless you want to hear something.

Q.—Then the next occasion upon which you saw either the Sullivans, or anybody in connection with it, would be on the 9th or 10th March? A.—9th March.

Q.—Where did you see Sullivan that day first? A.—I think I saw him at the Parliament Buildings.

Q.—Did you ask for Beattie's seat?

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The Chief Justice—Which Sullivan was that? A.—Frank. I had written Frank Sullivan some times before that, asking for Beattie's seat.

Q.—Did you get it? A.—I do not know. I meant a seat on that side of the House—on that front row—on the left hand of the Speaker.

Q.—On the Opposition side? A.—I knew there were three or four seats allotted to Liberals on that side, and I knew they could give me one of those seats.

Q.—Did you have a talk with Frank in the corridor that day? A.—Yes, sir; I must have had some talk with him in the corridor that day.

Q.—Did you go to Mr. Stratton's room that day? A.—No, sir.

Q.—Did you go to Mr. Sullivan's office that day? A.—Yes, sir.

Q.—What time of the day did you see him? That would be on the Monday? A.—On Monday.

Q.—What time did you see him? A.—I saw him in the afternoon.

Q.—Did you see him in the morning? A.—I could not recollect whether I saw him before dinner or not. I think I did. I am not sure. I think I did see him before dinner. I know I saw him after dinner, because he was in Colonel Clarke's room with me and Mr. Glackmeyer's room.

Q.—When you came from his room in the afternoon, where did you go? Go along the main corridor on the first floor—not on the ground floor, but on the first floor? A.—The floor the Assembly is on? Yes, sir, we came along down there.

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Q.—Did you go into an office on your way down there—one of the offices? A.—Stepped into an office for a moment? I think we did.

Q.—What for? A.—Why, I think some of the newspaper reporters were coming down the corridor, and Frank said to me, "We will step into this office so they will not see us together."

Q.—Did you suggest to him that that was a Mail reporter? You did not want the Mail reporter to see you together? A.—I might have suggested it.

Q.—You might have suggested it was a Mail reporter, and you did not want him to see you together? A.—Yes.

Q.—Then you stepped into a room a few minutes? A.—Yes, sir.

Q.—Until he passed? A.—Yes, sir.

Q.—And then you came out? A.—Yes, sir.

Q.—And went to Colonel Clarke's? A.—I think we went there. I do not remember whether that was before we went to Colonel Clarke's or afterwards, but that occurred.

Q.—Then did you go anywhere in the Government lobby? A.—We went into Colonel Glackmeyer's office.

Q.—Where is that? A.—In the same flat as the Assembly.

Q.—Did you go into the room known as the "Government lobby," under the stairs? A.—I think we walked through that going into Glackmeyer's office.

Q.—Did you stop there and have a conversation in that room where the stairs go up? A.—I think we possibly might have had a few minutes—I do not know exactly. We were talking all the time.

Q.—Were you talking about the deal? A.—I do not remember what we were talking about then. We went into Glackmeyer's office to get tickets for the opening.

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Q.—Were you talking about the deal in the Government lobby or in the room that goes through to Glackmeyers? A.—We might have been.

Q.—You will not say whether you were or were not? A.—I think, if we stopped in there we were likely talking about the deal.

Q.—Were you telling the stories you had been telling your constituents or some of them? A.—I might have told him that.

Q.—And you might have discussed the matter with him on that occasion at some considerable length? A.—During that afternoon probably I did.

Q.—And you may have been going over the details of it, more or less, with him? A.—Some of it—yes.

Q.—The money matter, particularly. I suppose was the important matter? A.—I do not think we mentioned the money matter that afternoon.

Q.—You don't recollect whether you did or not? A.—No, I don't think we did. I am sure we did not.

Q.—Did you speak at any time to him about his recollection of what had taken place in that afternoon? Did you ask him what his recollection of what had taken place there was? A.—No, sir, not that afternoon—I don't think I did.

Q.—Will you say you did not? That is all I want to get at? A.—To the best of my recollection, I did not say anything about his recollection.

Q.—That is as far as you can go? A.—Yes.

Q.—Did you ask him any particulars about it that afternoon beyond what you have told me? A.—Not that I remember of—no—still, we might have

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been discussing particulars. I don't re-

member. I was walking around with him quite a while through the corridors and up into his office and Colonel Clarke's, and I made that appointment with him that afternoon.

Q.—I will come to that in a moment. Did you ask him on that occasion who it was that brought the money to the smoking room? A.—No, sir.

Q.—Did you say who it was? A.—No, sir; I don't recollect that I said so.

Q.—You might have done so and forgotten it? A.—No. I do not think we were discussing the money that afternoon at all. To the best of my recollection, we were not discussing money or who carried it.

Q.—Then I will not press you upon it if that is as far as you can go. Then, did you make any reference to the smoking room at all that afternoon? A.—Not that afternoon that I remember of.

Q.—I should like to have it a little more definite? A.—Well, I do not think it. To the best of my recollection, we did not refer to it.

Q.—Now, was there anything said between you and him as to future deals or payments? A.—That afternoon?

Q.—Yes? A.—We were discussing some future deals with regard to timber, and possibly minerals, and fish deals.

Q.—Will you tell me what they were? A.—I do not remember just what we were discussing that afternoon, but we certainly discussed something, that we should take out something for ourselves that would make good value.

Q.—Did you speak about the fishing on Cogawen Lake? A.—That might have

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been spoken of that afternoon; possibly was—likely was.

Q.—And Manitou Lake? A.—That might have been referred to as being leased out to Captain Fraser.

Q.—The fishery licenses are profitable licenses? A.—Some of them are.

Q.—Among others, those two were good ones? A.—No, sir; Manitou license was already issued.

Q.—And they were good licenses to own? A.—I do not know. There never was a license before on Manitou Lake until this year, and they are already issued.

Q.—And you had talked over these matters, I suppose, before that? It was no new thing to talk over this? A.—The fishery business I had never talked over with Sullivan before, I do not think. He may have written me about it.

Q.—You have some discussion early in the year—late in the fall of 1902. You must have been talking about some fishery license? A.—I do not think we were talking about fishery licenses earlier

than that, but he had written me about that—in regard to the Nobles.

Q.—The Nobles were what? A.—They had pound-net licenses.

Q.—But for what locality? A.—Between Little Current and Killarney.

Q.—Now, in January and in December fishery licenses had come up as part of the deal. I understand? A.—I do not think so. I think the first time the fishery licenses came up was in the correspondence when he wrote me. He wrote me after the 29th January, in regard to

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Noble's fishery license.

Q.—Never had talked about fishery licenses before? A.—They might have been mentioned in the way of patronage.

Q.—I do not mean to confine you down to getting them for yourself, but they had been discussed before as to questions of patronage? A.—They might have been.

Q.—In connection with the deal? A.—They might have been as part of the deal. I don't recollect it exactly.

Q.—But they might have been? A.—Yes.

Q.—Then where did you make the appointment to meet him at the Crossin piano works? A.—During the time I was with him in the afternoon.

Q.—Where? A.—When I was with him at the Parliament Buildings that afternoon.

Q.—Whereabouts was the appointment made? A.—Before I left him at the Parliament Buildings that afternoon.

Q.—Whereabouts? A.—I cannot tell you exactly whereabouts. We were talking about the buildings quite a bit that afternoon.

Q.—Cannot you tell where the appointment was made? A.—It is very likely it was made some place about the head of the stairs before I went down there—before I parted with him in the corridor.

Q.—It may be just as likely it was made on the ground floor? A.—Just as likely. You know I wandered around with him for an hour that afternoon and we were discussing different things and during that time I made the appointment with him to go down.

Q.—And you do not know just when?

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A.—I think I made it just before I left him a little, but I am not exactly sure.

Q.—You don't remember the locality? A.—No. I will give the best of my recollection, if you want it. The best of my recollection is, it was made in that

place where you were speaking about—the ante-room to the lobby.

Q.—The Government lobby? A.—Yes.

Q.—And what did you say to him? A.—I said, "Now, if you come down to the piano factory to-morrow night, about half-past seven, we will discuss this affair of ours, as to what we want for the future. We will be away from other people; they will not see us; I do not want to be with you very much, and you do not want to be with me, or to be seen together." That was the gist of it.

Q.—All of which was untrue, of course? A.—No; it was not absolutely untrue, although it was a part of the arrangement.

Q.—You were to be away where you would not be in the presence of other people, and you were then providing for other people to be present? A.—At the same time I knew he did not want to be around with me very much. He knew his name had been associated with me in the deal. I don't suppose he was particularly anxious to meet me around the buildings when people were around very much.

Q.—That part of it was untrue, anyway? A.—Yes, we will say that was untrue. That was a part of the scheme.

Q.—What did he say to that? A.—He agreed to that.

Q.—What did he say? A.—He said that was satisfactory; he would go down.

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Q.—That was all that took place between you and Frank Sullivan about that—just that? A.—No; I cannot say that it was all. I do not know exactly the words.

Q.—Can you give me any more of it at all? A.—He said he would come down there the next evening.

Q.—You have told me that. Can you give me any more of that? A.—No; I will not give you any more—not the words. I cannot give you any more. He arranged to come down. He made the arrangement to come down there, and he did come.

Q.—I do not want the exact words. Can you give me any more of the conversation relating to the appointment that you had to meet at the Crossin piano factory? A.—Well, we talked of the reason why it was better to meet there.

Q.—Can you give me any more than you have given? A.—No; I told you that before.

Q.—Then you own an interest in the Crossin piano factory? A.—Yes, sir.

Q.—How much do you own? I mean have you a controlling interest? A.—Yes; I have more stock than anybody else.

Q.—You have the controlling interest. I do not want the details of it. And you often go up there, I suppose? A.—Occasionally, yes.

Q.—Now, that room is situated where? A.—You mean the office?

Q.—The room that you were in? A.—The office is situated in the front part of the building we occupy.

Q.—On what storey? A.—I think that is called the third storey.

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Q.—Or fourth? Just think for a moment? A.—I think it is called the third storey. It may be the fourth storey. I don't remember which.

Q.—It is the top storey, anyway, of the piano works? A.—No, sir; there is another storey on top of that.

Q.—Is it an office? A.—We used it for an office.

Q.—Where did you meet him that night? A.—At the door of the factory on Adelaide street, down at the street door.

Q.—Waiting for you? A.—I was waiting for him.

Q.—What time did he come along? A.—Somewhere a few minutes after 8, I think.

Q.—And your appointment was for what hour? A.—About half-past 7.

Q.—Was it raining that night? A.—Yes, sir.

Q.—And did you open the stair door on the street? A.—Yes, sir.

Q.—A key? A.—No, sir.

Q.—And you had made your arrangements beforehand? A.—Yes, sir.

Q.—The three men were the two Prices and a man named Kenny? A.—Yes, sir.

Q.—What is the first Price's name? A.—Will.

Q.—Comes from where? A.—Gore Bay. Q.—And his occupation is what? A.—Studying law.

Q.—And the other Price? A.—Percy Price.

Q.—What does he do? A.—Study law.

Q.—In whose office at that time? A.—I could not tell you whose office.

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Q.—Whose office did you understand they were in? A.—I do not know whose office he was in.

Q.—And the other man? A.—Will? I understood he was in Bristol's office.

Q.—That was the man who was acting for you in the petition? A.—Yes, sir. But he was not in Bristol's office when he was acting in the petition.

Q.—And Kenny? A.—Studying law.

Q.—Where? A.—I do not know what office he is in.

Q.—Where did you find these three men? A.—454 Church street.

Q.—Did you go to them? A.—Yes, sir.

Q.—Made the arrangement with them when? A.—Monday afternoon.

Q.—After you saw Frank? A.—Yes, sir.

Q.—And they were willing to come—these young law students? A.—They said they would.

Q.—And went down with you that day and arranged it? A.—Not that day.

Q.—The next day? A.—The next evening.

Q.—Did they go there before the evening? A.—I do not know that they did. Some of them might have been in before the evening.

Q.—Did you tell them where they were to go? A.—Yes, sir.

Q.—Tell them what room they were to take? A.—I told them to go up to the factory. I think some of them were in there during that day—Tuesday.

Q.—How would they know the room to go to unless you showed them? A.—

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They did not go to the room until I went and showed them. I found them at the head of the stairs.

Q.—Was that in the afternoon or evening of Tuesday? A.—In the evening.

Q.—Before Sullivan came? A.—Yes, sir.

Q.—And they were waiting there for you to turn up? A.—Yes, sir.

Q.—Then you took them up to the room? A.—I took them into the room. They were up pretty well to the top. I think they were waiting at the flat.

Q.—And did you then arrange the pianos? A.—Yes, sir.

Q.—And arrange them in what way? A.—I will give you the way if you want it.

Q.—Give me a piece of paper and I will see. What size is this room? A.—I think it is about 16 or 17 feet long—17 or something like that—possibly a little more.

Q.—And by about what width? A.—Eight or nine feet wide.

Q.—Then let us get the room. A.—There is a break in the room—an angle.

Q.—A room about twice as long as it is wide? A.—Yes, or possibly a little more than twice as long as it is wide.

Q.—I want to get as near the proportion as I can. Now, then, Exhibit 45 will be a sketch of the room. About 17 or 18 feet long and about 8 or 9 feet wide, or thereabouts. Now, where does the door enter? A.—About there. (Indicating.)

The Chief Justice—You had better mark the points of the compass? A.—That is the north. (Indicating.)

The Chief Justice—That is on Adelaide street west? A.—102 Adelaide street

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west. It is on the north side.

Mr. Johnston—So the street is at the lower end? A.—Yes.

Q.—Now, the door going into that and the stairs land where? A.—That door goes out of the factory part into the office part. The landing is away over here. You go through a door and into the factory part.

Q.—And through the factory into the placed marked door on Exhibit 45 to get into the office? A.—Yes.

Q.—Any light in the factory part? A.—Yes, sir; there are windows.

Q.—Any other light than that? A.—We made a light as we went in.

Q.—Was there electric or gas in the factory part? A.—We lit the gas as we went in.

Q.—Where is the gas in the factory part? A.—There are half a dozen.

Q.—Which one did you light? A.—I do not remember which one we lit.

Q.—Did you light any in the factory? A.—We had some light in the factory part.

Q.—Did you light it? A.—I do not think I did—no.

Q.—Was it light when you got up there? A.—No. Some of us struck a match and lit one of the gases.

Q.—Then you got from that into the office? A.—Yes.

Q.—Now, where is the light in the office? A.—One hanging down here about the center, and there is a gas jet about here—(indicating)—up on the wall.

Q.—That is the center drop? A.—Yes.

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Q.—Was that lit that night? A.—No, sir. It was not lit that night.

Q.—The gas jet was here that you speak of? A.—Yes.

Q.—Next the door? A.—Yes.

Q.—Was there a desk there? A.—A little light desk.

Q.—Where does it come? A.—Just under the gas jet, some place.

Q.—A small desk? A.—Just a drop board.

Q.—Now, how many pianos were there in the room? A.—Four.

Q.—Let me see where they were? A.—Just a moment, and I will point out something else. There was a shelf running along here. (Indicating.) Covering up some steam pipes, or something.

Mr. Riddell—Near the floor? A.—Up about that high.

Mr. Johnston—Three feet high? A.—Hardly—two feet six or three feet. It may be three feet.

Q.—Then where were your pianos? Place them as you had them placed? A.—The first piano was about here. (Indicating.) The next piano was here, and the other one there. (Indicating.) The last piano was across there. (Indicating.) Something like that.

Q.—Then what pianos were these? What sized pianos? A.—Well, they are four feet ten high. I couldn't tell you the thickness, but I can give you that information later on.

Q.—A piano is four feet ten inches high? A.—Yes, sir.

Q.—And all the same size? A.—All the same size.

Q.—And the length of them how much? A.—I could not tell you.

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Q.—About? A.—I could not tell you exactly. I will get that. Mr. Crossin is here. He will tell you exactly himself.

Mr. Johnston—The length of a piano, Mr. Crossin?

Mr. Crossin—Five feet two and a half inches.

Mr. Johnston—We will accept that as being right—five feet two and a half inches.

Q.—Then the width across here. Let me get the full width? A.—The better way will be to get some person to measure that to-day and bring up the measurement. I cannot tell you to a foot.

Mr. Johnston—Could Mr. Crossin get us the measurements of that room? We will take his measurements.

Witness—He may go and get it for you now.

Mr. Johnston—Mr. McEvoy will go down with him.

The Chief Justice—Perhaps he has the measurements here now.

Mr. Crossin—Not at present with me.

Mr. Johnston—That was arranged, then, by you and the three law students. Are they all from Gore Bay? A.—Yes, sir.

Q.—Arranged early in the evening? A.—Yes, sir.

Mr. Johnston—You will allow us to see it at lunch time, Mr. Crossin?

Mr. Blake—Oh, certainly.

Mr. Crossin—Oh, yes.

Mr. Johnston, resuming—And we will get the exact measurements. Now, your jet that night next the door was the only one that was lit while they were

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there? A.—While Sullivan and I were there.

Q.—We will get the exact measurements. Now what other furniture was in the room besides the four pianos and the little desk? A.—There were a couple of

chairs sitting around, and possibly a chair here.

Q.—When you and Frank were there? A.—That is all I mind. There was a couple of chairs.

Q.—Is that where you sat? A.—Something like that. (Indicating.)

Q.—Who sat in the chair? A.—I think Sullivan sat in that chair. (Indicating.) And the other may have been about there possibly. (Indicating.) I do not know exactly.

Q.—Now, we have got that far. Then you would be sitting nearly opposite the door? A.—Nearly so.

Q.—And Sullivan would be a little nearer the gas jet? A.—Yes, sir. The door was shut then.

Q.—And you were facing the door? A.—Facing Sullivan and the door together.

Q.—Then I have not got it quite right. If you will give me the angle at which he was sitting? A.—He was likely sitting at about a square angle. I do not know exactly.

Q.—That is the way that you would be facing more or less? A.—More or less.

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Q.—And he would be facing more or less that way? A.—Yes, sir.

Q.—Then, were these pianos touching the wall—these two middle ones? A.—I think they must have almost touched the wall, and that must have almost touched the shelf.

Q.—That the two middle pianos were almost touching the wall then—within an inch or two of it, anyway? Then the other piano in front would be about in the same relative position as the one behind? A.—Yes. It was about the same distance from each wall or the shelf.

Q.—Where did you place your reporters? A.—They were behind.

Q.—Let me get them. Where was Kenny? A.—I could not tell you that. They placed themselves.

Q.—But the reporters were back here somewhere? A.—Yes, sir.

Q.—Marked by "X." That is where they were. Were these pianos what you call "grand" pianos or "upright"? A.—They were upright pianos.

Q.—That is as nearly as you can give me the position of the parties? A.—Yes.

Q.—The pianos are boxed in right from the top down to the bottom? A.—Yes, sir, excepting the castors.

Q.—They are pretty near the floor? A.—Yes, sir.

Q.—You make pianos, I understand, so that they go as near the floor as you can get them? A.—Yes, sir; nothing but the castors under them.

Q.—And they sunk in a little bit? A.—Yes, sir.

Q.—Just near enough so that if you want to move them on a cart or floor

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you can do so. Then when you met Frank at the door, you and he went up together? A.—Yes, sir.

Q.—Did you have a light? A.—I had a candle.

Q.—Where did you get it? A.—Brought it downstairs with me.

Q.—Was it lit? A.—No, sir: I lit it after I stepped in and shut the street door.

Q.—And you went ahead? A.—Yes, sir.

Q.—Carried the candle? A.—Yes, sir.

Q.—And walked up the two or three flights of stairs, whatever they were? A.—Yes, sir.

Q.—And went in at this place? A.—Yes, sir.

Q.—Now, how long were you in there altogether? A.—With Sullivan?

Q.—Yes. A.—Well, I do not know. Possibly three-quarters of an hour.

Q.—Talking about this deal all the time? A.—Yes, sir. Talking about things we might get in the future.

Q.—You were not talking about any other subjects? A.—Not of any consequence.

Q.—You were not talking about them except a mere casual remark? A.—That is all. We might have spoken a little about the piano business. I think we did, if I remember aright.

Q.—Then, did you give Frank Sullivan a chair or offer him a chair to sit down on? A.—I do not remember whether I offered him or whether he just sat down. He had been up there before.

Q.—What did you do with the candle? A.—I think I put that out outside, when I lit the gas.

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Q.—Outside the door? A.—Yes, on one of the benches.

Q.—And the only gas lit was the one at the desk? A.—Yes.

Q.—One jet? A.—Yes, sir.

Q.—Any globe on it? A.—No, sir.

Q.—Just an open jet? A.—Yes, sir.

Q.—And it was a dark night, you say, and raining? A.—A dark night.

Q.—Were there any windows in this room at all? A.—Yes, sir, but there were shutters on them—that is, loose shutters. Those shutters that swing. They can make a report of them when they get the size of the room.

Q.—They were closed that night? A.—To the best of my recollection. You could see a light through the shutters even if they were closed.

Q.—Now, what was the first thing you talked about in the room this night? A.—I could not remember the first thing I talked about.

Q.—What was the first subject you began to discuss? A.—I suppose we began to discuss, perhaps, something about whether I had seen Mr. Whitney, and how Stratton was—something of that kind.

Q.—And was it in answer to a question of yours or a remark of yours that that came up? A.—I do not remember who asked the question first. I remember that was discussed.

Q.—Whether it was Stratton or Whitney, you are not quite sure who asked the question, but you are sure that was discussed? A.—Yes, both of these names mentioned.

Q.—Then what else was said after that was talked of? A.—I could not give you

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in rotation exactly what was said, but I can give you subjects that were talked about.

Q.—Give me the next subject you talked about after Stratton and Whitney? A.—I cannot tell you which subject was discussed after Stratton and Whitney.

Q.—You have no recollection at all of what next took place? A.—I can give you the gist of the discussion and the different subjects we discussed about to the best of my recollection. I cannot tell you the order in which they came.

Q.—What was the first subject that you can remember? A.—I remember that we discussed the question of how much support the Government wanted, or whether they needed me or not, and all that sort of thing, was discussed.

Q.—What did you say? A.—Frank said to me that they needed me as bad now as they ever did, as they did before the Norths—that they had members that were not well, and that sort of thing. They could not get along with the support they had, and they needed me as bad now as they needed me at any time.

Q.—You remember that being said? A.—Yes, sir.

Q.—That was in answer to what, or in what connection? A.—I don't remember the connection in which it came.

Q.—Now, what did you say about that? A.—I don't remember what I said. I remember he said that.

Q.—Did he say anything more about that, according to your recollection? A.

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—He spoke about Evanturel, and some of the members who were sick.

Q.—Did he say anything more than that in that connection? A.—I don't know that he did in that connection.

Q.—What other subject do you recollect that he talked of that night? A.—He talked about whether Stratton was uneasy or not about the deal. He said he was uneasy.

Q.—Did you ask him if he was uneasy? A.—I asked him how Stratton was.

Q.—Is that what you asked him? That is what you recollect? A.—That is what I recollect.

Q.—“I asked him how Stratton was,” and what did he say? A.—He said he had been very uneasy, and asked him once whether he could trust me or not.

Q.—What else did he say? A.—And that he wanted to see Frank very often, and he had gone in there to Stratton's office almost daily, and he hadn't any trouble getting in; that he could always get right into the office without delay at all.

Q.—And what else? A.—As near as I can remember, that is all.

Q.—Now, let us bear in mind what we have got. We have got Whitney and Stratton; we have got the members sick and support needed, and we have Stratton uneasy. We have those three subjects.

Mr. Blake—And Evanturel's name.

Mr. Johnston—Oh, yes. Then, what else was talked of? A.—There was talk of the question of whether Myers could be trusted or not, and what he knew about it.

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Q.—What was said? A.—I think I said to him I wondered if we could trust Myers, if he would give away what had been done. I don't remember the exact words. And he said he did not think that Myers knew a great deal about the money transaction, or about the transaction.

Q.—Please keep to what he said as nearly as you can. He did not think Myers knew very much about the transaction? A.—He might have used the word “money,” but I do not remember whether he did, and I said, “Well, he brought the parcel down to the smoking room,” and he said, “No, that was not Myers brought that down; that was Chase.” He said Myers took it from Mr. Stratton and handed it to Chase, and Chase brought it down to the smoking room.

Q.—What did you say in regard to that? A.—I said I thought it was Myers. I said I would take out my book and put down the name Chase. He said, “We do not want to get mixed on that; we want to be sure of the man; we do not want to get our stories crossed.”

Q.—“We do not want to get mixed on that”; we want to be sure of our man?
A.—Yes.

Q.—And sure that your stories agreed?
A.—Yes.

Q.—That you did not make any hitch in your stories? A.—Yes.

Q.—Now, what was the object of his saying that you did not want to make any hitch in your stories or not agree? What was there to agree to or hitch about? A.—Simply because if Stratton did not do what was right with us in the future in regard to timber, or anything we wanted, we would be able to hold him up.

Q.—I see. A.—That was the idea exactly.

Q.—That is what you said? A.—No. That is what he said, and pressed between us.

Q.—You were both talking about that? A.—Yes, sir.

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Q.—You were both talking about it?
A.—Yes, sir.

Q.—And what you were doing in that piano place, then, was to see that your stories agreed about this matter? You were pretending this, of course, so that you could hold Stratton up if he did not do what Sullivan thought was right? A.—That was the tenor of that conversation, exactly.

Q.—That was the tenor of that conversation, and then, having said that, was that all? A.—No. The question of what we were to pick out for ourselves. We were to pick out something that was good.

Q.—And was that all that was said about that subject—about trusting Myers and the carrying of the parcel? A.—I think, perhaps, it was all. I think I said something about Myers’ face coloring up when I went in there. That might have been said.

Q.—That is when you went in that day? A.—At some time when I had gone into the office.

Q.—Now, did he tell you that, I should imagine that he would at that stage—that the story of Myers would not do at all? A.—No, he did not say that.

Q.—That you would have to have Chase in it? A.—He did not say it would not do at all. He simply said that Myers was not the man who brought the parcel to the smoking room; he said it was Mr. Chase. He said Myers took it from Stratton and gave it to Chase.

Q.—Didn’t you say to him, or he to you—one would naturally think so—“Now, we must not disagree about that; we have got to settle upon that point?” A.—I think he said that.

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Q.—That you must not disagree upon that; we must get that right; we must settle on that point first, and then finally you and he agreed, you pretending, and he real about that—that it should be put in this way, that Myers took the parcel to Chase and Chase took it to the smoking room? A.—Yes.

Q.—That was agreed between you as the way the story should be told? A.—Yes.

Q.—Quite so. And does that exhaust that part of it now? A.—I think that is all in regard to Mr. Myers, as far as I remember.

Q.—Then will you please give me the next subject that you recollect? I will not trouble you as to being in order. A.—I recollect I asked him if he thought I would get the rest of the money.

Q.—What was really said at that time? A.—I think I used those words. I think I said, “Do you think Stratton will pay the rest of the money?”

Q.—Or the balance? A.—Or the balance—I would not say which—or the rest of the money—I am not sure which. Possibly I said the “rest of the money.”

Q.—Possibly you might have said anything. I am trying to test your recollection? A.—I am giving you the best of my recollection.

Q.—I will take both of your statements as you have given them. That is the best of your recollection? Then what did he say to that? A.—Why, he said he would; there was no doubt. He thought he would. He said he couldn’t help it; he would have to.

Q.—Have to? A.—Yes, sir.

Q.—If you and he could only stick to the story, you could hold him up? That

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was his idea, apparently, and you were leading him on? A.—He knew we had material enough. There was not any question but what we could hold Stratton up. He was perfectly satisfied about that.

Q.—I didn’t ask that? A.—I am telling that. That is the real answer to the question you asked me. That is why I am telling you.

Q.—Let it go. That is all I am entitled to get on that point; I am satisfied. I will go to the next subject. What was the next subject that was talked about? A.—I remember we discussed the question of the timber.

Q.—Now, what was said about timber? A.—He asked me if I had got any report or any further word about some timber I had spoken to him about some time before that.

Q.—What was that timber? A.—North-west of Sudbury.

Q.—That was early in the game? A.—That had been spoken between him and I before.

Q.—That was the Clemow business we have heard something about? A.—Yes.

Q.—And that was talked early in the game? A.—Clemow's name was never mentioned until that night.

Q.—But that was the deal he was referring to apparently? A.—Yes.

Q.—And that had been discussed the fall before? A.—That is not the deal that was early in the fall, but Frank and I had spoken. or, at least, I had spoken to Frank about some timber north-west of Sudbury.

Q.—You have told us that was along in October? A.—Yes, we discussed it some time before.

The Chancellor—It was repeated again this night, he says? A.—Yes.

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Mr. Johnston—But that was the same deal? A.—Yes.

Q.—It had been discussed in the October previous, but the original deal was McGregor Island? A.—I do not know that it was October—some time along there.

Q.—Now, what else did you say in regard to that? A.—Well, I told him that we could not very well get any timber, or apply for any timber in his name, because the people in the country would recognize the fact that his name had been connected with mine, and objection would be raised on that point.

Q.—And then what was done? A.—He suggested that we should think of some name—some person we could think of who should have the timber. I spoke of this man Clemow; he could use the name; he was a friend of mine, and he might be paid something for it.

Q.—Was that all that was said? A.—We were to look into that matter in the future.

Q.—That was all, in substance? A.—Practically all.

Q.—And what other subject did you talk about in substance? A.—We talked about minerals—some mineral at Webbswood we might get.

Q.—In the same connection? A.—Yes, sir.

Q.—And what else? A.—We talked about fishery licenses.

Q.—The mineral was a matter of no great moment. It did not take up much conversation? A.—Not very much.

Q.—And the fishery business—did that take up any conversation? A.—I don't remember how long. We discussed something about it. Said Nobles would be around after a little, wanting these pond

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net licenses.

Q.—And the arrangement was what did you say on that occasion? A.—We would see him whenever he came around. Frank told me that Noble had paid for a rake-off for those licenses last year.

Q.—Did he tell you that this night? A.—He spoke of it.

Q.—And did he say the amount this night? A.—I don't think he said the amount.

Q.—Was any amount named by which you were going to hold up the Nobles this year? A.—I think possibly there might have been an amount mentioned that night.

Q.—Do you know how much it would be if it was mentioned? A.—It would be some several hundred dollars.

Q.—It was not a few dollars; it was several hundred? A.—Yes.

Q.—Then, was there any other subject talked of? A.—There was a subject talked of in regard to Clapperton Island. He said there was no use talking about Clapperton Island or timber like that; there was not enough value there at all.

Q.—Not good enough? A.—No.

Q.—And then what else? A.—Something about some man from Western Ontario who had spoken to his father about some timber he wanted to get from the Government.

Q.—I am speaking of that night? A.—Yes, that was that night, and that the man was willing to pay \$1,000 to some person who could get this for him.

Q.—That was repeating a conversation that had taken place before? A.—I think he had spoken of that before.

Q.—Any other subject talked of that night? A.—I could not say exactly how

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much discussion there was.

Q.—Is that all that you recollect at the present moment—all the subject that you talked about? I will not worry you much about the details. I want to get generally what was said. Is that all that was said that night? A.—I remember his saying something—that if we made a good thing out of some of these deals we might pay back the money to the Government; they were hard up, and had not money.

Q.—What was said about that? A.—That is about the substance. He said if we made a good deal of money out of this timber, or some of those things, we might hand that money back to Stratton.

Q.—Did he make use of that expression? A.—Yes.

Q.—No doubt about that? A.—No doubt about that, that they were hard

up, and wanted money, and we could give it back. I agreed that we might.

Q.—Was that all that took place? A.—That is about all with regard to handing the money back.

Q.—Was there any other subject talked of that you remember for the moment? A.—Said something about fishing licenses in Kogowan Lake.

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Q.—At any rate, I have disposed of the fishery business, and I have disposed of the minerals and the timber. Now, any other subject that you talked about on that night? A.—There was the subject of the three Norths discussed—the elections.

Q.—What was said about that, according to your recollection? A.—He said he could easily give information any time that would unseat the three Norths in short order. He said his father had not been up there except that he had went to Palmerston one night, but that he had directed part of the campaign from there.

Q.—Anything more said by him? A.—He said he could soon give us some names that would unseat the Norths.

Q.—Anything more? A.—I think that was practically about all about that. I remember he spoke something about in connection with Stratton not doing what he should do—he said if he didn't he could easily get a scare headline put in the World.

Q.—Oh, you can get, perhaps? A.—He said he had a friend on the World, particularly.

Q.—He did not speak of that as a matter of any difficulty at all, did he? A.—Oh, no; not any great difficulty.

Q.—No great difficulty? A.—He spoke of it. He said he had a warm personal friend on the World, and he could have that done at any time.

Q.—And at that time the election in the three Norths had taken place? A.—Yes, sir.

Q.—And they had all returned Liberal candidates? A.—Yes.

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Q.—Which is important in your story? A.—Yes, sir.

Q.—And then what other subjects were discussed? A.—I do not recollect anything else.

Q.—Nothing for the moment that you recollect excepting that? A.—No, sir.

Q.—Then did you leave? A.—He and I went down together—yes, sir.

Q.—Did he remain seated during the whole of this interview? A.—I could not say that he did. I think, perhaps, he did. He might not have. I think he did

stand up and go over to the piano just before we went out.

Q.—Did you intercept him in any way? A.—No.

Q.—You just let him go about as he pleased? A.—No, sir.

Q.—He could have gone in behind the pianos if he wanted to? A.—Yes.

Q.—You would not have stopped him? A.—I do not know that I would.

Q.—And talking in your ordinary tone of voice, I suppose? A.—Yes.

Q.—Were you talking in your ordinary tone of voice that night? A.—Yes, sir.

Q.—Just as you have been talking in the box here? A.—Just as I would talk in any ordinary conversation. He was speaking fairly loud because I am just a little deaf with one ear. I do not catch conversations quite as readily as others do.

Q.—Did you ask him to repeat any answer he had given you? A.—I do not remember that I did.

Q.—You have heard all I have said to you without any trouble? A.—Yes.

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Q.—Mr. Riddell says he cannot hear you? A.—This is quite a different building to what that office was.

Q.—You could hear there more easily than you could here? A.—It is lined and closed up tight.

Q.—You could hear there more easily than here? A.—Yes, sir. You could that distance, from me to Mr. Riddell, easier there than in this big room.

Q.—You hear me without any difficulty? A.—Because I have got the best ear to you.

Q.—Well, just keep it there for a moment and I will ask you a question or two? A.—I will. Do not be alarmed about that.

Q.—Then what was the last thing that you talked about in the piano room? Do you remember that? A.—No, I do not remember the last thing.

Q.—Did you turn out the gas when you started to go out? A.—Yes, sir.

Q.—Did you lock the door? A.—Yes, sir.

Q.—And how did you get downstairs? A.—We walked downstairs with the candle.

Q.—Did you light the candle at the door? A.—Yes, sir, after we came out of the office.

Q.—You lit the candle at the door? A.—I think so.

Q.—And walked on down. And did you say anything on the way down to him? A.—Talking along as we went down.

Q.—Did you say anything that you remember of? A.—I do not remember what we said.

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Q.—Did you part with him at the door at the street? A.—No, sir; I walked over to Bay street with him, and along Adelaide.

Q.—To the corner of Bay and Adelaide? A.—Yes.

Q.—Went into the hotel there? A.—Yes, sir.

Q.—And had one or two drinks? A.—Had one drink, or a cigar. I forget which.

Q.—Or both? A.—No, just one, I think.

Q.—And did you part there with him?

A.—No, sir; I walked down Bay to King.

Q.—And shook hands with him? A.—He got in the car at the corner of King and Bay.

Q.—Then going which way? A.—That car was going east.

Q.—Then you must have crossed King street to get to the corner? A.—To the car.

Q.—Did you stand there talking to him for some time? A.—I might have for a minute or two until the car came along.

Q.—Did he say anything to you? A.—

Not that I remember of particularly.

Q.—Don't remember what he said to you there? A.—Not particularly.

Q.—Now, if I told you what might have been said, you could not say whether he did or not? A.—If you told me, I might be able to remember. I would have a better chance to say whether I could or could not, after you tell me.

Q.—Then you never saw him again until the day of the House? A.—I do not think so.

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Q.—Did you speak to him after you made your statement in the House? A.—Yes.

Q.—Where? A.—At the Walker House.

Q.—And what did he say to you? A.—He said he wanted to speak to me.

Q.—What conversation took place between you and him then? A.—He came out on to the street—on to the side-walk in front of the Walker House.

Q.—What conversation took place between you? A.—The conversation was something like this. He said to me, "I think you ought to speak to me." It was several days after I made the statement. "I think it is up to you to talk to me." He said, "You ought to speak to me. I think it is up to you to talk to me." "Well," I said, "what have you got to say?" Talked to him in that way, and he said, "Where am I going to be at? It is all right," he said, "for you to make this statement in the House, and Stratton; you are both in the political game," and he said, "Where am I going to come out? I am the one that is

going to suffer by this," and for that reason he thought I ought to talk to him.

Q.—And did you talk to him? A.—I just talked to him a few minutes.

Q.—And that is the only conversation you have had of any account with him?

A.—Yes sir.

Q.—Or about this matter? A.—Yes sir, of any account.

Q.—Did you offer to compensate him for his loss? A.—I said to him, you should not feel so bad about that I said last fall, you remember you told me that

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for \$5 000 you would tell—he offered me last fall once that he would tell us who burnt the ballots, and all about the manipulation of the machine, and that sort of thing, and I told our lawyer, Mr. Bristol, at the time what was said.

Q.—I am asking you about Frank Sullivan, please. Confine yourself to that. Did you offer to compensate him for his supposed loss when you had a talk with him? A.—In that way only. I said to him—he had made that reference last fall, and I did not think he ought to feel so bad, when he offered to sell out for that amount.

Q.—Did you lead him on to believe that you would get him the \$5,000 if he would make the exposure? A.—No sir, I did not lead him on to believe. I told him that I did not want to prosecute him or do anything with him; it was not him I was after, it was the Government—Stratton, and I would be very glad to help him in any way I could. I did not want to prosecute him, or anything of that kind; it was not him I was after, it was Stratton and the Government I was after—it was not Frank.

Q.—But, I am asking you a question, and you still wander away. Did you offer in any way to compensate him, or make good the loss which he was complaining of? A.—No. I didn't offer directly. I gave him to understand that I would be glad to help him in any way I could.

Q.—That you would put some money transaction in his way if you could? A.—I would be very glad if I could. All I wanted him was to tell the truth in the witness box.

Q.—And if you could be the means of shoving some money in front of him you would be very glad? A.—I said if I

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could help him in any way I would be glad.

Q.—What did you mean to convey to Frank Sullivan, a man that you give such a character to now, when you told him that? A.—I meant to convey that

I was not wanting to do him any harm personally at all; it was not him I was after, and I would be very glad to assist him in any way I could if he told the truth, that was all.

Q.—What did you mean to convey to him when you told him that you would try to assist him, or help him? A.—I did not say I would try to assist him. I said I would be very glad to do anything I could for him. What I meant particularly was, I would try, so far as I was concerned, to see that he was not persecuted in any way, or by the courts, if that could be prevented.

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Q.—Did you say you would help him if you could in some way to get some properties, minerals, or a timber deal? A.—It was not mentioned at all.

Q.—Was that in your mind at the time? A.—I do not know what might have been in my mind.

Q.—You do not know what might have been in your mind at that time? A.—No.

Q.—That may or may not have been in your mind? A.—Exactly.

Q.—That may or may not have been in your mind? A.—At the same time it was not in my mind about timber or minerals at that time.

Q.—You said just a moment ago that it may or may not have been in your mind at that time? A.—I am telling you what may have been in my mind is an entirely different thing from what I said. I said I did not say anything about helping him with timber or minerals. I do not think it was in my mind, although there is a lot of things in my mind just now, and might have been then, that I am not going to tell you—some things you might not like to hear if I told.

Q.—You said a moment ago that that may or may not have been in your mind at that time? A.—Yes.

Q.—Do you want to take it back? A.—I say there was no regard to timber or mineral in my mind when I was talking to him at all; that had no influence in my conversation.

Q.—Do you want to take that statement back? A.—I am telling you at the time I was talking to him about helping him I had no intention to help him with timber or minerals in any way.

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good, bad, or indifferent.

Q.—I am just about through, and I would like to get one positive, definite answer to that question. You have sworn that that may or may not have

been in your mind at the time. Do you want to take that statement back while you have the opportunity? A.—In regard to Frank Sullivan's conversation, it was not in my mind in that regard.

Q.—Then you take it back? A.—Yes; so far as timber or minerals might have been in my mind when I was talking to anybody about any other conversation, I told you before, I did not know what all might be in my mind.

Q.—Did you tell him he could get something out of this thing if he just told the truth? A.—I told him if he would tell the plain truth that was all we wanted him to do.

Q.—And he would get something out of it? A.—I did not tell him he would get anything. I told him I would be very glad to help him in any way I could, I would protect him in any way.

Q.—The only way you could help him would be if he could get some compensation out of it? A.—When I was speaking about that, I had regard to the question of prosecution or anything of that kind for the part he had taken.

Q.—Where is the envelope that came with that unsigned paper to you that is referred to as Exhibit 4? A.—Let me see Exhibit 4.

Q.—That is the unsigned one, 16th September.

The Chancellor: Was that registered? A.—No sir, that was not registered. The envelope is torn up. I did not produce

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it at all.

The Chancellor: The envelope was destroyed, he says?

Mr. Johnston: Yes.

Q.—On the 17th February, 1903, did you send a report of the meeting of the Conservative Executive from Gore Bay to the Globe? A.—No sir, I did not send one.

Q.—Did you write one? A.—I wrote one.

Q.—And you gave it to whom to send? A.—Well, I gave one to William Stoddart. I presume he signed his name to it and sent it.

Q.—And that appeared in the Globe, which you afterwards saw? A.—I expect I did.

Q.—Do not expect? A.—Yes.

Q.—You say yes. And it is written Gore Bay, February 16th, special despatch to the Globe, appearing on February 17th. That is the interview that I am speaking about, a report of the meeting. That is the one I am speaking about? A.—If you will let me see the Globe I will tell you. I will not tell you by your standing there.

Q.—I am only asking you if you did send a report? A.—I am telling you I did.

Q.—Stoddart says that is so. A meeting of the Conservative Executive fairly well attended, and so on? A.—Yes sir. I wrote most of that. He may have added a few words.

Mr. Johnston: We will have a copy put in.

The Chancellor: Whatever you want you can put in a copy of.

(To be put in, marked Exhibit 466.)

EXHIBIT 46.

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Mr. Blake: They can get a copy of the paper.

Mr. Johnston: I will have either the printed copy of the paper, or a type-written copy put in.

Q.—You gave a reasonably correct account of that meeting? A.—I presume I did.

Mr. Blake: Do not take that paper away now.

Mr. Johnston: We will leave it here.

Q.—Now one matter more, Mr. Gamey. You filed a statement, and I will not trouble you about the contents of it—you filed a statement purporting to be a joint memorandum of the reporters on your affidavit on production? A.—Yes.

Q.—When did you get that? A.—I got that handed to me in the House the day I made the statement.

Q.—Handed to you by whom? A.—One of the boys—one of those three boys.

Q.—Did you get an independent statement from each one? A.—No sir, I did not.

Q.—Or anybody? A.—My solicitors may have.

Q.—And that was not produced? A.—They had not got it at that time.

Q.—They are not produced here? A.—I do not know whether they are or not. If they got an independent statement it was without my knowing about it and it was after that date.

Q.—It would not make any difference. Your solicitors were acting. Mr. McPherson was acting as your solicitor and Mr. Blake acting as counsel? A.—If you ask Mr. McPherson or Mr. Blake they will tell you.

Q.—Do you know anything about it?

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A.—I say they may have got one. I fancy they did. If they did I have not read it and have not seen it.

Mr. Johnston: If they have it I should like to have it produced.

Witness: They are very handy. You can ask them.

Mr. Johnston: I am told by my learned friend, Mr. Blake, they have not got it.

Mr. Blake: I have never seen one, my Lord.

The Chancellor: Then that closes that up for the present.

Mr. Johnston: The reporters—were they paid by you? A.—No sir.

Q.—It was done voluntarily? A.—Yes sir.

Q.—And did they hand you their notebooks? A.—No sir.

Q.—Kept them? A.—I do not know. They did not give them to me.

Q.—You never asked for that? A.—No.

Q.—And the joint memorandum was prepared that you have produced here as you understood from the joint recollection of the three as to what took place? A.—I do not know how it was prepared. One of them handed it to me in the House after it was opened that day, and I did not read it. I put it in the bundle.

Q.—You did not ask for it? A.—Well, they told me the night before that they would give me some sort of a memorandum the next day.

Q.—You did not ask them for it? A.—Well, they said they would make some sort of a memorandum.

Q.—That is not my question. Did you ask them for it? A.—Well, I think I

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said to them, I will want to get a memorandum for to-morrow to go in with the rest of my statement.

Q.—You asked them for a copy of what they could give you of the interview? A.—Possibly I did. I think I did. Either they volunteered it or I asked it.

Q.—You wanted it of course? A.—I wanted it yes.

Q.—And in response to that you got it the following day? A.—Yes sir. I do not know whether I asked or whether they said I will give you something to-morrow.

Q.—They were taken there for that purpose? A.—Exactly.

Q.—And you intimated to them that you would want it to-morrow anyway? A.—I supposed they would give it to me anyway, whether they said they would or whether I asked them.

Q.—It was understood between you and as a result of that you got the document? A.—Yes. I do not remember which one I got it from. It was one of the three.

Mr. Johnston: That will do.

RE-EXAMINED BY MR BLAKE.

Q.—Did you read the document over before you put it into the sealed packet? A.—No sir.

Q.—Simply as it was handed to you? A.—Put it in my pocket and put it with the rest of the papers.

Q.—Why do you say it was a joint memorandum? A.—Well, I do not know that it was a joint memorandum.

Q.—That is the reason I wondered at your saying it was? A.—I said to him I did not know who prepared it: I did not know which of them gave it to me. I do not know that it was a joint report.

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Q.—One of them prepared it and gave it to you and you did not read it over, and put it into the sealed packet? A.—I have never read it yet.

Q.—Do you know anything as to any other report being made by these three gentlemen at or about that time other than the one that you put in the sealed packet? A.—I do not know of any. I never saw any other report.

Q.—And never asked for any other. That is the only one that you know of. Then you stated that you prepared a report of the Executive Committee meeting of the 16th February, 1902. Do you know that that as prepared was put into the Globe newspaper as you had prepared it? A.—No sir, I do not.

The Chancellor: Q.—1903, was it?

Mr. Blake: Oh, yes, 17th February, 1903. I was wrong if I said 1902. Then you do not know whether the gentleman to whom you gave it sent it down as you had prepared it, or do you know that it went in that shape into the Globe? A.—I do not know. I gave it to Mr. Stoddart. He will be able to say whether he changed it or not.

Mr. Johnston: He said he did add something to it, he thinks.

Mr. Blake: Yes. I am simply asking the witness whether what appeared in the Globe to your knowledge was a copy of what you had prepared or what Mr. Stoddart prepared? A.—Well, as nearly as I can remember.

Q.—Did you go it over to be able to compare it? A.—No, not yet. If they will give me a copy I will read it very carefully.

The Chancellor: He can do that afterwards.

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Mr. Blake: At the present time you do not know? A.—No.

Q.—Then I will just ask you first as to this matter. An interview you stated

you had with Mr. Frank Sullivan recently. Where did that take place? A.—In front of the Walker House, on the sidewalk.

Q.—And you say that he insisted upon speaking to you? A.—Yes sir. He came just as I was going in to the telephone cabinet in the Walker House. He came up to me and said I want to speak to you. I said I do not want to talk to you now and I went into the cabinet, and came out of that and went around into the wash-room of the Walker House, and then came outside, and he came out after me and we walked a little bit west of the hotel and back and stood in front of the hotel.

Q.—And when was it that he said that he thought it was up to you to talk to him? A.—After we went outside.

Q.—He then said that to you, and then I did not understand just what it was that he said as to yourself and Mr. Stratton and as to himself. What did he say? A.—He said this is all right for Mr. Stratton and you, you are both playing your political game, you have your parties behind you, and he said, one of you will win out and the other will lose, that will be where you will be at, but he said with me it will be a more serious affair. He said the Liberals will not have anything more to do with me, and certainly the Conservatives won't, and it will be a more serious affair, his being brought into it. He wanted to know why I gave him away in that way.

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Q.—In what way? A.—Used him as a tool in connection with this deal. He felt sorry for it—for the position he was in.

Q.—Then I did not understand what you stated about his saying that he could have gotten \$5,000 for giving certain information as to certain ballot burning. What ballots? A.—This last fall he said to me once that for \$5,000 he would tell us—tell the Conservative party who burned the West Elgin ballots in the Parliament buildings, and all about the machine, how it was manipulated, he knew that, and where the moneys were spent, and everything of that kind, and this day, when speaking of that I referred to it. I said you cannot feel so bad about your party from a party standpoint, because you offered to do this before—you offered to sell out for \$5,000. I might say that so far as Frank is concerned, he himself has never pretended to be such a strong party man. He said his father would not leave the party under any circumstances or anything of the kind.

but he himself did not care so much about it.

The Chancellor: I do not think this is important.

Mr. Blake: No.

Q.—Then you stated that you did not want to hurt him, but that it was the Government or Stratton, and what was it that you wanted of him, and did you make him any offer in respect of that? A.—I did not make him any offer—no. But what I wanted to assure him was that so far as he individually and personally was concerned, I was not trying to injure him at all any more than the fact that he was connected with this deal.

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Q.—What did you want him to do in the matter? A.—I told him if he would tell the plain truth that was all I wanted him to do in the witness box. I repeated that several times. I said all we want you to do is to tell the truth, and so far as I am concerned you have my sympathy, and I will do anything I can to prevent any prosecution or hurting you.

Q.—Who mentioned anything about prosecution? A.—I do not know that the word was mentioned at all.

Q.—Then did you say that, because you have just told me you said that you would do anything in your power to prevent any prosecution? A.—Well, I think possibly the word prosecution might have been mentioned—yes.

Mr. Blake: Then there were some letters, my Lord's, that were asked of Mr. Frank Sullivan, and the answer Mr. Johnston gives me is that he has not got them. Your Lordship will remember that.

The Chancellor: You have put in the answers?

Mr. Blake: I just want to refer to these, but Mr. Johnston is not here. Mr. Riddell is aware of that.

Mr. Riddell: Yes. You had better get them numbered.

Mr. Blake: I give you the first date.

The Chancellor: I thought you had proved, subject to their production, all that you wanted about the letters.

Mr. Blake: No, my Lord. I did not prove the contents, according to my memory.

The Chancellor: The contents of those now missing?

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Mr. Blake: No.

The Chancellor: Quite so.

Mr. Blake: I did not want that here—after some question should be raised upon that.

The Chancellor: It is stated, as I understand, that the letters which this witness sent to Frank Sullivan have been mislaid or destroyed or cannot be found by Frank Sullivan, and you are now giving secondary evidence.

Mr. Blake: Yes, my Lord.

The Chancellor: Let that be taken down.

Mr. Riddell: Yes.

The Chancellor: Perhaps if we adjourn now, till 2 o'clock, you may arrange about that matter of those letters.

(Adjournment 1 p.m., until 2 p.m.)

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AFTERNOON SESSION.

Tuesday, 15th April, 1903.

Mr. Blake: I was asking you about some letters, and you stated that you had a letter from him about seeing Smith, the member? A.—That is from Frank Sullivan; yes, sir.

Q.—What did he ask you to do in that letter?

Mr. Riddell: A letter from Mr. Sullivan to this witness.

Mr. Blake: No. A letter from this witness to Frank Sullivan. You wrote him a letter?

The Chancellor: What did you say in that letter?

A.—That was in reply to his of September 18th. I just wrote him a short answer, telling him I would try to see the party. Something of that kind. An evasive answer.

Q.—Then on the 16th February, 1903, you wrote him a letter, an answer to the Executive Committee? A.—Yes, sir.

Q.—What did you say to him in that letter? A.—I told him that the Executive meeting was being held that day, and that the Executive would pass a resolution condemning the interview that I had published in the Globe, and the stand that I had taken, and that they would not ask me to resign, and I asked him then in the letter to see Mr. Stratton and tell him that I would send the names of the License Board. I think that is about all, sir.

Q.—Anything else that you remember in that letter? A.—I don't remember anything else, sir, now.

Q.—Then on the 24th February, you wrote to Frank Sullivan, the letter to which you referred, stating that it was about the seat, but nothing more.

Q.—Do you remember anything else that was in that letter of 24th February? A.—I think there was a reference there to the License Board appointment, telling him that I would give the

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names later on, or asking him to tell Mr. Stratton to wait until I came down before I would send the names.

Q.—A letter to Captain Sullivan, it is admitted upon the statement of Captain Sullivan that he had not got any letters. That was the only other one that was missing.

Q.—I believe that you never were in a witness box before? A.—No, sir, this is my first experience; never was in court in any capacity before.

Q.—I did not exactly understand what was said—this is going back to Monday last—about the Pug Mine. Some deal or another, and it was suggested that there was something wrong with the Pug Mine. What about that? A.—Well, sir, two friends and I, one of them a mining expert by the name of Mr. J. B. Miller, at the Sault, went out to British Columbia in the summer of 1896 and we purchased a property called the Pug Mine. We organized a joint stock company, of which I was the secretary and treasurer, and Mr. Miller was the mining expert and manager. And we went on and sold stock through different methods, and Mr. Miller operated the property, spent all the money that was spent on it, and the money that I received for stock was turned over to him. Some of it possibly came back to me for services rendered, and the balance of it was accounted for by him in the operation of the property.

Q.—Was there anything wrong in connection with it; it was put as if there was something in it that should not have been? A.—Absolutely nothing wrong so far as my financial transactions. The property did not turn out the success we expected: in fact there wasn't any value received for it, but the money was spent on the property, and Mr. Miller at the Sault can be got at any time to account for all the money he spent.

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Q.—Then you remember you had your bank book, but you had not your bank book of the date. Did you telegraph for it as I asked you, and have you got your bank book? A.—I have written for the bank book. I have not got it yet. I have written, asking for a memorandum of my account.

Mr. Riddell: When is the bank book expected?

The Chancellor: Is there a wire to Manitoulin? A.—Yes, sir.

Mr. Ritchie: I understood the other side have a complete copy of it from the ledger.

Mr. Johnston: No.

Mr. Ritchie: Traders' Bank, Gore Bay.

Mr. Johnston: That is not Gore Bay? Sudbury.

The Chancellor: You will undertake to produce it? That is all that is necessary.

Mr. Blake: I did not want your Lordships to think there was anything in the way of keeping the thing back.

A.—I thought it would be too long a wire, and I wrote, asking for a memorandum of my account since the 1st of June.

Q.—I wanted your own bank account?

A.—Well, that is what I wanted him to send me, a memorandum of his bank, showing my account until now. I don't know where the old book is. The one prior to this, and he will send a memorandum complete.

Mr. Riddell: Let us understand that. As I understand, the witness produced a book beginning on the 1st of March, but he does not know where his bank book is for last summer.

A.—I don't know where it is.

Q.—Then we will have to get the bank books themselves. A.—The banker will send a memorandum of the account.

Mr. Blake: I misunderstood; I thought, my Lords, that the book was in existence, and that he had only to wire to Gore Bay. However, you have not it?

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A.—No, sir.

Q.—And you don't know where it is?

A.—No, sir.

Q.—And you have written up for a copy of the account, which is the best you can do, and is quite satisfactory.

Q.—And there was something said about pages 8 and 14, if you will just look at it—(EXHIBIT 35)—and give what explanations you think proper. It is said something about the money, that these pages that were altered were the pages that had to do with the money. I don't say that they are. I don't know that they are, for I have not looked at it.

A.—Well, sir, in writing this account at home, I was quite a long time writing it, and sometimes in looking back over a page I was not satisfied, perhaps, with the phraseology of it or the writing, or possibly might have got blurred or blotted or something, and I re-wrote just before I left any of it that I was not satisfied with: and the explanation of this paper being different to my mind is this, that just before I left I, in re-writing, took some of my own paper, and before that I had been using ordinary paper that I had bought that had not any heading on it at all. Now

I brought some of my own paper with me to Toronto, and that is why the last page is the same kind of paper.

Q.—Well, it is said there is something peculiar about pages 14 and 15; was there any object which you had in view in any way, any misleading or altering or varying, or anything of that kind? A.—No, sir; no object at all, no changing them or anything of that kind; it was simply a statement I was writing of the facts.

Q.—Take, for instance, this page 8; so far as that is concerned, was it or not written in Gore Bay? A.—To the best of my knowledge, it was written at Gore Bay, or at my farm at least.

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Q.—Then this other page 19, which is of the same paper? A.—That was written at the same place, to the best of my knowledge.

Q.—And page 14? A.—The same.

Q.—In the same way. So that you had no reason whatever for having the changed paper excepting what you are submitting to the court, and that in making an alteration or change you may have put in another paper which was there? A.—Yes, sir.

Q.—It was emphasized that you attended the Conservative caucus. Why did you, under the circumstances, attend the Conservative caucus? A.—Simply because I felt that I was a Conservative, just as I had been, and I thought it was my business to attend the caucus I was invited to attend.

Q.—I don't know that that was quite plain, but you are at liberty to give such explanation as you think proper. You gave certain dates about the 10th or 11th and you afterwards made a more absolute statement as to that date; what was the reason of that, and why did you do so? A.—In writing that statement at home, to the best of my recollection then, I thought that on the 9th I had seen Mr. Stratton, and on the 10th had received the money from him, but I knew this, that the day I signed the letter in Mr. Aylesworth's office I received the money the following day. And then that letter was produced among the productions, and I saw it; I saw that it was dated the 10th of September, and I knew that I received the money the next day. When I was writing the statement at home I was not absolutely sure which day, and I base the date now on the date of the letter that I signed in Mr. Aylesworth's office.

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Q.—Then in your statement you have said absolutely no one would know be-

fore, and in the same statement you say that you had told this to Mr. McGregor, and told it to another Conservative. How do you reconcile this statement, that no one would know, and the statement that you had told this to others? A.—What I meant the statement that I read in the House to convey the idea was that in that general way no one should know.

The Chancellor: I think he explained it that way.

Mr. Blake: I did not know that it was fully explained. That is because the same paper contains the fact that Mr. McGregor and another person had been told.

The Chancellor—At a later date.

Mr. Blake: Why was it that Mr. Platt was not appointed on your recommendation? A.—I think I could have had him appointed, but he was a Conservative, and I did not particularly want to have him appointed.

The Chancellor: Does he know now? He may be reasoning. How does he know?

Mr. Blake: I am not asking for you to argue the thing out in your mind, but why was it as a matter of fact that Mr. Platt was not appointed?

The Chancellor: Was there any reason given to you or not? A.—So far as my part of it was concerned, because he was a Conservative. I did not want to appoint any Conservatives.

Mr. Blake: Did you press the appointment? A.—I did not, sir.

Q.—You stated in your examination in regard to a letter of 7th February, 1903, that there was a row on, and you said this

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was part of the arrangement, but you did not explain a part of what arrangement? A.—Well, this plan that I had of getting evidence from the Government, and keeping myself in the position of member until the House met. I had to satisfy the people or else they might possibly compel me to resign before the House was called together.

Q.—Then another expression you made, you say you wrote Mr. Harcourt, and he answered, and you said that this letter would have gone through the Liberal candidate but for the deal. I want you to explain why it was that that would have gone through the Liberal candidate but for the deal? A.—Well, the fact that these people at Spanish Mills knew that I had Mr. Thomas Flesher appointed J.P.

Q.—That is not the answer. Why would it have gone through the Liberal candidate? A.—Because the patronage be-

has always gone through the candidate of the Government.

Q.—Then, you say that was the reason, it was one of the perquisites of Government candidate who was defeated? A.—Certainly, sir.

Q.—Then you were asked as to an application that you made on the 16th December, 1902, for a mining location. Did you make any other application for yourself to the Government for anything? A.—No, sir.

Q.—That was the only one that you made? A.—The only one.

Q.—Then you were asked why did you not attend the Conservative caucus of the meeting of the House? A.—I did not want to mix up with the members on either side until I had made the statement and explained my position.

Q.—Then you were asked as to Dr. Strothers, and as to something took

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place between you. I wish you would just explain it. Did you sleep in the same bed with him? A.—Yes, sir, he had no room in the Walker House in the fall when the Exhibition was on, and it was crowded, and I asked the clerk to let him come to my room. He came to my room and slept with me.

Q.—Did you approach him in any way, or how did the conversation begin? What just shortly passed between you? A.—He was asking me what was on, or what was doing about the protest; is there anything doing? He saw me around with the Sullivans some, and I said there was some deal talked about by which I was to have my protest wiped out, and the patronage of the riding, on condition that I gave the Government support. I asked him what he thought of that. I told him that was a part of the deal, and he said he didn't care for deals of that kind. He did not think he would advise me to make any deal of that kind, and I did not give him the full particulars of the deal, because he was a Liberal. Although a Liberal, he has been a friend of mine that I have known for years; had a great deal of business relations with him. The question of whether I received money or did not receive money was not talked about at all.

Q.—Then you had a talk, it is said, with Mr. Connée at the Rossin House. What was the date of that? A.—I don't remember the first talk. I think I had a talk with Mr. Connée first on the train between Toronto and the Soo.

Q.—I am asking at the Rossin House, the only one referred to? A.—I could not remember the conversation at the Rossin House with him.

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Q.—About what was the month? A.—It may have been the last of June, or it might have been July; I don't remember how early that took place. That was in regard to a smelting proposition, a custom smelter for Sudbury.

Q.—What was the suggestion as to that? A.—He asked me if I would take some interest, raise some money in that northern country.

Q.—It was just a business proposition? A.—Purely a business proposition.

Q.—Where was the smelter to have been? A.—Somewhere in the locality of Sudbury. That had been part of my mining policy to have a custom smelter there. Mr. Connée said he thought that should be done, although the Government never had one built.

Q.—Did you say you had been or were an independent candidate at the election? A.—No, sir, I did not.

Q.—Would it have been possible for you to have been an independent candidate? A.—Utterly impossible. We had three candidates running, a straight Liberal, an Independent, and myself. Socialist, you might call him, or whatever you like. He was not either a Liberal or Conservative.

Q.—Then Mr. Marter, it was said that you had an interview with him. Do you remember when that was? June or July it is put. Had you but the one interview? A.—I could not remember any interview in June or July with Mr. Marter, although it is possible I might have had. I see Mr. Marter quite often when I am in the city.

Q.—Then there was an interview in January. You were asked as to the protest at Allandale, and it was said that you had stated that you had laughed at it and paid no attention to it.

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Was that as to the conversation, or was that as to the protest?

Mr. Riddell: Is not that leading?

A.—Well, I couldn't say that I paid no attention to the question of the protest, because it is too important a question. It was more as to the conversation, I suppose.

Q.—The conversation that you had with Captain Sullivan. Had you ever met Mr. R. A. Grant before the occasion of this meeting in the Rossin House? Did you know him? A.—Well, I might know him by sight on the street, but I had never been introduced to him, never spoken to him before.

Q.—Would you know who he was? How did you know that he was at the

Walker House on this occasion? A.—Frank Sullivan told me he was up in the room.

Q.—Then I do not know whether you put it clearly why it was that you were willing to have the documents that you had given to Frank Sullivan destroyed? A.—Well, I was not looking for evidence against the Sullivans particularly, and I wanted the confidence of the Sullivans, and when they proposed to destroy the documents I was perfectly willing to destroy them at any time. By doing that I kept their confidence.

Q.—Was there anything in the document destroyed that would have done more than touch the Sullivans? A.—That was all. Frank Sullivan was the only name on the document. Stratton's name was not mentioned in it at all, nor anybody else.

Q.—Then you were asked as to Mr. Myers in your statement being said to have brought the package there. Did you designedly say it was Mr. Myers, in order to bring Mr. Stratton into the matter, or what was the reason of your inserting that name? A.—Well, I

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thought that, to the best of my recollection, it was Myers that brought the parcel, but after the interview in the piano factory with Mr. Frank Sullivan, in which he said it was Myers—

Q.—Yes, I know. Had you any design of bringing Mr. Stratton's name into the matter as a reason for putting Myers' name there? A.—No, sir, not at all. I really believed and thought, to the best of my knowledge, it might have been Myers that carried the parcel.

Q.—Then you were asked as to what took place on the Island, and the word was used "discuss," and the word "published." I want to know to what extent did you discuss this question of your position on the Island? A.—Occasionally people have asked me, saying I hear a rumor that you are going to support the Government, and then an explanation would follow. The explanation would follow from me according to the person I was talking to. No general discussion or anything of that kind.

Q.—And had you any inquiries or anything in the shape of conversation until after the Captain Sullivan interview was published? A.—No, sir.

Q.—It arose upon that, did it? A.—Well, that was one of the causes for it.

Q.—Then, on the occasion of your visit where there was a thousand dollars paid, could those in the ante-room have seen what took place where you were with Mr. Stratton; could they have seen and heard what he and you were doing? A.—When we were in the ante-room?

Q.—When you were in the room removed from the room where the others were, could they have seen and heard what was being done? A.—I don't quite

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understand you, Mr. Blake.

Q.—There was a sum of money paid, was there not? A.—Yes, sir.

Q.—And you remember what you said as to going into another room? A.—Yes.

Q.—When that was paid, I want to know whether or not the others that may have been with you, and you were removed from when the money was paid, whether they could have heard and seen what was being done? A.—Well, any person in the room where the secretary stays could not hear anything, to the best of my knowledge, in the room where Mr. Stratton stays himself, because there is a vestibule or ante-chamber between the two rooms.

Q.—Then your answer is a very simple one—they could not.

Mr. Johnston: He does not say that.

Mr. Blake: Very well, give an answer to it; I do not want a long description of the building. A.—In the corridor, where the reporter was, no person could hear what was said in the room where I was with Mr. Sullivan, or if I was in the other room no person could hear in that room.

Q.—Did Frank Sullivan give any reason for suggesting not to let the reporter see you and him together? A.—The reason why we did not want to be seen together was because our names had been associated together in rumors as to supporting the Government, and, knowing this man to be a Mail reporter, we did not want to be seen together. That was all.

Q.—Then, what was it you said to Mr. Sullivan as to your position in regard to Myers and Chase? A.—In the Crossin?

Q.—Yes. A.—Well, I said to him that I thought Myers carried that parcel

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from Mr. Stratton's to the smoking-room, and Mr. Sullivan said no, Myers did not carry that parcel to the smoking-room. Mr. Myers took the parcel from Mr. Stratton and gave it to Mr. Chase, and Mr. Chase carried it to the smoking-room. I said well, I didn't know that. I said I will put down that word Chase, and I took out my book and wrote the word "Chase" in the book. He said now we want to have that understood between us correctly: we don't want to have a difference as to the par-

ties who carried the money; we want to understand each other, and know who did bring it.

Q.—Then I want you to explain what was wanted as to the limits. You said something that we might pay back the three thousand dollars. Just explain that a little more fully?

The Chancellor: He did not just put it in the way you are putting it, that he might pay back the money. There was no sum mentioned.

A.—No, sir, there was no sum mentioned.

Mr. Blake—Just explain as fully as you can what was said upon the question of limits, and what could be done upon the obtaining of limits? A.—Well, he said if we could have had some timber or something of good value, that we could get that from the Government that was satisfactory, then the profit, whatever it might be, would be ours, but he wanted to be sure that we took out something that was good; he did not want to take something that was of smaller value than we should have had; we should get something of good, fair value, so that when we had that deal from the Government that we would be satisfied; it would not be likely that we would get another limit or piece of timber of that kind, and he said if we got a piece of timber that was valuable enough, profit enough in it, we could pay the

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money back to the Government, because they needed the money.

The Chancellor: Because they were hard up? A.—Because they were hard up.

Mr. Blake: Was anything said that you could only get the one limit? A.—Nothing more than the supposition that if we got one deal, a good, fair deal, put through, that would be all they wanted to give us of that kind.

Mr. Ritchie: There are some productions here, my Lord, that should go in to complete the list of exhibits. There is one here produced, a letter from Mr. J. F. Boyd to the Hon. Mr. Latchford, dated January 3rd, 1903. That is necessary to go on in order to complete the correspondence that has already been put in.

(EXHIBIT 47.)

Sault Ste. Marie, Ont.,

January 3rd, 1903.

Hon. F. R. Latchford, Toronto:

Hon. Sir.—I beg to enclose you letter from Mr. Gamey, along with list of grants and petitions for one in particular, this letter I am almost at a loss to know in just what terms to make a reply. However, courtesy, and the fact of Mr. Gamey being a member of the Leg-

islature, would demand a reply in any case.

I have been led to believe that Mr. Gamey expects some patronage in making grants and appointments, but fear that unless some decided advantage shall be obtained from this we are running the risk of demoralizing our party in that portion of the district for the future, from the fact that the sections supported by

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Gamey for aid are the portions from which he received a large share of his support, while those opposed to him are left out in the cold.

I think possibly I know this man more thoroughly, through long acquaintance, than some of his intimate political friends. He is a man considerably over-estimated, is extremely zealous and ambitious for power and patronage.

I feel that you should fully be made aware of the foregoing facts, and this is my excuse for forwarding to you this private letter. You can discern from it that we have talked the subject together, but I have only his statements for what he alleges. If I can be of any assistance in preparing a list for this and the other districts under my supervision, and Mr. Smith will advise me a few days in advance. I will meet Mr. Gamey and Mr. Brodie at department. I am engaged this winter in taking out some timber, and would require a few days' notice to get away for any time.

Wishing you all the compliments of the season and a prosperous New Year.

I have the honor to be, Sir,

Your obedient servant.

J. F. BOYD.

(Private.)

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Mr. Ritchie: Then there is a letter under date of February 23rd, 1903. G. W. Spencer to the Honorable J. R. Stratton, produced from the Provincial Secretary's office. Written from Little Current.

(EXHIBIT 48.)

Little Current, Ont.,

Feb. 23rd, 1903.

The Hon. J. R. Stratton.

Parliament Buildings, Toronto.

Dear Sir.—

With reference to my application for License Inspectorship, I have, at the request of Mr. Thomas Conlon, seen Mr. R. R. Gamey and delivered a private letter from Mr. Conlon asking him to recommend me for the appointment.

Mr. Gamey said he had not pledged himself in the matter, and that he knew

of no more capable and better suited man for the position. He stated that the position was to be filled by a Liberal, that he would be pleased to see me get it, and that he would in all probability recommend me, but that the appointment would not be made before the 10th March.

I remain,
Yours obediently,
G. W. SPENCER.

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Mr. Ritchie: Then a letter of January 8th, 1903, to Mr. Gamey, from Henry Smith, Superintendent of Colonization Roads, written from the Department of Public Works, Ontario.

(EXHIBIT 49.)

Department of Public Works,
Ontario,
Toronto, Jan'y 8th, 1903.

Sir,—I have to acknowledge the receipt of a petition for a grant to a road in Campbell Township, between 20 and 25, side road, 8 con., lots 23 and 24, and in reply say, that the same will be duly considered.

I am, sir,
Your obedient servant,
HENRY SMITH,
Supt. Col'n Roads.
R. R. Gamey, M.P.P., Gore Bay, Ont.

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Mr. Ritchie: Then there is a letter from the Attorney-General's secretary, Mr. Curry, addressed to Mr. Gamey, dated 27th January, 1903.

(EXHIBIT 50.)

Toronto, 27th January, 1903.

Dear Sir,—The Attorney-General has asked me to draw a recommendation for the appointment of E. W. Swanson as a Justice of the Peace for Algoma. Will you kindly let me know Mr. Swanson's Christian names. I suppose I should describe him as of the Township of Dennison, Whitefish P.O. Kindly let me hear from you.

Yours truly,
W. CURREY,
Private Secretary.

R. R. Gamey, Esq., M.P.P., Gore Bay,
Ont.

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Mr. Ritchie: Then the next letter addressed to the Premier, a production of the Honorable G. W. Ross, dated Feb-

ruary 14th, 1903, from Walter B. Scott (reads).

(EXHIBIT 51.)

Little Current, Ont., Feb. 14th, 1903.
Personal.

The Hon. G. W. Ross, Toronto, Ont.

Dear Sir,—Having heard that the position of License Inspector for the District of Manitoulin has become vacant, and that an appointment is to be made of other than the late holder, I have been directed by the Executive Committee of the Little Current Liberal Association to forward you their hearty endorsement of the application for the office of Mr. G. W. Spencer, of this town. Mr. Spencer has been a resident of Little Current for upwards of twelve years, and is esteemed for his probity and straightforwardness wherever known. I have to say that his appointment at the hands of the Government would be received with confidence and satisfaction by both political parties on the Island, and that his ability and integrity would in every way make him an excellent occupant of such a post.

Trusting that his application will receive your most favorable consideration. I am, sir,

Your obedient servant,
WALTER B. SCOTT,
Sec. L. C. Lib. Assn.

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Mr. Ritchie: Then Mr. G. W. Spencer writes a letter in the same connection to the Honorable Mr. Harcourt, dated February 23rd, 1903.

(EXHIBIT 52.)

Little Current, Feby. 23, 1903.
The Hon. R. Harcourt, Toronto.

Dear Sir,—Mr. Thos. Conlon has written you re the appointment of a License Inspector here, and I have since seen Mr. Gamey, and on the suggestion of Mr. Conlon have written Mr. Stratton, and enclose herewith, a copy of the letter.

There is considerable uncertainty here as to whether Mr. Gamey will recommend me. As Mr. Conlon wrote you, I am endorsed by the Local and Executive, and would be very thankful to you for any good word that you may care to put in for me.

Yours truly,
G. W. SPENCER.

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Mr. Ritchie: Then there is a letter from Mr. Stratton to the Attorney-General, dated the 2nd October, 1902.

and annexed to it is a recommendation dated 6th of October, 1902, signed by the Attorney-General, and also an extra letter from Mr. Kehoe to the Assistant Provincial Secretary.

(EXHIBIT 53.)

Sault Ste. Marie, Ont., Oct. 17, 1902.
G. E. Lumsden, Esq., Assistant Provincial Secretary, Toronto, Ont.

Dear Sir,—I return you the draft commission of the peace as to Thomas Flesher, who lives on the Island, where the Spanish River Company's mills are situate. This is not within my township. I have, therefore, corrected the draft, as you will find it.

Yours truly,

J. J. KEHOE.

Draft 5888, '02.

To Thomas Flesher of Spanish River Mills P.O., Esquire, to be a J.P., Algoma.

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To His Honor the Lieutenant-Governor,
O. Mowat.

The undersigned respectfully recommends that Thomas Flesher, Spanish River Mills Post Office, in the District of Algoma, be appointed a Justice of the Peace in and for the District of Algoma, and that a Supplementary Commission of the Peace do issue accordingly.

J. M. GIBSON,

Attorney-General.

Toronto, 6th October, 1902.

Toronto, October 2nd, 1902.

My dear Gibson,—I enclose you a petition from the Huron Lumber Company, asking that Mr. Thomas Flesher, Collector of Customs at Aird Island, be appointed a Justice of the Peace, in the room and stead of John Andrew, who is said to be permanently removed from the Island. It is recommended and approved of by Mr. Gamey, the member for the district.

Will you be good enough to have the matter attended to at your earliest convenience?

Yours sincerely,

J. R. STRATTON.

Hon. J. M. Gibson, Attorney-General.

P.S.—Mr. Flesher's post-office address is Spanish River Mills.

J. R. S.

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Mr. Ritchie: Then there is a letter here from D. M. Brodie to R. R. Gamey, dated 21st January, 1903.

Mr. Johnston: That is not evidence.

Mr. Ritchie: I agree with my learned friend, that that is not evidence. The other is simply a letter from Mr. Flesher,

J.P., thanking him. But that is not evidence. Then there is a letter to the Premier, signed by G. W. Spencer, February 16th, 1903. I think those are the productions.

(EXHIBIT 54.)

Little Current, Ont., Feb. 16th, 1903.

The Honorable George W. Ross, Premier of Ontario, Toronto.

Dear Sir,—Understanding that Mr. J. B. White has ceased to be License Inspector, I beg herewith to make application for the position.

The Liberal Executive of the Manitoulin and the Local Liberal Association of the same riding will endorse my application.

Yours obediently,

(Sgd.) G. W. SPENCER.

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Melvin O. Hammond, sworn. Examined by Mr. Ritchie.

Q.—You are a reporter on the staff of the Toronto Globe? A.—Yes, sir.

Q.—And you were reporter for that paper in January of the present year?

A.—Yes, sir.

Q.—Do you remember on any date in January of the present year being in the office of the Hon. Provincial Secretary?

A.—Yes, sir.

Q.—On what date? A.—I was in pretty nearly every day.

Q.—Perhaps I can assist your memory. Do you remember being there on the 29th day of January? A.—Yes, sir.

Q.—At what time of the day were you there first? A.—During the forenoon some time.

Q.—Can you fix it any more definitely than that? A.—I should say about eleven o'clock; between that and twelve.

Q.—What led to your visit on the 29th: were you asked to go there? A.—I went there partly in pursuit of my regular business.

Q.—I am asking if on that particular day you had any special request to go, or any intimation that they would like you to be there? A.—I think I had an intimation on the previous day.

Q.—From whom? A.—From Mr. Stratton.

Q.—And where was that intimation conveyed to you? A.—In Mr. Stratton's office.

Q.—Then you had been there on the 28th, and on the 28th he intimated to you that he would like to see you on the morning of the 29th?

Mr. Johnston: He does not say that.

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Mr. Ritchie: I am asking him a question.

Mr. Johnston: Do not put it in his mouth.

A.—The purpose was, I should find out what arrangements could be made to interview Mr. Gamey.

Q.—Did he ask you what arrangement on the 28th had been made to interview Mr. Gamey? A.—I don't understand your question.

Mr. Riddell: Do not lead. I object formally. I do not think my learned friend ought to lead the witness in anything.

The Chancellor: You said you had an intimation on the previous day to be there, and to be there for what purpose, go on and tell us.

A.—I was to find out.

Mr. Ritchie: You said Mr. Stratton gave you the intimation.

The Chancellor: Yes, from Mr. Stratton.

A.—I was to find out when and where I was to meet Mr. Gamey.

Q.—Were you to communicate with Mr. Gamey? A.—I don't remember exactly whether I was to communicate with him, or the message was to be left for me at Mr. Stratton's office.

Q.—The message from whom? A.—The message which would be a result of a conference as to when the interview was to take place.

Q.—Who was to have the conference with Mr. Gamey? A.—I presume that Mr. Stratton was to make the arrangement with Mr. Gamey or someone on his behalf.

Q.—With what object or for what purpose?

The Chancellor: He has told you.

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A.—That he should make an arrangement for me to meet Mr. Gamey.

Q.—Was that all that was said between you and Mr. Stratton at that time? A.—No, it was not.

Q.—I am speaking now in connection with the Gamey matter? A.—On the 28th, you mean?

Q.—Yes, be good enough to tell us all that passed between you and Mr. Stratton with reference to this Gamey matter? A.—Mr. Stratton said that he would try to get Mr. Gamey to give an interview with the idea of supporting the Government position, an interview from Mr. Gamey stating that he would support the Government would have some weight with the bye-elections which were then pending.

Q.—What else? A.—I think the rest of the conversation related to where I was to meet him, and so on.

Q.—I understood a moment ago from you that Mr. Stratton was to arrange this appointment with Mr. Gamey? A.—Yes, the conversation related to that point.

Q.—Then had you, prior to this time, had any conversation yourself with Mr. Gamey? A.—Not at all.

Q.—Had you prior to this time any intimation as to whether he was likely to support the Government or not? A.—Not that I remember of.

Q.—So that on the 28th this conversation took place, and then you say he asked you to come in again on the 29th, and in the meantime you understood he was to see Mr. Gamey and arrange a time and place for an interview? A.—Yes, communicate with him in some way.

Q.—Then you were there on the 29th? A.—Yes, sir.

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Q.—About what time, about eleven o'clock. A.—Somewhere about eleven o'clock.

Q.—And what took place between Mr. Stratton and yourself? A.—I don't think I saw Mr. Stratton in the morning.

Q.—Whom did you see? A.—I think Mr. Myers told me—my recollection is—that Mr. Gamey was to come up in the afternoon about two o'clock.

Q.—And that was information that was conveyed to you by Mr. Myers? A.—I think it was Mr. Myers, yes.

Q.—Did you see Mr. Stratton at all on the morning of the 29th? A.—Not that I remember of.

Q.—Then what hour in the afternoon was fixed. A.—About two o'clock.

Q.—Did you go back again at two o'clock? A.—I was back about ten minutes after two, I think.

Q.—Had you seen Mr. Stratton on the 29th before two o'clock? A.—No, I don't think so. I am sure I did not.

Q.—Then at two o'clock, when you went to the Buildings, whom did you see? A.—I am not sure; I think it was Mr. Costello.

Q.—Who is Mr. Costello, we have not heard of him before.

Mr. Riddell: Yes, we have.

The Chancellor: No, we have not heard of him in this enquiry before.

A.—He is a messenger in Mr. Myers' office.

Mr. Ritchie: What passed between you and him?

Mr. Johnston: That surely is not evidence?

The Chancellor: Why? I do not see that what Mr. Costello said matters.

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If it is objected to, I do not know that it will hurt.

Mr. Ritchie: I do not know that it is going to lead to anything at all. I was leading up to the conversation with Mr. Stratton.

Mr. Johnston: Mr. Myers, of course, is Mr. Stratton's private secretary now, and was at that time, and therefore there might be some reason for saying that Mr. Myers' statement and so on was evidence.

Mr. Ritchie: My learned friend need not argue it, I am not going to press it at all.

The Chancellor: I do not think it would hurt one way or the other.

A.—My recollection is that it was Mr. Costello.

Mr. Ritchie: Did you speak to Mr. Costello? A.—Yes.

Q.—In consequence of what he said, did you do anything? A.—I think I went out.

Q.—Was Mr. Stratton there? A.—I did not see him.

Q.—Do you know whether Mr. Stratton was engaged in his private room or not? A.—I don't know.

Q.—You had not heard anything about that? A.—No. I have no recollection whether he was in at that particular time or not.

Q.—I suppose Mr. Costello would be in the outer office? A.—I in the outer office, certainly.

Q.—Do you know, as a matter of fact, whether Mr. Stratton was in his room or not? A.—I don't know.

Q.—Do you know whether Mr. Gamey was there or not? A.—I am not sure about that.

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Q.—Did you hear anything about it? A.—I was in and out of the outer office different times, and I cannot recall whether Mr. Gamey was about the premises at that particular time or not.

The Chancellor: Did you know Mr. Gamey? A.—I would not have known him then if I had seen him.

Mr. Ritchie: Then you went up there about two o'clock, and how long were you about the Buildings on the 29th? A.—Oh. I was there till nearly seven that night.

Q.—That is between two and seven? A.—Yes.

Q.—Had you any other work to do except the work in connection with the Gamey interview? A.—Oh, yes.

Q.—Where were you? A.—Going to the different departments.

Q.—How much of the time did you spend around Mr. Stratton's department? A.—Not a very great deal.

Q.—Were you there specially in connection with the interview? A.—I was watching that first of all.

Q.—Was that the main object of your visit to the Parliament Buildings that day? A.—That in conjunction with my regular work that takes me there.

Q.—That was your main object? A.—That was the first object.

Q.—Then between two and seven o'clock how many visits did you pay to Mr. Stratton's office? A.—Oh, it might have been half a dozen, not to Mr. Stratton's private office, but to the outer office.

Q.—Did you see on any of those occasions, Mr. Myers in the outer office?

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A.—Yes.

Q.—Was Mr. Myers there on the first occasion, when Mr. Costello was there? A.—I do not think so.

Q.—Now, will you tell us why you made these several visits? A.—I wanted to find out definitely when I could see Mr. Gamey.

Q.—Then you say on the first visit you did not know whether Mr. Gamey was there, or Mr. Stratton in the private office? A.—No.

Q.—Did you know on your second visit on that day whether either or both was there? A.—I think probably on my second visit I did.

Q.—What did you learn on your second visit? A.—My recollection is that Mr. Gamey was in Mr. Stratton's office at that time, as near as I can recollect that was the second visit.

Q.—How long would it be after your first visit that day when you made your second visit? A.—It would not be many minutes.

Q.—Ten or fifteen? A.—I could not say.

Q.—Inside of half an hour, anyway? A.—Oh, I should say so.

Q.—Then you were told that they were in closeted together? A.—Yes.

Q.—In the private room? A.—Yes.

Q.—Who were in the outer room? A.—I have not a clear recollection of that.

Q.—Was Mr. Myers there?

Mr. Johnston: That we object to.

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Mr. Ritchie: I can ask the fact whether Mr. Myers was in the outer room or not.

The Chancellor: He can jog his memory as to who was there. A.—I think he was there, but I am not sure.

Mr. Ritchie: On the second occasion you did not do anything because you understood that Mr. Stratton and Mr. Gamey were closeted together? A.—Yes.

Q.—What was the result of your third attendance? A.—As near as I can recollect, I waited until he had gone out.

Q.—Until Mr. Gamey had gone out? A.—Yes.

Q.—You said you paid half a dozen visits between the time you were there first and seven o'clock? A.—Yes.

Q.—When did you pay the visits after the second? A.—They were much later in the afternoon.

Q.—Was Mr. Gamey still closeted with Mr. Stratton? A.—No, he had gone down town.

Q.—Do you know what time he went away?

Mr. Riddell: He did not see him, of course.

A.—I would not like to fix any hour of his going away, because I did not pay attention to those details at the time.

The Chancellor: Gamey went away without your seeing him?

A.—I think I saw his back from the door of the main building.

Q.—Without your interviewing him? A.—Yes.

Mr. Ritchie: But you did see his back going out? A.—I think I did.

Q.—You were told by Mr. Myers that he had gone? A.—I was told by some one.

Q.—Cannot you give some idea of what hour this would be, three o'clock, or half-past three. A.—I think it would be before three.

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Mr. Ritchie: When he went away? A.—Yes, I think so.

Q.—Then, when Mr. Gamey went away why did you not also leave the Buildings? A.—I had other work.

Q.—And it was only in connection with your other work that you stayed there? A.—No, I was told to come back.

Q.—Told by whom? A.—Mr. Myers, I think.

Q.—What for? A.—To see Mr. Gamey there.

Q.—Then you understood that Mr. Gamey, whilst he had left the Buildings, intended to return? A.—Yes.

Q.—Were you told at what time he was likely to return? A.—In the neighborhood of six o'clock.

Q.—Did you know whether any documents or paper had been prepared and handed to him? A.—I saw a document

on the previous day which I understood would probably be handed to him.

Q.—To Gamey? A.—Yes.

Q.—On the 28th you saw a document which was going to be handed to him?

The Chancellor: Probably would be handed to him? A.—Yes.

Mr. Ritchie: Who showed you that document? A.—Mr. Stratton.

Q.—Did you read the document over? A.—Yes.

Q.—Can you tell us now what the purport of it was? A.—It was an interview.

Q.—It purported to be an interview? A.—Yes, between Mr. Gamey and a reporter of the Globe.

Q.—Do you know who prepared it? A.—I have no knowledge of who prepared it: no.

Q.—At all events you had nothing to do with the preparation of it? A.—Not at all.

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Q.—Directly or indirectly? A.—Not at all.

Q.—You say you have no knowledge of who prepared it? Were you told by Mr. Stratton or Mr. Myers who prepared it? A.—No, sir, I do not think I was. Mr. Myers didn't say anything to me about it.

Q.—Did Mr. Stratton when he handed it to you, say anything about as to who prepared it?

The Chancellor: He did not say he handed it to him, I think.

Mr. Ritchie: I beg your Lordship's pardon. Showed it to him?

A.—He handed it to me and I read it in my own hands.

The Chancellor: He handed it to you and you read it over? A.—Yes, sir.

Mr. Ritchie: Did he not make a remark when he handed it to you?

Mr. Riddell: That is surely not fair.

The Chancellor: Yes, that is fair enough.

A.—He said that was an interview which he would try to get Mr. Gamey to give to the Globe.

Q.—Was it typewritten? A.—It was typewritten.

Q.—Anything said by Mr. Stratton as to who had prepared it? A.—No. I don't think so.

Q.—What was said after that? A.—Do you mean on the 28th?

Q.—Yes. A.—No, I don't remember anything more.

Q.—Nothing more than you told us before that he expected to get Mr. Gamey in and arrange an appointment, and wanted you to come back the next day? A.—He said something about not knowing whether Mr. Gamey would accept it in that form.

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Q.—But he was going to try to get it in that way? A.—Yes, he also said, I think I said this before though, that it would assist the Government by having it.

Q.—Yes, you told us that before. That it would assist the Government with the bye-elections to have this interview published in the Globe? A.—Yes sir.

Q.—Then you say that on the afternoon of the 29th you saw Mr. Stratton go out of the room, and saw his back as he went out? A.—Not Mr. Stratton, sir.

Q.—Mr. Gamey? A.—Yes.

Q.—What room was that, the private room? A.—He went out through the entrance to the ante-chamber.

Q.—Which way did Mr. Gamey go from there? A.—Towards the main corridor.

Q.—Where were you standing at that time? A.—In the doorway of the general room.

Q.—Did he pass quite close to you? A.—Oh, he would be some distance from me when I saw him.

Q.—What do you call some distance? A.—Thirty or forty feet.

Q.—You have no doubt it was Mr. Gamey? A.—I was told it was him.

Q.—You did not follow him up to get your interview with him. A.—No I did not.

Q.—Why not, and do your own interviewing? A.—I was told to come back that he was coming back.

Q.—Were you told that he was coming back until after you saw him going out? A.—It was about that time.

Q.—When he was going out, did you know whether he was coming back or not? A.—Not at that moment.

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Q.—Did it not occur to you it would be wise if you wanted to interview him to follow Mr. Gamey up? A.—I thought he might follow me up.

Q.—Why, he had no communication with you up to this time? A.—I understood he had a communication with Mr. Stratton, though.

Q.—What would lead you to believe that he intended to communicate with you? A.—I was in the outer room by arrangement.

Q.—With Mr. Stratton? A.—Yes, through his secretary, and if I was wanted at that hour they knew where I was.

Q.—You were simply there to act on instructions from Mr. Stratton? A.—To that extent.

Q.—Then you say he went away before three, and what time did you go back after that to Mr. Stratton's office? A.—I don't know whether there were any other visits before the vicinity of six o'clock.

Q.—When did Mr. Gamey get back? A.—Oh, it was after six some time.

Q.—Did you see him come back? A.—I don't think I saw him go in.

Q.—When did you first ascertain that he had got back and from whom? A.—I knew before six, or in the neighborhood of six o'clock, that he was in the building.

Q.—How did you know that? A.—Mr. Myers told me.

Q.—What part of the building was he in? A.—Well, I did not see him.

Q.—Was it in the Public Works Department? A.—I think all I heard was that he was upstairs.

Q.—Is the Public Works Department upstairs? A.—Yes.

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Q.—Is that the Department in which Frank Sullivan was engaged? A.—So I understood.

The Chancellor: Did you say Gamey returned after six or before six? A.—In the neighborhood of six o'clock.

Mr. Ritchie: How did Myers come to tell you he was in the building and was upstairs? A.—I was naturally anxious to know when I could see him.

Q.—You were waiting and watching, I suppose, for that purpose? A.—Yes sir.

Q.—Then it must have been, or was it the result of an inquiry from Myers as to whether he was back or not that you got this information? A.—I don't remember whether I inquired or whether he volunteered the information.

Q.—At all events he told you he was in the building, and upstairs? A.—I understood that.

Q.—Understood he was in the Public Works Department, was that what you understood? A.—I did not know what Department I was told he was upstairs.

Q.—And were you not told also that he was in the Public Works? A.—No. I don't remember.

Q.—Now, did you see Frank Sullivan there that day? A.—I saw him in the corridor, yes.

Q.—Where? A.—It would be in the corridor of the floor that Mr. Stratton's office is on.

Q.—How close to Mr. Stratton's office? A.—Oh, he moved back and forth.

Q.—How long was he around there? A.—He was in the corridor at different times between six and seven o'clock I should say.

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Q.—That is in the corridor in the vicinity of Mr. Stratton's office?

Mr. Riddell: He did not say so, he said on the floor on which Mr. Stratton's office is.

Mr. Ritchie: Was it in the vicinity of Mr. Stratton's office? A.—Not in the immediate vicinity.

Q.—How near?

The Chancellor: Does that matter?

A.—It is the main corridor.

Mr. Ritchie: Did you on the 29th see him in Mr. Stratton's office, in the outer office? A.—Mr. Sullivan?

Q.—Yes? A.—I don't remember definitely where I saw him.

Q.—Try and think. A.—I was not paying much attention to Mr. Sullivan's movements.

Q.—You were looking after Mr. Gamey or Mr. Stratton? A.—Yes.

Q.—Then you say you were there between six and seven, and I suppose you were mostly around Mr. Stratton's office? A.—Yes, I was most of the time around there.

Q.—What time did Mr. Gamey go into Mr. Stratton's office? Between six and seven? A.—It was in the neighborhood of half-past six, I think.

Q.—Did you see where he came from, you of course would be on the look out for him? A.—He came along the corridor from the direction of the main corridor.

The Chancellor: Who was that? A.—Mr. Gamey.

Mr. Ritchie: Do you know whether he came from upstairs or not? A.—Only from what I had heard previously.

Q.—I am speaking of what you noticed yourself? A.—No.

Q.—About half-past six he came down and went into Mr. Stratton's office? A.—Yes.

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Q.—Which door, the private door or the ordinary door? A.—I don't know whether I was just there at the time.

Mr. Riddell: You don't know that you saw him going in, do you mean? A.—I don't remember seeing him go in.

Mr. Ritchie: I thought you said you saw him going in about half-past six? A.—I don't think I said I saw him going in.

Chancellor: You mentioned something happening about half-past six about Gamey? A.—He went into Mr. Stratton's office. I don't remember whether I saw him going in or not.

Mr. Ritchie: How do you know he went in? A.—Probably Mr. Myers told me if I did not see him. On that point I don't remember very clearly.

Q.—Then you waited from half-past six up to what hour, until seven o'clock?

A.—For what?

Q.—Before you got the interview?

A.—It would be about a quarter to seven I should think.

The Chancellor: Then what happened?

A.—I got the interview.

Mr. Ritchie: You got the interview from whom? A.—From Mr. Gamey.

The Chancellor: That's you got a paper? A.—I got a paper.

Mr. Ritchie: Where did Mr. Gamey get it? A.—I have no knowledge of where he got it.

Q.—Where did he give it to you? A.—In Mr. Myers' office.

Q.—Did he come out from Mr. Stratton's private office. A.—Yes.

Q.—Into Mr. Myers' office? A.—Yes.

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Q.—Up to this time had you spoken to Mr. Gamey? A.—No.

Q.—You did not know him at all? A.—No.

Q.—And then when it was handed to you what did he say? A.—We were first introduced by Mr. Myers.

Q.—After he came out of Mr. Stratton's room? A.—Yes.

Q.—Tell us the form of introduction?

A.—An ordinary form of introduction. Then I spoke with Mr. Gamey on general matters for a minute or two.

Q.—Nothing about the interview? A.—No.

Q.—May have talked about the weather or something else? A.—Yes.

Q.—Then what happened? A.—He walked across the room and sat down at a table the other side of the room. I followed him and sat down at the other side of the table. He drew from his pocket a paper which he handed to me to read. I read it over. Found it to be an interview, a form of interview with the Globe reporter.

Q.—Was that the same one Mr. Stratton had handed to you the day previous? A.—No.

Q.—Was it different, and if so, in what respect? A.—It was written on another sheet of paper.

Q.—Typewritten? A.—Mostly, there were some alterations.

Q.—What you saw in Mr. Stratton's office on the 28th was all typewritten? A.—All typewritten.

Q.—This one on the 29th was it typewritten, or the early part of it, was something added in ink? A.—There were alterations in pen.

Q.—Any additions in ink? A.—Alterations and additions.

Q.—Who were present when that paper was handed to you by Mr. Gamey? A.—I think Mr. Myers was in the room most of the time.

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Q.—Can you also tell me if Mr. Sullivan was there at that time? A.—I don't remember, he may have been in and out of the room, but I was not watching him.

Q.—Cannot you say whether he was in or out of the room? A.—No, I cannot say definitely.

Q.—Do you tell us you have no recollection whatever on that subject as to whether you saw him in the room on the 29th or not? A.—I have no definite recollection that I saw him in the room at the time.

Q.—And no belief about the matter either way?

Mr. Riddell: That would not be evidence.

A.—I would say that it would be natural for him to be in and out of there.

Q.—Do you know what time the Departments close; are the departmental offices open until seven o'clock as a rule? A.—No.

Q.—What time do they ordinarily close? A.—About half-past four.

Q.—Does that apply to the Public Works Department and also to the Provincial Secretary's Department? A.—It applies to the offices generally excepting those who have work which keeps them there later.

Q.—Then if Mr. Sullivan was not there in connection with this interview, can you tell us what he was there in connection with, any idea? A.—No.

Q.—Did you see Gamey and Sullivan have any conference together, speaking together? A.—I don't remember seeing them conferring together.

Q.—Do you recollect seeing them speak to each other at all at that time?

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A.—No, I haven't any clear recollection of that.

Q.—But you do know that they were both around there? For how long prior to seven o'clock? A.—Around Mr. Stratton's office?

Q.—Yes, about that corridor? A.—About half an hour probably.

Q.—Do you know whether they left together or not? A.—They both disappeared about the same time.

Mr. Johnston: I suppose they all disappeared about that time, dinner time?

Mr. Ritchie: Oh, no. What was said to you by Mr. Gamey when he took this paper out of his pocket and handed it to you? A.—He made no particular remark that I remember.

Q.—What did he do just hand it over to you? A.—Handed it over. He may have said something about asking me to read it over.

Q.—Do you recollect whether he did or not? A.—Not very clearly.

Q.—Did he discuss its contents with you at all? A.—He made one alteration in it.

Q.—While he was sitting there, but not as a result of any conversation with you? A.—Oh, no.

Q.—Did you have any discussion with him at all in any way as to the subject matter of that supposed interview? A.—I think I said something to him about that being a good thing for the Government.

Q.—Any other observation made? A.—I don't remember any other.

Q.—Was it truth an interview with a Globe reporter at all?

Mr. Riddell: He has told us the facts, surely we don't want an interpretation

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of the word interview.

Mr. Ritchie: Was it? A.—It was a manner in which we get interviews at different times.

Q.—Did you get this interview in the ordinary manner? A.—A manner in which we sometimes get them.

The Chancellor: People sometimes write interviews for themselves very effectively.

Mr. Ritchie: At all events you did not interview him in the sense of asking him any questions? A.—No.

Q.—Can you tell us if that is the document you saw? A.—That is the document, I believe. (Ex. 17.)

Q.—Can you say whether that is in the same state now as it was handed to you by Mr. Gamey? A.—It appears to be, with the change that he made in my presence.

The Chancellor: What change did he make? A.—He wrote in "in matters that I am satisfied with."

Mr. Ritchie: That would be on the second page and seventh line, in pencil, the words, "in matters that I am satisfied with"? A.—Yes.

Q.—Was that the only alteration that he made in your presence? A.—The only one I remember.

Q.—And that he made of his own mind? A.—Yes sir.

Q.—And not as a result of any discussion with you? A.—Not at all.

Q.—Did you, after you got this from Mr. Gamey, have an interview with Mr. Stratton about it? A.—Yes, I saw him.

The Chancellor: When, that night? A.—Yes sir.

Mr. Ritchie: How long after you received it? A.—Immediately after Mr. Gamey left the office.

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Q.—What was the purport of the interview with Mr. Stratton? A.—He expressed himself as well pleased with getting that interview.

Q.—Anything else? A.—Asked me if it had been signed.

Q.—What did you tell him? A.—I said yes.

Q.—It had not been signed then apparently when it left Stratton's room? A.—No.

Q.—Why did you ask Mr. Gamey to sign it?

The Chancellor: He did not say that. Did you ask him to sign it? A.—Yes sir, I asked him to sign it. One reason Mr. Stratton asked me to ask him to sign it.

Q.—When was it Mr. Stratton asked you to get him to sign it? A.—On the previous day.

Q.—Tell us, then, all that was said on the previous day about that, the obtaining of his signature? A.—He wanted it signed so that he could keep it.

Q.—Anything further said about getting it signed? A.—No, I don't remember anything further.

Q.—Then you say, bearing in mind the request of Stratton made on the 28th, when it was handed to you on the 29th, you asked him to sign it? A.—Yes, and I also felt that it was an important matter, and I would like to have something to show that it was genuine.

Q.—I thought you trusted to Mr. Stratton and Mr. Gamey to get the document up between themselves? A.—Yes.

Q.—You had nothing to do with the fixing up of it. Was "Walker House, R. R. Gamey," put on it? A.—That was part of the signature he wrote in my presence.

Q.—You told us he made certain alterations in pencil, "in matters that I

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am satisfied with"? A.—Yes, sir.

Q.—Did you after he had signed that, call Mr. Stratton's attention to the alteration? A.—I showed him the interview.

Q.—Showed him the paper, we had better say. A.—I showed him the paper.

Mr. Riddell: Exhibit 17.

Mr. Ritchie: Exhibit 17 will do.

A.—I showed him the paper, and I think he noticed the change himself.

Q.—Any observation made about it? A.—He did not like the idea of that being changed.

Q.—How did you know he did not like the idea? A.—He said so.

Q.—What did he say? A.—He said it was not as it had left him.

Q.—Anything further? A.—He wanted to strike that out.

Q.—Why was it not stricken out? A.—Because I said I had acted in good faith with Mr. Gamey, and I would not strike it out.

Q.—Anything further? A.—Mr. Stratton offered to call Mr. Gamey back from the west end of the building, by that time he was probably still in the building, and confer with him. He did not do so, however.

Q.—Did he make an effort to do so? A.—No; his next observation, I think, was that he could not expect anything more than that from a man elected as a Liberal. Words to that effect.

Q.—You of course thought he had been elected as a Liberal. A.—No sir.

Q.—You thought he had been elected as a Conservative? A.—Yes sir.

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The Chancellor: I suppose that is not the meaning.

Mr. Ritchie: I understand what the meaning was; I suppose a Liberal would hedge himself around?

The Chancellor: No, that even a Liberal would not even support him in matters in which he was not satisfied.

Mr. Ritchie: Is that what you understood? A.—Yes.

Q.—Then you took that to the Globe office? A.—Yes.

Q.—And it appeared in the Globe in the ordinary course the next day? A.—I re-wrote it.

The Chancellor: What did you do with the original, the one signed?

Mr. Ritchie: After re-writing it, what did you do with the original? A.—I returned it to Mr. Stratton on the following day.

Q.—Why did you do that? A.—He asked me to.

Q.—When, on the 29th? A.—I think it was a request made on the 29th.

Q.—Then I suppose you re-wrote because you knew you had to hand back the original or was that the reason? A.—That was one reason, another was that it was written on two sides of the paper.

Q.—In any event, if you were to return it to him you would have made a copy in the first place? A.—I think I would. I didn't want it mutilated by going to the printers' hands.

Q.—I suppose you don't know whether the heads of the departments in the Globe office expected this interview or not. However, we won't trace that.

CROSS-EXAMINED BY MR. JOHN-STON.

Q.—Mr. Hammond, you have been on the Globe staff for how long? A.—A

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little over 7 years.

Q.—And during that period I suppose you have interviewed and got interviews from a number of public men? A.—Yes sir.

Q.—And as a rule public men write their own interviews for you if they are of any importance? A.—It is a habit with some people to write their own interviews.

Q.—Upon any question of importance your experience is, and you have so got them, that the man has preferred to put it in his own language? A.—Some men.

Q.—And it was nothing unusual for you to get a paper of that kind from Mr. Gamey with an interview prepared? A.—Oh, no.

Q.—And your business has taken you up to the Parliament buildings almost every day, I suppose? A.—Yes sir.

Q.—And some days you are there as late as 7 and 8 o'clock, Council meeting days? A.—Whenever it is necessary I stay.

Q.—But I mean this was not an unusual day at all, 7 o'clock; you had been there a great deal later at times, days of Council meetings? A.—Council is generally over by half-past six.

Q.—Sometimes it is not over until half-past 7? A.—I don't remember any so late as that.

Q.—You would wait until Council rose and then get your information between that and 7 o'clock? A.—As soon after as I could.

Q.—And that has been many a time? A.—Yes sir.

Q.—Do you know whether there was a Council meeting that day or not? A.—I think there was.

Q.—And a Council meeting the day following? A.—I don't remember that.

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Q.—A Council meeting the day before? A.—I think not.

Q.—Now you say you were unable to see Mr. Gamey until late until about half-past 6, I think? A.—Yes sir.

Q.—Because Mr. Gamey was away somewhere, and did not return until about that time? A.—Did not come to Mr. Stratton's office.

Q.—And the question of getting an interview was a matter of newspaper enterprise, too? A.—Yes sir.

Q.—And you were anxious to get it, I suppose, late as it was? A.—I would stay as long as necessary.

Q.—And interviews of a special character from the Government in that way are often given to the Globe without reference to the other papers? A.—Sometimes.

Q.—The Globe being the Government organ in that sense? A.—Said to be.

Q.—Then, so far as the paper itself was concerned, and the changes that were made in Mr. Gamey's handwriting, you treated that as equivalent to his own interview? A.—Oh, yes.

Q.—Was there any question raised at all that it was an interview that Mr. Gamey was not assenting to? A.—When he handed it to me?

Q.—Yes? A.—Oh, no.

Q.—He handed it to you as his interview? A.—Yes.

Q.—And made the necessary changes as you have pointed out? A.—Yes.

Q.—And you wanted Gamey's signature for your own protection? A.—I thought it wise.

Q.—You said something about the bye-elections. Did you know what bye-elections they were then? A.—Centre

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Bruce and North York were pending.

Q.—You and Mr. Gamey were together for about how long? A.—I should say not more than ten minutes.

Q.—And when you spoke to Mr. Stratton again, you recollect the words that he said, that it was the interview he would try and get Gamey to give the Globe, or that he expected Gamey would give the Globe or that he thought Gamey would give the Globe? A.—Do you mean on the 28th?

Q.—Yes? A.—I don't remember the exact words.

Q.—He may have put it in that way, that he expected Mr. Gamey would give an interview to the Globe? A.—He simply intimated that this interview was to be given to the Globe by Mr. Gamey.

Q.—And that was all he did say? A.—Yes.

Q.—Not that he was himself personally getting it, or that you were getting it, or anybody else, but that it was to be given by Gamey to the Globe, as you understood it? A.—I was to go after it.

Q.—And that is all you knew about it? A.—I did not know anything.

Q.—Then you wrote a very considerable amount as an introduction or something of that sort? A.—Yes.

Q.—And from the time it appeared there you never had the correctness of it repudiated? A.—No sir.

RE-EXAMINED BY MR. RITCHIE.

Q.—Do I understand you to take back your statement that Mr. Stratton said that he was going to try to get Gamey to give that interview?

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Mr. Riddell: It was you said that.

Mr. Ritchie: No, that was his own expression. A.—It was words to that effect.

Q.—I am speaking now of the 28th; you told us in the box here that Mr. Stratton said he was going to try to get this interview with Mr. Gamey, do you take that back? A.—They were words to that effect. I told Mr. Johnston I did not remember the exact words.

Q.—But you do not take back the statement you volunteered yourself that the words were that he was going to try to get Mr. Gamey to give that interview. Do you adhere to that or not?

Mr. Riddell: Do not press the witness that way.

Mr. Ritchie: I do not want to press him. A.—Words to that effect.

Q.—At all events that was the impression he conveyed to your mind? A.—Yes.

Q.—Now, my learned friend asked you whether there was a Council meeting held that day or not? A.—Yes.

Q.—Do you know whether there was or not as a matter of fact? A.—I understood there was.

Q.—Would you not have expected Mr. Stratton to be at that Council meeting? A.—Council does not always sit until half-past 6.

Q.—Then can you tell us on that occasion what time the Council meeting was over? A.—Some time between 5 and 6, if I remember rightly.

The Chancellor: Likely? A.—Yes.

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Mr. Ritchie: Likely between five and six. Would you not have known when that Council meeting adjourned? A.—Oh, yes.

Q.—I suppose you would be naturally anxious to get information as to what transpired at the Council meeting in connection with your other duties? A.—Oh, yes.

Q.—Bearing that in mind, can you say whether there was a Council meeting on that day or not? A.—To the best of my recollection there was.

Q.—Can you tell us anything that was given out as having been discussed at that Council meeting? A.—No, I don't remember.

Q.—You say it was likely between 5 and 6 it was over.

The Chancellor: That is what he said. Edward Crossin sworn. Examined by Mr. Ritchie.

Q.—What is your business? A.—Piano manufacturer.

Q.—Carrying on business in Toronto? A.—Yes sir.

Q.—I believe that you and Mr. Gamey entered into a partnership about April, 1901, in the piano business? A.—Yes sir, 1st of April, 1901.

Q.—Subsequently a company was formed, of which company Mr. Gamey is the president? A.—Yes sir.

Q.—Do you recollect having any conversation with Mr. Gamey in September, 1902?

—Mr. Riddell: I object to that. I do not think my learned friend can go into conversations.

The Chancellor: There is no objection to this question, whether he had a conversation in 1902.

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The Chief Justice: That is perfectly unobjectionable.

A.—Yes, Mr. Gamey was in Toronto in September, I quite well remember that.

Mr. Ritchie: When was the Exhibition, can you fix it by that? A.—Yes; I don't know that I can repeat the date, but I well remember Mr. Gamey being in the factory and having a couple of conversations with me the last week of the Industrial exhibition. I know it was towards the close of the Exhibition.

Q.—You say Mr. Gamey was in town that week? A.—Yes.

Q.—Do you recollect his leaving for home. A.—Yes, very well.

Q.—Do you recollect a conversation you had with him the day he left for home in that Exhibition week? A.—Yes sir, I do very vividly.

Q.—Where did that conversation take place? A.—Well, part of it occurred at the office; he came up in a hurry, and decided we should go down and make application for our charter.

Q.—Some conversation in the office? A.—Yes.

Q.—And as a result of that you were going down to whose office? A.—Mr. Levesconte's office, the solicitor for the company.

Q.—What time of the day was this? A.—It would be about half-past two.

Q.—Did you go direct from the factory? A.—No sir, we continued on our way down to the office, and on the corner of King and Yonge Mr. Gamey suddenly said—

Mr. Riddell: Do not tell us what he said:

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Mr. Ritchie: In consequence of something that he said you and he went where? A.—We went further south on Yonge street to the next corner.

Q.—Tell us the place? A.—The Traders' Bank.

Q.—Did you go into the Traders' Bank? A.—Yes sir.

Q.—What did he do there? A.—When we got inside—

Q.—Do not tell us what he said, but what he did. A.—He deposited money in the Traders' Bank.

Q.—A large or small amount? A.—A considerable amount.

Mr. Johnston: If you produce the receipt we will admit it.

Q.—What were the amounts? A.—He told me it was \$1,500.

Q.—Never mind what he told you; did you see the bills? A.—Yes, I saw the bills. I could only see two or three on the face of it; they were bills of large dimensions; I saw tens and fifties.

Mr. Riddell: The deposit slip will show all that.

Mr. Ritchie: Did he produce the bills? A.—Yes sir.

Q.—Now, I am going to ask a question to which my learned friend may object. Do not answer. When he produced the bills did he make any remark about them and tell you anything about them?

Mr. Riddell: I object to that.

The Chancellor: He has not talked of remark he made. He may have made no remark or made a remark. If you will ask whether he made a remark, not what he said at present.

Mr. Ritchie: Did he make a remark at the time he produced those bills to you? A.—Yes, he did.

Q.—As to where he got them.

The Chancellor: In the bank was that? A.—Yes.

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Mr. Ritchie: I submit that the production of the bills is not like the ordinary statement made perhaps two or three days afterwards, such as your Lordships were discussing, and I understand you say is not evidence. This is something accompanying the act. The man is about to deposit a certain amount of money in the bank and he has a person with him and makes a remark, and tells him why he is putting it in the bank.

Mr. Riddell: I say, my Lords, that that is not at all evidence; that is not such a remark accompanying an act as becomes evidence when an agent is doing an act for his principal. It is a statement made by him concerning where he got the bills, which is nothing more or less than making evidence for himself. It is no different if it is one day, or an hour, or five minutes after. It is something after the occurrence when he said he got the bills and he is giving an account of where he received those bills, he is simply making a statement concerning where he received those bills, which, of course, he could not be cross-

examined upon, and which is simply self-serving evidence, the merest hearsay.

Mr. Ritchie: I tender it on the ground I apprehend your Lordships ruling the other day, that after a lapse of several days the man says that such and such a thing was told him, or that he did such and such a thing, but here he goes to the bank and he tells the stander-by he is depositing in the bank and what will be the future outcome of it.

The Chief Justice: It is on quite a different plane from statements made, for example, when he went back to the

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island as to what had taken place.

Mr. Ritchie: I can see that that goes far beyond the authorities of course.

The Chancellor: I think perhaps in this case we had better receive this evidence. We are conducting it on rather liberal lines, and there is no jury in the particular sense.

I think it may be received.

The Chief Justice: I agree entirely.

Mr. Ritchie: Then tell us what happened. A.—Mr. Gamey made the remark that he was depositing this money, as he did not wish to carry it; he was going to transfer it to Sudbury.

Q.—Did he tell you how much it was? A.—Yes, he said it was about \$1,500.

Mr. Riddell: Do not lead the witness.

The Chancellor: Let him tell it.

A.—He said at that juncture, stating that there was \$1,500 in the package, he said: "I got this in a deal; it is not all closed up yet, and further will be heard from it." That was all the remark that was made.

Mr. Ritchie: Did you have any further conversation about that? A.—Nothing whatever.

Q.—When did you next think of the conversation? A.—The act was so foreign to Mr.—

Mr. Riddell: Never mind that, please.

A.—Well, the next time I thought of it was when I read the revelations of his address in the House of Parliament.

Mr. Riddell: Apocrypha, it was not Revelations.

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Mr. Ritchie: Do you recollect anything happening at your factory on the night of the 10th of March of this year? A.—Yes sir.

Q.—What had you to do in connection with that? A.—It was on the evening of the 9th, or rather late in the afternoon about 5 o'clock, Mr. Gamey came to the factory. I think there was a young gentleman with him, and asked for—

Mr. Riddell: Do not let us have that.
The Chancellor: No.

A.—Then kindly put the questions to me and I will endeavor to answer them. I was just telling you the outline of it.

Mr. Ritchie: In consequence of what he said that night, did you do anything on the following night? A.—Yes sir.

Q.—What did you do?

Mr. Johnston: That is objected to on the ground that it merely goes to veracity purely veracity.

The Chancellor: This witness can prove what was done at the factory in the way of arranging. I do not know what it is at present. It is not very material. I think it is admissible.

Mr. Ritchie: What did you do in consequence of what Mr. Gamey asked you? A.—I came back to the factory on Tuesday evening, the 10th, the street door.

Q.—The factory is where? A.—192 Adelaide west.

Q.—On the north side of Adelaide, between Bay and York? A.—Yes sir, near Sheppard.

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Q.—And your factory is on what floor? A.—The third and fourth floors.

Q.—Do you call the ground floor the first floor? A.—No we count from the first above that.

The Chancellor: You need not dwell on that. Nothing turns on the identity of the floor.

Mr. Ritchie: What did you do? A.—I returned to the factory at a quarter to seven on the 10th of March, and admitted Mr. Gamey to the factory, he not having a key to the street door.

Q.—Had he a key to the office door? A.—Yes sir.

Q.—Who did you see there? A.—We went upstairs from the street door, Mr. Gamey and I, Mr. Gamey remarking—

Q.—Never mind what he said.

The Chancellor: Do not tell the conversations; just what you did.

A.—When we got up to the top of the stairs I opened the door and admitted Mr. Gamey with three others.

Mr. Ritchie: They were there before Mr. Gamey? A.—Before Mr. Gamey and I got up there.

Q.—How did they get in?

The Chancellor: They were locked in? A.—They were for that moment locked in.

Mr. Ritchie: Can you explain that? A.—Yes sir, another tenant under us, when on my way down to tea, I saw he was in his office, and I asked him if he would lock the door as he came out; he said he would, and I went on to tea, and he followed down about twenty minutes to seven, and just as he got to the door there were three young men

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waiting to go up to our premises. He admitted them, and locked the door as he passed out.

Q.—Then after you went up stairs what did you do? A.—I unlocked the door and admitted them into the factory premises. They were at the landing.

Q.—Did Mr. Gamey go in with them?

A.—Yes sir we all followed. I went first.

Q.—What was done then? A.—I lit the gas at the entrance to the door leading to one of the workrooms, and then followed on, and opened the office door, Mr. Gamey I think lit the gas. I did not light the gas in the office, I know.

Q.—Then what was done? A.—Well, I returned then to go downstairs; I asked Mr. Gamey if there were any more to come up.

Mr. Riddell: Never mind that, please.

A.—I simply left the premises and went away.

Mr. Ritchie: When did you next go back to the premises? A.—About a quarter to ten the same evening.

Q.—What did you find? A.—I opened the street door, and I looked first at the top of the letter box to see if a candle was there, an indication as to whether they were really through with their conversation, whether Mr. Gamey and his friends were through, knowing that if they were through he would have lit them down, and the candle would have been on top of the letter box. There was no candle there, and I stepped across the road to James Morrison's brass works where I could look up and get a full view of the windows of our office, and I saw there was still a light there. I decided not to go up, as I

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did not wish to interrupt them. I waited a little time, probably fifteen minutes, and I heard steps coming down, I knew they were coming, and I stepped into an adjoining building some three or four doors west, and they went out.

Q.—Did you see them coming out? A.—Yes.

Q.—Who were they? A.—I recognized Mr. Gamey, and the other three I did not know. Three young men apparently.

Q.—What did you do then? A.—They separated, Mr. Gamey came west, the other three went east, and I waited until Mr. Gamey came to where I was standing.

The Chancellor: I suppose there is nothing in that.

Mr. Ritchie: When you went up, can you tell us in what position the pianos were fixed? A.—They were placed di-

agonally in different shapes in the room, different altogether to what I had left them. I had made a sketch.

Mr. Johnston: There is one here if he agrees to that.

Mr. Ritchie: I asked Mr. Crossin to make one? A.—There are the full dimensions of the room exactly by measurements that I have made during the lunch hour. The building faces south. That is about the position the pianos were placed.

The Chief Justice: Are the dimensions marked on the sketch? A.—Accurately, my Lord. I measured the entire room. It is 21 feet in length by 8 feet six inches in width.

Mr. Blake: Would your Lordships allow Mr. Aylesworth to be examined at 10 to-morrow morning?

The Chancellor: The cross-examination of this gentleman will wait until after

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that

Mr. Riddell: This gentleman was subpoenaed to produce his books. I cannot go on with his cross-examination unless we have those books here in the morning.

Mr. Ritchie: This exhibit is a sketch showing the exact dimensions of the office of the Crossin factory building where Mr. Gamey and these three young men were supposed to be on the night of the 10th September, 1903? A.—Yes.

Mr. Johnston: Will Mr. Crossin be good enough to give us the height of the gas jet from the floor in order that we may add it to the exhibit? A.—I will have to take that measurement.

Mr. Ritchie: Perhaps he had better take the sketch with him then, and add that before it is marked. A.—That is as near as I can recollect the position within a couple of inches of the way I found them.

Q.—The pianos as shown on this plan are as nearly in place as they were placed on the night of the 10th? A.—The way I found them.

(At 4 p.m. adjourned to 10 a.m. on Thursday, 16th April, 1903.)

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FIFTH DAY.

Thursday, April 16, 1903, 10 a.m.

The Chancellor: You were going to examine Mr. Aylesworth this morning?

Mr. Blake: Yes, my Lord.

A. B. Aylesworth sworn. Examined by Mr. Blake: Q.—You are a practicing solicitor and barrister in the city of Toronto? A.—Yes.

Q.—And a King's Counsel? A.—Yes sir.

Q.—And have been so for a number of years? A.—Yes.

Q.—Did you receive in the month of May last a retainer from the Ontario Government? A.—Scarcely. My retainer came from Mr. Alexander Smith, on behalf of the Ontario Liberal Association.

Q.—What is his position? A.—Secretary of the Association, I understand.

The Chancellor: When? A.—On the 30th May, my Lord—the day after the voting.

Mr. Blake: Was that a verbal or a written retainer? A.—Verbal altogether.

Q.—Altogether verbal. And what was the nature of the retainer? A.—That I should not act without leave against any supporter of the Government in election petitions arising out of the general elections.

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Q.—And you duly noted that as a regular retainer? A.—Yes.

Q.—Then did you do anything under the retainer? A.—Yes sir.

Q.—Of what nature was it? A.—General election work. I attended recounts of ballots when asked to do so on behalf of the Liberal candidates. I acted in election petitions, acted as counsel in several. Was acting as counsel yesterday in the Sault Ste. Marie election petition arising out of the retainer.

Q.—Then had you a meeting in your office in the month of September last—the 10th September is the date given? A.—With whom?

Q.—With Mr. Gamey and with Mr. Frank Sullivan? A.—Yes. At least two gentlemen came, neither of whom I had ever seen before, introducing each other as Mr. Gamey and Mr. Sullivan, and I have since seen that these two are the gentlemen.

Q.—What preceded that meeting? A.—The beginning of it, so far as I am concerned, was an interview the day before with Mr. Stratton.

Q.—Where did that interview take place? A.—At the Parliament buildings.

Q.—And then what passed between you at that interview? A.—With Mr. Stratton.

Q.—Yes? A.—I cannot tell the beginning of it. It was an altogether chance interview, so far as I am concerned, and so far as I know an accidental interview entirely so far as he was concerned. I was at the Parliament build-

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ings on business with the Attorney-General, and Mr. Stratton met me in the corridor.

The Chief Justice: What day of the

month was that? A.—On Tuesday, the 9th day of September. So far as I recollect, the first thing he said, after some general remark about how things were going in the country, or how about election petitions, some general observation, was, Gamey is going to support us. He said that. I do not know whether I made any reply to that. It was entire news to me. He spoke about the petition against Gamey, saying that Gamey was very anxious about it. I said to him, I remember, that I did not suppose the petition would likely be pressed very strongly if Gamey was going to support them. I remember in the course of the conversation saying to him, how do you know the fellow will, or what guarantee have you that he will, or something of that sort. And he said well, that is just it, or what guarantee can we have, some such observation. I think I suggested writing a letter, having Gamey write a letter. Certainly it was suggested in the conversation between us.

Q.—But you would not say who suggested it? A.—I would not say who, although my strong impression is that I suggested it, saying to him, that was the only thing in the world you can have, and if he says he will support you, and breaks his promise, all you can do is to proclaim him as a man unworthy of belief. I know he said, well, will you write me such a letter, draw me up such a letter. I said I could if he wished; I said you know what you want, you had better do it yourself, and we separated with that. The whole thing

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was standing in the corridor a couple of minutes.

Q.—Then what took place in regard to the letter? A.—The next thing was—well, I have forgotten a little part—he said would you see Mr. Gamey if he came to you—would you get such a letter from him. I said certainly if he comes to me. Well, he said, he will probably go to you to-morrow about his petition, and if he does, he said, get such a letter. I said very well. You draw up or draft what you want, and I will see what he has to say. The next day Mr. Stratton brought me a typewritten letter, and handed it to me, saying this would do.

Q.—Would you recollect about what hour that was? A.—Yes, I know, because I know what I was engaged in. I was in the Court of Appeal. I do not know at what hour Mr. Stratton arrived in the court-room, but when the court adjourned at one o'clock, I had been speaking, and on turning around I saw Mr. Stratton sitting in the Court of Appeal room at Osgoode Hall.

Q.—He came there to meet you? A.—He came to Osgoode Hall, and he handed me the letter immediately after one o'clock, saying Gamey will be at your office between this and two o'clock. And I walked down to the office with the letter in my pocket.

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Q.—Was that the letter? A.—I could not identify it, but from what has occurred since I have no doubt that is the letter. That was the appearance of it anyway.

Q.—And you got no other letter? A.—I never got any but the one.

Q.—Then you put that into your pocket and went down to the office, did you? A.—Yes sir.

Q.—And what next took place? A.—I do not know whether I was there first or not. I of course have read Mr. Gamey's statement in the newspapers, in which he said he was there before I was. I thought I was there first. At any rate that is immaterial. At any rate I had been sitting in my room only a minute or two when these two men came in, introducing themselves as Mr. Gamey and Mr. Sullivan.

Q.—Who did the introducing, do you remember? A.—I think each introduced the other. I think one said, this is Mr. Sullivan, and the other said, this is Mr. Gamey, the member for Manitoulin.

Q.—Then what happened? A.—I bowed and waited for them to open the conversation. Mr. Gamey I think, spoke, saying that he was the member, and he supposed I knew there was an election petition against him. At all events he told me that he wanted me to act for him in that petition, upon which I said to him that I could not do so if he was as I understood him to have been elected to be in opposition to the Government. I explained to him my retainer, and what obligation it put upon me, and on my saying I could only act for supporters of the Government he said well, I am going to support the

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Government. I said I suppose that puts a different phase on the matter, but said to him, I think if you are going to support the Government you won't have much need of counsel defending you in this petition; I do not suppose it is very likely it will be pressed against you. He said, well, how do I know, something of that sort, how do I know they may not. And I remember I told him that he need not be in any alarm because the petition would certainly have to be disposed of within the next two or three months before there would be any meeting of the House or before there would

be any occasion when he would be declaring himself one way or the other as to his petition, that he would be entitled under the practice to particulars. However, I said, after explaining such things to him about the practice, there is no use or no object in your talking with me about this matter unless you are, as you say, an avowed supporter of the Government. Well, he again repeated that he was, pretended to be, I said would you put that in writing? He said, certainly. Well, I said, I have a letter here. If you are willing to sign this letter then there is no reason in the world why I should not act for you in this petition if you should need me in any way. I took the letter from my pocket, put it in front of him. He read it certainly once, and possibly twice, looked at it awhile, and said, that is all right. He took up my pen and signed it. I observe this morning what I have never seen in the papers since that—I observe this morning that there is also the address at the top, to Mr. G. W. Ross, in pen and ink, and the date. I have no memory about that at all. I see it is not in my hand-writing, but

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my memory was I did not take the pen in my hand at all.

The Chancellor: You say he read it once or twice and signed it? A.—He signed it immediately, with that remark that it was all right.

Mr. Blake: And you don't know whether either the date or address was put there? A.—I do not. I could only surmise as anyone else can from the similarity of ink and writing. I have no memory about it.

The Chancellor: What is the date there?

Mr. Blake: Toronto, September 19th, 1902.

The Chancellor: Is that the date as you recollect? A.—Oh, beyond question that is the date. That is sure.

Mr. Blake: That you have given absolutely. A.—Absolutely. I know the case I was engaged in in the Court of Appeal, and I have verified it in every way.

Q.—Then you might say either the one way or the other, whether the date and the address was put on in your office, or whether it was there when it was brought in, or whether it was put on afterwards? A.—My belief is that it was put on there, but I have no memory about it. It appears to be Mr. Gamey's writing.

Mr. Blake: Oh, yes. Just show it to his Lordship.

(Document handed to his Lordship.)

The Chief Justice: It looks as if it was all done at the same time? A.—Oh, yes. I would have quite expected that head-

ing to be in typewriting from my memory.

Mr. Blake: Had it been mentioned to whom the letter would be addressed? A.—Well, I think it had, but again

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that is hardly a matter of memory. It is more a matter of reasoning on my part.

Q.—Then, if so, on what occasion was it? A.—The night before—the evening before—or afternoon, between Mr. Stratton and me.

Q.—That is all I wanted to get. That would be your memory upon it without vouching for it absolutely, that it had been stated to whom the letter was to be addressed in your interview with Mr. Stratton? A.—I think so. I think I said, let him write a letter to Mr. Ross. Mr. Ross was not then in the country. He had not yet returned from England, or if he had I did not know it.

Mr. Blake: I think that is a mistake? A.—Very possibly. I was under the impression that he was not there.

Mr. Blake: I will not say absolutely, but I thought it was the end of August he returned.

Mr. Riddell: He had returned at that time.

Witness: I had not seen him.

The Chancellor: He was in the country, although you did not happen to know it.

A.—I stand corrected. I was under the impression he was not.

Mr. Blake: Then, that having been signed, what next took place? A.—It lay there on my table. I did not take it up at all, and I cannot say who spoke first of us three. Probably I did. Saying, well, what am I to do with this? Mr. Gamey did not say.

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The Chancellor—That is the letter? A.—Yes, my lord. Mr. Gamey did not give any directions. I said, "Do you want me to keep this? If you wish I will seal this up and put it in the vault and keep it, subject to your direction, or I will mail it. What do you want done with it?"

Mr. Blake—Mail it? A.—To Mr. Ross, the man to whom it was addressed, of course. He did not say either yes or no. He said, "Well," in a hesitating, deliberating kind of way, and I thought perhaps he did not want to trust me.

Q.—He did not know you? A.—I had never seen the man before. And I said "I will give my word that it will not leave my possession until you direct me to send it away, or I will give it back to you if you want it at any time." He still did not assent, but he did not re-

fuse. Decidedly, he did not refuse. He then said, "Well, I was wanting a small loan." That was the first I had heard of money in any shape. I said, "A loan?" I thought, honestly, that possibly the man wanted a few dollars to get home with, or something, and I said, "Why, what do you mean?" He said, "I wanted to get a loan." I said, "How much?" He said either \$3,000 or \$4,000—I don't remember which it was. He may have put it in that way—\$3,000 or \$4,000. I said, "Well, what security have you got?" I then thought perhaps he meant a loan on real estate. I said to him, "I do not know anything about that part of the business in our office. I do not attend to it, but if you have any security I suppose you can arrange a loan." I think he said, "Good." He conveyed.

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certainly, to my mind the impression of goods and chattels, because I answered, "You will have difficulty, I think, in finding any money-lender who will invest on a chattel mortgage on goods in Manitoulin Island," but I have, of course, read his written statement in the House, and such portion of his evidence here this week as related to myself, and I observe the use of the word "shares" or "stock," so that it is quite possible he said a stock of goods; but he never conveyed in the least degree to my mind any impression of shares in a stock company. If he said stock of goods, as he may have done, the only impression conveyed to my mind at the time was goods and chattels, merchandise. I made that remark that I have stated, that I thought he would have difficulty in finding anybody to lend him that amount on such security as that. And then I put an end to the interview. I thought it had gone far

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enough. I said, "Mr. Gamey, I think you had better keep that letter." I pushed it towards him. He did not take it up. I said, "You keep it; do whatever you please with it. I will have nothing more to do with the matter."

Q.—You became suspicious? A.—I thought he was for sale. I said I do not see that there is anything more I can do for you gentlemen," and bowed them out.

Q.—Did Mr. Frank Sullivan say anything? A.—Yes, they both talked. I do not distinguish in what I have said to you, sir, between what one said and the other said, for I cannot.

Q.—Can you at all say in regard to that who was the chief spokesman, or who first objected to your keeping the letter? A.—Neither of them objected in any other sense than I have described.

Q.—Made the suggestion in regard to the keeping, or non-keeping of the letter? A.—That came in answer to a question of mine, "What am I to do with this, or what do you want done with this?" And it was Mr. Gamey certainly—whether Mr. Sullivan participated or not—he, in the hesitating way I have described, said, "Well," and did not finish the sentence.

Q.—And then you don't know who took up the conversation as to an advance upon stock? A.—I can only describe the general impression upon my mind, which is, that Mr. Gamey was by no means a silent man.

Q.—But as to Mr. Sullivan? A.—He also spoke. He took part in the general conversation between the three of us. I

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do not think as much as Mr. Gamey did.

Q.—But as to the general conversation in respect to this advance, as to the loan? A.—I think that was altogether with Mr. Gamey. I do not remember Sullivan intervening in that at all.

Q.—And then do you remember anything of what Sullivan said? A.—Sullivan was talking about the petition. In the earlier part of the interview, when I said that I did not think they need feel any fear of that petition being pressed very hard, Sullivan spoke about how do we know, or who can tell, or something in that way. I cannot distinguish, though.

Q.—Do you recollect anything of what he said upon the question of the letter, and the question of the advance of \$3,000 or \$4,000, or anything of that kind? A.—That Sullivan said?

Q.—Yes. A.—Not to say that that was Sullivan's observation.

Q.—It might have been the one or the other? A.—I would say that Sullivan did not take any part in the talk about lending.

Q.—Then was he, according to your recollection, silent after the protest question? A.—I think he took part in the discussion about what should be done with the letter.

Q.—What did he say as to that? A.—Some such thing as that would be all right, or some indication, as if he were assuring Gamey that he need not hesitate about leaving the letter in the way suggested.

Q.—And anything more than that that you can recollect? A.—No; I did not pay much attention to him. Gamey sat between him and the window, in the strong light opposite me, and I remem-

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ber I was looking at him all the time, because the whole thing impressed itself

upon me, a member of Parliament behaving as he was doing, when, according to the Empire newspaper, he was attending the convention of Mr. Whitney's supporters that very day.

Q.—The whole thing impressed itself upon you in the way that you have described? A.—Yes.

The Chancellor—Did he take the letter? A.—When I pushed it to him, saying, "You keep that, and do what you please with it; I will have nothing more to do with it," Gamey took it and folded it up and put it in his pocket, and I never saw it or him afterwards until Monday, when I saw him in the witness-box here.

Mr. Blake—How did you know he had been attending the Conservative convention? A.—Only by the newspapers.

Q.—What was the date of that meeting that he had been attending? A.—It was in my mind—perhaps I am confusing what I thought on that occasion and thought immediately afterwards. It was in my mind that it was in the newspapers of that morning.

Q.—It was the 10th. A.—Then I am confusing what I thought during the interview with what I thought in thinking about it in the next few days. Very likely I should be.

Q.—At all events, you can give the court this, that that was your impression then formed, at all events? A.—Certainly was my impression when he asked for the loan, and I found that it was no small amount he wanted; that that man was in the market, and that I did not want to have anything more to do with him.

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Q.—Then did they leave, so far as your memory serves you? A.—Immediately. I bowed them out of my room and returned to Osgoode Hall.

Q.—And had you any conversation with any person after that as to the interview? A.—Yes.

Q.—With whom was that? A.—It was with my partner, Mr. Barwick, but it was the merest words. It was not material. I had no conversation with Mr. Stratton, which is, perhaps, what you had in your mind.

Q.—What I want to know is whether you made any report? A.—I did not to any person whatever. I never made a remark to any person except I made an allusion to Mr. Gamey in conversation with my partner, Mr. Barwick, that evening.

Q.—But you made no return? A.—I made no report of any kind. I never mentioned the matter to a human being until the 14th of March, with the exception of a conversation I had with a

friend in Chatham after the matter appeared in the newspapers a month ago, until the 14th of March, when, returning from the Assize at Chatham, Mr. Stratton saw me and asked me what had happened between Mr. Gamey and me that day. Mr. Stratton asked me what had taken place between Gamey and me that day. That was the first I had ever told anybody, except the conversation in Chatham I refer to.

Q.—And then did you make a report to him? A.—I told him then what I have told you now, as well as I could remember.

Q.—And that is all really that is material? A.—That is the whole of my connection with the matter.

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Q.—You will understand, Mr. Aylesworth, it is unnecessary to say in the questions I have asked you, I believe you are quite incapable of having any part in any such scheme as that which is described? A.—Thank you, sir.

Q.—By the way, I might have asked you, did you make any entries in your docket at all? A.—No, sir. I considered that that night. It is my habit to make entries of my day's work in my own hand in my fee book at night. I thought that out alone, and I came to the conclusion that that interview was not on Mr. Gamey's part an honest business interview, and that he would never expect to pay me anything in respect of it, and I made no entry.

Q.—And how did you treat it so far as Mr. Stratton was concerned? A.—Oh. I made no entry at any time, and never intended to. I did not regard it as Mr. Stratton's business at all.

Q.—Although he first spoke to you? A.—Although he first spoke to me, because he spoke to me just as he would about any other member of Parliament, as if he were sending to me a friendly client.

Q.—That would be under the retainer. I suppose? A.—Quite so.

Q.—Under your general retainer? A.—Exactly.

Cross-examined by Mr. Riddell:

Q.—It was the 9th September, Mr. Aylesworth, that you first heard about this? A.—Yes.

Q.—From Mr. Stratton? A.—Yes.

Q.—Did you understand from him that he had seen Mr. Gamey that day? A.—He did not say that day at all, but he

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spoke as though he had previously—well, I do not know that anything he said implied that he had personally seen him, but he implied that he had a knowledge that Gamey was going to support the

Government.

Q.—Then it was upon your suggestion that the letter was got according to your recollection? A.—That is the best of my recollection, though I will not be absolute as to that. I think I suggested the letter as the only possible thing there was that he could have in the way of an assurance.

Q.—Then I see Mr. Gamey, in his account in the court here, said that Mr. Sullivan introduced him to Mr. Aylesworth, and Mr. Aylesworth said, "I understand, Mr. Gamey, that you want me to act for you in the dismissal of your petition." Is that the fact? A.—It is not the fact that I opened the conversation that way. That, in substance, passed between us, and I may have, after he had said something about the petition, remarked to him, I suppose you want me to act, or I understand you want me to act.

Q.—He says, "That is the first time I had heard these words from anybody." Then he said, "I said in a rather surprised way, I said, 'Well, I suppose something like that.'" Then he says, "Mr. Aylesworth said, 'I have a letter for you to sign.'" Is that a correct report of the interview? A.—There is a very great deal omitted; a discussion about the petition, and about the possibility of his being taken by surprise if it should be pressed against him, and whether the petitioners, who were, of course, constituents of his, would or would not drop the petition on his announcing his intention to support the Government. These (691)

were matters of discussion. He did not exhibit any surprise to my eye.

Q.—Then, further, I see he says, after the letter was signed, Mr. Gamey said that you said you would keep the letter. Then Mr. Frank Sullivan said, "No; there is some question of stock consideration to be dealt with before we give up that letter." A.—That is not correct. It was certainly my suggestion in regard to the disposal of the letter in the form I have stated. "What do you want done with this?" And there was no objection on anybody's part to the proposition that it should be put in our office vault, subject to Mr. Gamey's order, except the hesitating non-assent.

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Q.—He said that after you had said you would keep that letter, then Mr. Frank Sullivan said no, there is some question of stock consideration to be dealt with before we give up that letter. Will you address your mind to that? A.—That was not the way it took place.

Q.—Was there anything said about a stock consideration at all? A.—Nothing about consideration. There was the

mention of a desired loan, and it may have been coupled with the mention of stock, as security, but if the word "stock" was used it certainly was used in such connection that it conveyed to my mind the impression of a stock of goods alone.

Q.—Upon which a chattel mortgage could be taken? A.—Yes, because I immediately made the reply I have made about a chattel mortgage.

Q.—Then Mr. Gamey's account is that you said then, "I know nothing of any stock proposition at all." Is that true? A.—Not in those words. I very possibly said I do not know anything about that in the connection I have described, that I had nothing to do with that part of our office business. In that connection let me say that in Mr. Gamey's statement made in the Legislature he stated that I said I had nothing to do with that part of it. That conveys an utterly erroneous impression, an utterly untrue impression. "That part of it" was "that part of our office business, the money-lending branch of the business."

Q.—And then he said, that after you said "I know nothing of any stock proposition at all, and that you went on further to say, "I will give you my word that letter will not pass out of my pos-

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session until you are satisfied." A.—Substantially that is correct, that I said I will give you my word that that letter will not leave my possession until you are satisfied it should—until you direct me to do something with it.

Q.—And then he says further, "Yes, until Frank Sullivan and I were satisfied." Then he goes on to say, "Sullivan then explained to him about the stock proposition, and Mr. Sullivan said, "No, we will take the letter with us." Is that true? A.—I do not remember that Sullivan took any part in the discussion of a loan. He may have. I would not contradict Mr. Gamey if Mr. Gamey says he did.

Q.—But that is not how it is put. He says Sullivan explained to him about the stock proposal, explained to Mr. Aylesworth about the stock proposal? A.—He certainly did not explain to me anything which conveyed to my mind the slightest idea of shares in a stock company.

Q.—Or any stock proposition other than that you have been telling us of? A.—Precisely. I never had the slightest idea of shares in a company in connection with the matter until I read the statement Mr. Gamey made in the Legislature.

Q.—Then in the statement in the House which we have had put in, Mr.

Gamey says—that is in Exhibits A, B, and C, attached to the commission—he said the lawyer, that is you, Mr. Aylesworth, when I arrived there, that is at his office, had the letter I was to sign, and I signed it in his presence. Then Mr. Gamey goes on to say, he then said he would keep it, but Frank said

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there was some stock question to be settled before he would part with the letter. Is that correct? A.—Not as there put.

Q.—Was there anything said about holding the letter until the stock question was settled? A.—No.

Q.—Then the statement is that the lawyer said he knew nothing of that, and had nothing to do with that? A.—That is what I referred to. I said I had nothing to do with that part of our business.

Q.—But he would give us his word that if we would leave the letter with him he would hold it in his possession until he was satisfied? A.—That is true, substantially.

Q.—And then Mr. Gamey goes on to say, “but Frank refused to do so.” A.—That is not true.

Q.—And took the letter with him? A.—It is possible that the letter was taken by Mr. Frank Sullivan, though I believe it was by Mr. Gamey.

Q.—You handed it over to Mr. Gamey? A.—The three of us sat, those two on one side of the table and I on the other. I pushed it away from myself. I believe Mr. Gamey took it up. It may have been Sullivan.

Q.—There is no doubt about that date, the 10th? A.—No doubt whatever.

Q.—I think you and I could fix that date? A.—September.

Mr. Blake: That is all, thank you, Mr. Aylesworth.

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The Chancellor: Now, Mr. Crossin is to be examined, or you will finish his examination if he is here.

Mr. Ritchie: Mr. Macdonald tells me he has just been sent down to the bank to get his checks cashed, and the bank book made up. My learned friend has served him with a subpoena duces tecum.

Henry S. Strathy, sworn. Examined by Mr. Ritchie.

Q.—You are the general manager of the Traders' Bank in Toronto? A.—I am.

Q.—You were asked here to produce a deposit slip, a voucher for \$1,500, deposited by Mr. Gamey on the 11th Sep-

tember. Have you got that? Have you got the deposit slip? A.—Yes.

Q.—Can you tell from that the denomination of the bills deposited?

(Deposit slip, now marked Exhibit 56.)
EXHIBIT 56.

Q.—\$1,500? A.—Ten \$100 bills and ten \$50.

Q.—Can you tell what bank these bills were on? A.—I think they were on the Ontario Bank.

Q.—You have got the book here to show? A.—I cannot identify the bills, but I see a parcel of fifteen \$100 were sent in to the Ontario Bank the following morning through the clearing house.

Mr. Riddell: All he can say is that appears in the books.

Mr. Ritchie: It only necessitates getting the teller up here.

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Mr. Ritchie: That was sent into the clearing house the next day? A.—The books show that. I have no personal knowledge of it.

Q.—Was that the only sum sent in? A.—Oh, no. There was \$1,500 sent in in a separate parcel.

Q.—Now, have you got the receiving teller's cash book here? A.—Yes.

Q.—Is this the receiving teller's cash book? A.—This is his blotter.

Q.—What date? A.—12th September, 1902.

Q.—What does that show? A.—It shows that a parcel of \$1,500 in connection with other notes was sent in to the Ontario Bank through the clearing house that morning.

Q.—That parcel of Ontario Bank bills was sent in to the clearing house? A.—Yes.

Q.—That was the one bundle of Ontario Bank bills? A.—That was a separate parcel.

Q.—Can you tell the denomination from that? A.—No.

Q.—Then look at the cash book, the receiving teller's cash book, sent September 11th.

The Chief Justice: I suppose the best way will be to have a copy of that entry put in.

Mr. Ritchie: If my learned friend wants it.

Mr. Riddell: If so, we will ask for a copy.

Mr. Ritchie: Then I am asking for the receiving teller's cash book of the 11th. He has given the blotter of the 12th? A.—I have not that here.

The Chief Justice: It is just to prove the receipt of the money.

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Mr. Ritchie: And the denomination of the bills, and that they were Ontario Bank bills.

The Chancellor: It is just another piece of evidence that the money went into that cash box?

Mr. Ritchie: Yes.

The Chancellor: You seem to have proved that.

Witness: This is the letter of September 11th, the transmission to Sudbury of \$1,500 to the credit of Gamey.

Mr. Ritchie: The Traders' Bank has a branch in Sudbury? A.—Yes.

The Chancellor: Transmitted on the 11th, was it?

Mr. Ritchie: Yes, my Lord.

Witness: Yes.

Mr. Ritchie: Mr. Stratton is the vice-president of your bank? A.—Yes.

Q.—Did you obtain for him from the bank at Sudbury copies of Mr. Gamey's account for the purposes of this enquiry?

Mr. Johnston: That is objected to.

Witness: I did not obtain for Mr. Stratton.

The Chancellor: Whom do you say is vice-president of the bank?

Mr. Ritchie: Mr. Stratton. I am asking him if he as manager procured for Mr. Stratton a copy of the ledger account of Mr. Gamey in the Sudbury branch.

The Chancellor: I do not see why that is not admissible, if it is a fact. It cannot be controverted, I suppose, if this was obtained. The value of it is quite another thing.

Mr. Riddell: If you hear the date it may not be evidence.

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The Chief Justice: Your contention is it is part of the preparation for the case?

Mr. Riddell: Yes.

The Chief Justice: Nevertheless, it is a fact. Will you ask the date?

Mr. Ritchie: Did you procure it as a matter of fact, or was it procured? A.—Not for Mr. Stratton. I procured one.

Q.—At whose instance? A.—The legal gentleman there—Mr. Johnston.

The Chancellor: Then I do not think you can go into that.

Mr. Ritchie: How long ago?

A.—About ten days ago.

Mr. Johnston: That is objected to.

Mr. Ritchie: I will not press that.

Mr. Johnston: I do not think that is right.

The Chancellor: We have ruled it out.

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Mr. Ritchie: Did instructions come

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from Mr. Stratton? A.—No, I had no conversation with Mr. Stratton about it.

Mr. Ritchie: Then I will not press that.

Cross-examined by Mr. Riddell:

Q.—I suppose you know nothing about these matters your-self personally? A.—I have no personal knowledge.

Q.—Will you turn up, then, that teller's cash statement that you had there. That would be the 11th or the 12th? A.—The 11th and the 12th.

Q.—All that you can say about that is that an entry has been made which would be made in the ordinary course of business for a parcel of 1,500 Ontario Bank bills having been sent by your bank to the Clearing House? A.—The blotter shows that such a parcel was sent.

Q.—The blotter will have to show what it does show. Then it also shows that other bills were sent in to the Ontario Bank on the same day? A.—Yes.

Q.—Amounting to how much altogether? A.—\$2,215.

Q.—Then can you say anything as to what the 455 or the 260 is? A.—No, I cannot.

Q.—And of course those other matters would be checks, I take it? A.—Checks.

Q.—Then you have also in this sheet the bills which would be sent in to the other banks? A.—The other banks also.

Q.—Then as regards the transmission of the \$1,500, what you produce is not a deposit slip, is it? A.—Well, it is for a

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remittance to one of our branches.

Q.—If you are going to make a mere remittance from one branch to another, then a credit slip is made up in this way? A.—Yes.

Q.—And these entries in the book would be made by the receiving teller, ten fifties and ten one hundreds? A.—Yes.

Q.—Was the receiving teller Mr. Pierce? A.—I do not know who was the receiving teller at that date. There have been several changes since then.

Q.—Was Mr. Pierce a receiving teller in the Traders' Bank? A.—He was at one time.

Q.—Is that the Mr. Pierce who is now in the employ of the Toronto News? A.—The same.

Q.—When did he leave your bank? A.—About January last, I think.

Q.—Then can you help us now for a certainty as to whether it was he who was the receiving teller at that time, or have you any way of finding out? A.—I could ascertain by reference to books in the bank.

Q.—If you would be so good.

The Chancellor: There is the \$500. What was done with that—the cash?

Mr. Riddell: That was enclosed in the sealed packet, and is now in the custody of the registrar.

The Chancellor: Then there is the \$1,500. In what shape is that check? Where is that check?

Mr. Ritchie: That check is in court now.

The Chancellor: Is that endorsed? All these things will be subject to the order

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of the House. Both sums ought to be forthcoming.

Mr. Ritchie: I understand that they are both now before your Lordship, and in the custody of the court.

Mr. Riddell: The marked check is drawn to Mr. Gamey's own order. I ask that it be put in.

Mr. Ritchie: That is in.

The Chancellor: That should be endorsed, and be available.

The Chief Justice: That should be made payable to the accountant of the court, and have the other money also deposited to the credit of the accountant of the court.

Mr. Ritchie: Whatever your Lordship directs I shall see done.

The Chancellor: Because it is subject to the orders of the House. We do not deal with that.

Mr. Ritchie: Whatever direction your Lordships make will be carried out.

The Chancellor: Then let that be done, so that it will be forthcoming.

Mr. Ritchie: Mr. Gamey is not in court just now.

William Ross Smith, sworn. Examined by Mr. Ritchie:

Q.—You are a member of the Legislature for where? A.—Algoma.

Q.—Do you know Mr. Gamey? A.—Yes, sir.

Q.—Do you know Mr. Frank Sullivan? A.—Yes, sir.

Q.—And did you have any conversation—I do not want you to tell the con-

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versation—did you have any conversation with Mr. Gamey in September last in connection with the matter that is now under investigation? A.—No conversation. There were letters passed between us—not September.

Q.—I should have said March? A.—Oh, in March?

Q.—March last. Then in consequence of that conversation—you did have a conversation in March last? A.—Yes.

Q.—Do you recollect the day of the month? A.—That I had the conversation?

Q.—Yes. A.—I think it was—I am sure it was on Sunday night of the 8th of March.

Q.—On Sunday night, the 8th of March? A.—Yes.

Q.—Where? A.—On board the sleeper—the Pullman from North Bay to Toronto.

Q.—Then did you have a subsequent conversation with him? A.—Yes.

Q.—When and where? A.—At the Walker House, I think. Yes, at the Walker House.

Q.—On what day? A.—I think on the 9th—that was the following day.

Q.—That would be on the Monday? A.—Yes, on the Monday.

Q.—Did he tell you about something he contemplated doing? Yes, sir.

Q.—I do not want you to tell what it is. Now, in consequence of what he told you, did you do anything? A.—Yes, sir.

Q.—What did you do? A.—Well, I do not quite understand you. I must understand you.

Q.—Well, I cannot ask you what Mr. Gamey told you. My learned friends

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may ask you that in cross-examination. You had conversations on two occasions, on the Sunday and on the Monday, with Mr. Gamey, pertaining to the subject matter of this investigation, or at least matters connected with it? A.—Yes.

Q.—And you say that you did do something in connection with that. In consequence of what he told you, you did something? A.—Yes sir.

Q.—And what was that? A.—On the 10th March—on the night of the 10th March I went after Mr. Gamey. You won't allow me to tell you what Mr. Gamey told me, so I could hardly answer the question. On the 10th March I followed Mr. Gamey—on the 10th March I followed Mr. Gamey.

Q.—From where? A.—From the Walker House to the Crossin piano factory.

Q.—Who left the Walker House first? A.—Mr. Gamey.

Q.—How long before you followed him? A.—I should judge he left three-quarters of an hour.

The Chancellor: He knew you intended to follow him? A.—No I followed him without his knowing it.

Mr. Ritchie: You understood. I suppose—

Mr. Riddell: No, not what he supposed.

Mr. Ritchie: Well, if you do not want it. You can get it if you want to. You followed him and went up what street? A.—Up York street.

Q.—How far on York? A.—To Adelaide.

Q.—To the corner of York and Adelaide. What did you do there? A.—I

walked past the end of Adelaide street towards Queen street. I saw Mr. Gamey

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walking up towards— I do not remember the place, but there is an ink factory there—an ink factory with large letters in ink. Some ink factory. I do not know what it is. But I saw Mr. Gamey walking up towards York street.

Q.—On what side of Adelaide? A.—Now I do not know. It is the north side. The lake is on the south side. Then it would be the north side of Adelaide.

Q.—And what then? A.—And I walked in past—I don't know whether Mr. Gamey noticed me. I do not think he did. I walked on past. I did not want him to know I was watching him, and came back on the opposite side of the street.

Q.—Still on York street? A.—Yes, on the opposite side of York street. That would be on the west side of York street. I had crossed over. I saw Mr. Gamey—whom I understood or thought was Mr. Gamey—was practically sure it was him at that time—walking down past the factory—the opposite side of the factory—and I walked then down York street until I went past the end of Adelaide street, and came up the south side of Adelaide street, and went in behind a board fence that is on the south side of Adelaide street, where there is a number of bricks; it appears some building was going on, or that something had been done.

Q.—At all events there was an opening leading in? A.—Yes.

Q.—And what did you go in there for? A.—Well, I understood Mr. Sullivan—

Q.—Never mind.

The Chancellor: What happened? What did it all end in?

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Witness: I went in there to watch Mr. Sullivan and Gamey—principally to watch Mr. Gamey to see if he was carrying out what he told me he intended to do.

Mr. Riddell: Spying on Gamey? A.—That is the way to put it.

The Chancellor: Tell us what happened. Tell us what you saw? A.—Then Mr. Gamey kept walking up and down opposite the factory, and up towards York street—sometimes pretty nearly opposite to where I was and then down past his factory, several times—a good many times—and loitered around the door of the factory for a considerable time, and finally Mr. Sullivan came past the end of Adelaide

street and crossed to the north side of Adelaide street. While he was doing so I was on an angle in this way to him and the lamp on the corner of York, and I do not know whether Adelaide street goes across York or not. There is a lamp there.

Mr. Ritchie: Or an electric light? A.—Or an electric light. This light was shining. I saw Captain—not Captain Sullivan—but Frank Sullivan, pass the end of Adelaide street and go down the north side of Adelaide street and meet Mr. Gamey near the door of the factory; after he had passed the angle that I was on, and sufficiently past so that I know he could not distinguish me—

The Chancellor: Mr. Sullivan and Mr. Gamey met before the factory? A.—They went inside the factory.

Mr. Ritchie: How long did you wait outside the factory? A.—Not very many minutes after they went in. I went away.

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Q.—How long? A.—I should judge about ten minutes.

Q.—Did you notice anything? A.—Yes, I noticed a light get up in the upper storey of the factory—at least the second windows, I think, in the storey.

Q.—The upper windows? A.—Yes sir.

Q.—You waited there. Was there any light when you first went there? A.—No sir.

Q.—And you saw them go into the factory together, go upstairs, and then you saw the light? A.—I don't know whether they went upstairs. I saw them go into the passage-way, and then in about four or five minutes I saw the light where I knew the office of the factory was.

Q.—In the meantime they had not come out? A.—No.

Q.—I suppose that is all you can tell us about it?

Mr. Riddell: No questions.

Mr. Ritchie: You did not watch until they came out? A.—No.

Mr. Johnston: Just one question. You are the Conservative member for Algoma? A.—Yes sir.

Q.—And you were down attending to your Parliamentary duties, or for the purpose of attending to your Parliamentary duties, when you were following Gamey? A.—Yes.

Q.—Under cover of night in the city of Toronto? A.—Under cover of night in the city of Toronto.

Q.—And did you stand anywhere else excepting amongst the bricks in the lane? A.—Oh, yes; I stood a good many places in Toronto.

Q.—I mean off the street? A.—No sir.

Q.—That was the only hiding place you took? A.—That was the only hid-

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ing place I saw to suit the purpose.

Q.—And you were engaged in this interesting occupation how long? A.—About a day and a night—a greater part of the night.

Q.—The whole of the earlier part of the night? A.—Oh, you mean that night?

Q.—Yes? A.—Oh, I should judge about an hour.

Mr. Ritchie: At what time was it that you saw them enter the factory together? A.—Ten minutes after eight exactly, sir.

William Herbert Price, sworn. Examined by Mr. Ritchie: Q.—What is your business? A.—I am a law student, attending lectures at Osgoode Hall here.

Q.—Do you know Mr. Gamey? A.—Yes, I know him. I know Mr. Gamey.

Q.—For how long? A.—For about ten years, I should say.

Q.—You used to live in Gore Bay? A.—Yes, I have lived in Gore Bay.

Q.—In March last did you have any communication with Mr. Gamey—in March of this year? A.—Yes. I had some communication.

Q.—Where? A.—Well, my brother told me—

Q.—Never mind what your brother told you. Had you been informed that he called at your house? A.—Yes.

Q.—And in consequence of that did you do anything? A.—In consequence of that I went down and met him.

Q.—With whom? Was anybody with you? A.—I went down and met him at the Crossin piano factory the night before.

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Q.—What date did you meet him there? A.—I met him on the 10th March.

Q.—You met him on the 10th March? Was that the date you first met him?

A.—Yes sir, he asked me to go down and meet him at the Crossin piano factory on the 10th March.

Q.—At what time on the 10th March? A.—That was about—I left the lecture and went down about half-past five.

Q.—Went down where? A.—Went down to the Crossin piano factory.

Q.—Did you see him then? A.—Yes sir.

Q.—Who else was there? A.—No one else was there.

Q.—What arrangement did you make with him? A.—Then we arranged there about the interview, or rather the meeting, that we were to go there and listen to him and Mr. Sullivan in the Crossin piano factory the next evening.

Q.—When you say the next evening? A.—That is on the 11th.

Q.—Are you sure of your dates? A.—Yes, I am perfectly sure. I am perfectly sure. I was going to explain to you. My brother informed me—

Q.—What was the night of the interview? A.—11th March.

Q.—Was it the 11th? A.—Yes.

Q.—Did you make a memorandum at the time? A.—It was the second night—no, it was the 10th March, rather.

The Chancellor: Which was the 10th March? A.—The 10th March was the

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opening of the House.

Q.—That was the night of the interview, was it? A.—Yes, the 10th March.

Q.—And not the 11th? A.—Not the 11th.

Mr. Ritchie: The day before that you say you had seen him and had arranged to go there the next day? A.—Yes, that is what I meant.

Q.—So that it would be on the 9th you saw him first? A.—Yes.

Q.—Then you went there on the evening of the 10th about what time? A.—About half-past six.

Q.—Who went with you? A.—My brother.

Q.—What is his name? A.—Percy G. Price.

Q.—And who else? A.—Arthur James Kinney.

Q.—Are they also law students? A.—Yes sir, they are law students.

Q.—Then did you meet any one there? How did you get in in the first place? A.—We opened the door. There was some one happened to be going out and just opened the door and we went up to their place—we got on what appeared to be the top flat of the premises, or very nearly the top flat, anyway—where the Crossin factory is, and we remained there for about, I should say, twenty minutes.

Q.—You say you got in the outer door? A.—Yes sir.

Q.—Somebody was just going out. You went in and went up to their place—to the Crossin piano premises? A.—Yes sir.

Q.—Was the door leading into the Crossin premises open or locked—that is upstairs? A.—It was locked—on the top flat.

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Q.—You remained there about twenty minutes, you say? A.—Yes sir.

Q.—And what happened then? A.—Mr. Gamey and Mr. Crossin came along.

Q.—What did they do? A.—They unlocked the door and let us in.

Q.—Leading into? A.—The piano factory.

Q.—Did they go in with you—both or one of them? A.—Both of them went into the large room.

Q.—And from there where did you go? A.—Went from there into the small room—that is facing on Adelaide street—the small office.

Q.—And who went in there with you? A.—My brother and Mr. Gamey and Mr. Kinney.

Q.—Were there any pianos in that office? A.—Yes, there were four pianos.

Q.—And you had been told prior to that time what you were wanted for? A.—Yes sir, I had been told.

Q.—Then was anything done in the room after you went in there? A.—Well, we talked about the best way of fixing the pianos, and then fixed the pianos.

Q.—You talked about the best way of fixing the pianos, for what purpose? A.—So that we could be secreted behind them without being seen.

Q.—Now, have you the little sketch there? (The exhibit referred to.)

The Chancellor: The witness took that to put some figures to it. There is the one made use of yesterday.

Mr. Ritchie: Just look at this plan. Does that fairly represent the room?

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Here is one made to measurement. See which one you could tell best from. This is supposed to be the front on Adelaide street. There is the little office. There is where the gas was. That is the door to the office? A.—Yes. It is very good, only this piano was over here slightly.

Q.—Wait a moment. What about that piano there? A.—Well, this is all right, only this piano was shoved down more, and this one kind of over-lapped it here. This piano was shoved in here more and this one a little more that way. I said this piano was shoved over there too far. When this piano got in it nearly blocked the whole space. There was a ledge along here. If this is Adelaide street, say, the ledge was along this side.

The Chief Justice: The west side? A.—The west side. The ledge. I should suppose, was about a foot along that side.

Mr. Ritchie: And how high up? A.—I do not know. About two and a half feet. I remember distinctly about the ledge, because we mentioned if Mr. Sullivan wanted to go back he could walk along that ledge and get back.

Q.—Could he have got back to where you were without getting up on top of the ledge? A.—No.

Q.—It was all blocked up? A.—Yes.

Q.—He would have to get up on top of that ledge and walk around to where you were? A.—Yes. There were some little pieces of pianos—the inside work

of pianos—some small parts of the pianos on the other side of the room—back on the other side of the room where I was sitting, and it effectually blocked that side of the room, and the ledge blocked this side.

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Q.—Then you say that the place where these pianos are located does not exactly represent it right? A.—Approximately, it is right; but it was blocked up more than on the plan.

Q.—Then you say you arranged these pianos for the purpose of secreting yourselves? A.—Yes, sir.

Q.—What did you do? Get behind the pianos? A.—Yes, sir, we got behind the pianos. We walked back along that ledge and took off our coats, put them down on the floor, and sat on our coats.

Q.—What space was there, or was there any space between the rear piano and the wall? A.—I could lean my back up against the wall and put my feet and knees kind of up against the piano, probably a cramped position. You could not straighten out your legs on the floor.

Q.—So that you say you were effectually concealed? A.—Yes, sir.

Q.—Then after you had arranged these pianos what did Gamey do? A.—Mr. Gamey was asked—

Mr. Johnston—That is not evidence.

Mr. Ritchie—What did he do. Never mind what he told you. Did he go away? A.—He locked the door and went away.

Q.—Did he leave any light in the room when he went out? A.—No, he blew out the light.

Q.—There was a gas jet there. Where was that? Near where? A.—The gas jet was as I remember it right over the desk.

Q.—Near the front of the building? A.—Yes, sir. There was a window right here. The gas jet was over that desk.

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There are shutters on this window, and if they were open you could see the light, but if they were closed you could not.

Q.—Was that gas jet lit when you went in? A.—No; we lit it when we went in.

Q.—And when he went out he extinguished it? A.—Yes, sir.

Q.—So that you were in practical darkness, except the light from the windows? A.—Yes.

Q.—Were there two windows facing on Adelaide street? A.—Well, it was closed up with a shutter. I think there was only one window—only one window in that office closed with a shutter. There might have been double windows there.

Q.—Then you say he went away and locked the door. How long before any-

one came back? A.—We heard the clock strike eight—it was some time after eight. That is, the city clock.

Q.—Somewhere in that neighborhood, at all events? A.—Yes, sir; a short time.

Q.—And he came back, or who came back? A.—We heard a noise coming upstairs, or some noises of people coming upstairs, and unlocking the doors, apparently, and some people entered the room and unlocked this little office and entered.

Q.—What was the first thing you heard? A.—I heard some person who apparently was Mr. Gamey from his voice.

Q.—Did you know his voice? A.—Yes, I knew the voice. I knew it was Mr. Gamey. He said, "Take off your coat and sit down, Frank."

Mr. Riddell—I object to the evidence. Any evidence being given of any conversation or supposed conversation between

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Gamey and, I suppose, it will be alleged, Frank Sullivan. The matter came up. I may say, on at least two occasions in the Parnell investigation, but it was threshed out at great length, and a judgment given as to whether a confession or statement made by a person who was charged as being a confederate was evidence at all. In the first place, it came up and there was a ruling. It was in Vol. 5.

The Chancellor—This kind of evidence has been given already.

Mr. Riddell—Of course we are not bound by that. If we made a mistake at one time we are not bound to carry on and continue the mistake. That also was ruled in the Parnell case.

The Chancellor—This is very relevant matter.

Mr. Riddell—I trust your Lordship will hear me, because it is a matter of great importance. As I said the other day, your Lordships are not investigating any charge of conspiracy against Frank Sullivan. Frank Sullivan is not one of those who is being charged. Your Lordships are investigating a charge of conspiracy on the part of members of the Cabinet along with Frank Sullivan. Of course, I quite admit that anything said by Frank Sullivan would be evidence against him at any time he said it, no matter whether before or after the conspiracy, or at any time; but where it is alleged a statement was made by Frank Sullivan, he being no conspirator with those being charged—while that is evidence against him, it is not evidence against the others. That was ruled upon, as I say, in

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the Parnell case, Volume 5, page 99. It was held by the court there that a statement by a person charged with conspiracy in the nature of a confession is not admissible in evidence. That was ruled also in Volume 12. I have the volumes here. I have the whole case here, indeed. And their Lordships there laid down the principle very clearly.

The Chancellor—There is no Volume 12.

Mr. Riddell—Part 12. The edition I have is in parts 1 to 34. There is one edition in the Hall bound in eight volumes.

The Chief Justice—That is the one we are familiar with.

Mr. Riddell—Part 12. They were discussing the question as to whether a conversation between Lochran and Devoy was admissible, Devoy being charged as being a conspirator. The president says on page 31. (Quotes reference on page 31.) If it is something in furtherance of the object of the parties it may be given in evidence, but a statement made by one man of what he has done does not affect others. Now a similar ruling is given on page 96 of the same volume, or perhaps it is page 76. Your Lordships will see here the charge is a conspiracy having been formed with Frank Sullivan, if you will, along with members of the Cabinet, and the evidence which is proposed to be given is a conversation to corroborate what has been said by Mr. Gamey in a statement made by Frank Sullivan subsequently, as to what they had done.

The Chancellor—All this may be a good argument in point of law. In the

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first place, it is entirely premature. We do not know whether Frank Sullivan is going to make a confession or anything of that kind, at the present time. This is one of the matters referred to us by the terms of the commission, the matters contained in this statement which Mr. Gamey made. In this statement this is one of the things which he laid before the House, and which we are asked to investigate. There is a statement at the end of this. I do not know whether I have the pages here.

Mr. Riddell—I admit that Mr. Gamey did make this statement in the House.

The Chancellor—"I arranged with three shorthand writers." He tells the whole story. He says he met Frank Sullivan, a number of questions were asked, and he gave substantially what occurred, and we are asked to investigate as to the truth of that.

Mr. Riddell—I am sure your Lordship will allow me to finish my argument. The commission, as your Lordships will see, is that upon which your Lordships are going. The commission does not say that everything which is in the various charges and statements made before the House has to be investigated. The commission states that certain charges which are mentioned there, which are mentioned in this statement, that is, charges against Mr. Stratton, and against, if you like, the other members of the Cabinet, are to be investigated. It is not everything that Mr. Gamey may happen to have said in this statement before the House which is to be investigated by your Lordships. But it is these specific charges made against Mr. Stratton, and any other charges which he may see fit

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to lay against Mr. Stratton. Therefore, it is precisely the same as in the Parnell case, where a charge of conspiracy was being investigated, and in a charge of conspiracy being investigated, the court rules as I have said. There is any amount of authority in the Criminal Court. I have Russell on Crimes, where the same ruling is laid down, and in the Parnell case the courts have decided in the manner in which I have stated.

The Chancellor—How is it that a person charged with conspiracy cannot make a confession?

Mr. Riddell—I do not deny that. He can make a confession. What he says is evidence against himself, and, therefore, if your Lordships are investigating the question as to whether Frank Sullivan had conspired with anybody, then this would be perfectly clear evidence as against Frank Sullivan, but there is no charge that your Lordships are investigating here against Frank Sullivan. The commission is very clear. You are investigating charges against James R. Stratton, and against the members of the Executive of Ontario. If your Lordships, for instance, were at liberty here to investigate—

The Chancellor—Suppose it is established that Frank Sullivan is an emissary or agent, what then? That is what they are going to try to prove.

Mr. Riddell—As regards that, there is no evidence so far that Stratton made Frank Sullivan an emissary, and even although he were an agent of Mr. Stratton, he is not an agent of Mr. Stratton's for the purpose of making admissions, and that is all that is proposed to be proved, that he is making admissions

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concerning something which had been done. That matter came up in the other

Commission which sat in Osgoode Hall in 1885, and there the evidence was ruled out until such time as it was established that the admissions were made by a person who was authorized to make such admissions. I press upon the court. Of course it would be evidence, I have no doubt, in case Frank Sullivan were called, and he was asked about this interview, and he was asked, "Did you make such a statement?" and he denied it.

The Chief Justice—It is a positive advantage to the defence that the evidence should be given now. Of course, we are not the judges of that. Frank Sullivan will necessarily have to be called, I should say, by the defence, if the prosecution do not call him. Then, if he contradicts the statements that have been made by Gamey, the question will be whether he has ever made statements different to those he makes in the box. When a proper foundation is laid, this evidence will be clearly admissible in this court, or on any enquiry. It does not make any particular difference, so far as I can see, whether it goes in now or not. I should think it would be better for you to hear it now and know what you have to answer.

Mr. Riddell—Of course your Lordship understands that we are taking the responsibility of the course we are pursuing—my learned friend and myself.

The Chief Justice—Oh, yes.

The Chancellor—I think my brother and myself do not disagree at all, although we may differ in expression, about the admissibility of this evidence.

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The weight of it is an entirely different thing. There is quite a distinction between the admissibility of evidence, and the weight of it. We are here, and one branch of this Commission is a charge of conspiracy, and at present the evidence is being given to show that Mr. Sullivan was acting in the interests of Mr. Stratton. That may be all a fiction, when the whole evidence comes to be given, but at present that is the way in which the case is shaped, that Mr. Sullivan was in communication with Mr. Stratton, and purported to be the go-between. In that view this evidence cannot be rejected at this stage. It may prove to be worthless evidence when we reach the end of the enquiry, but in conspiracy matters you cannot circumscribe evidence at any particular time. That was pointed out in the Parnell commission. We are to deal with any matters and circumstances which appear to us reasonably relevant to the matters charged. It would seem to me it would be an altogether insufficient enquiry if this part of the evidence, which substan-

tially affects the character and status of Sullivan and the weight to be given to his evidence, were rejected. I think in every aspect of the case it is most desirable that this evidence should be taken.

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Mr. Johnston—Then your Lordship will just note this, that we accept as quite satisfactory the ruling of your Lordships, and the reason why we raised it at this time was that we desired to have a ruling of the court upon the express point that your Lordships have just ruled upon. As his Lordship Chief Justice Falconbridge says, I have no doubt the evidence will be admissible at some stage. That is why we raised the question, in order that we might have an explicit ruling.

The Chancellor—Very well.

Mr. Ritchie, resuming—Then will you kindly proceed and tell us what was the first thing you heard? You were going on to say you knew Mr. Gamey's voice, and he said, "Take off your coat and take a chair"? A.—Yes, sir.

The Chancellor—Did you know Mr. Sullivan before this? A.—I had him pointed out to me. He was a stranger to me.

Mr. Ritchie—And you did not know his voice? A.—No; I did not know his voice then.

Q.—And perhaps you may as well tell us at the outset, were you in a position to see him that night? A.—No.

Q.—So that you could not recognize him there? A.—No.

The Chancellor—You could not see him because of the obstacles or because of the light? A.—I could have seen him for the light all right, but I could not see him for the obstacles.

Mr. Ritchie—If you had got up and looked over the pianos? A.—Yes, sir.

Q.—There was only one jet lit? A.—Yes, sir.

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Q.—So that the light would not be good. But if you stood up you think you could see him? A.—Oh, yes; it was a small room.

Q.—Then you heard Mr. Gamey say what? A.—When Mr. Gamey came into the room he said take off your coat and sit down, Frank.

Q.—What next? A.—And apparently we could hear something falling, we could hear something falling like as if it was a coat, and we heard a chair drawn along the floor, and they started to talk.

Q.—Give us the conversation? A.—Mr. Sullivan then said have you seen many of the Conservatives yet, Gamey? And he said no, he had not seen very

many of them yet. He said he had seen a few, but he had not been getting around very much. Mr. Sullivan asked him how were they using him. He said not bad under the circumstances.

Q.—He said not bad under the circumstances? A.—Mr. Sullivan asked him if he had seen Mr. Whitney yet. He said he had seen Mr. Whitney on the street, but he had not been talking to him, but he had seen Thompson, the secretary—Mr. Whitney's secretary, Thompson—and spoken to him. Mr. Sullivan asked him how Mr. Thompson used him. He made the same remark again, that Mr. Thompson had used him very well under the circumstances. And Mr. Sullivan said, I tell you, Gamey, it would be a good thing for you if you would go and tell Whitney that you would support him on a vote of want of confidence, and he said you know you could kind of quiet those fellows, they would not say so much. Those are not the exact words, but to that import. And Gamey said, well,

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Frank, that is a very good idea, I believe I will do that, along that strain. And they then drifted into conversation about Manitoulin affairs, and Sullivan asked him how the people of Manitoulin took the thing. Well, he said, they were pretty wrathful about it. He said, of course, the executive as an executive of the Conservative party had to vote him down, but a few of the executive were personally favorable to him. Gamey said he did not think the people on Manitoulin thought he had gotten any money out of the deal, but it was simply some patronage or some land grant or timber deal, or something like that. At that time, then, Sullivan had been, as it were, leading the conversation, and Gamey started in and said, well, what about Stratton, how is he getting along? And Sullivan said, Oh, well, Stratton is not bad he says, he has been pretty uneasy for some time back, but he said, I go up to see him every day; in fact, he insisted on my going up to see him every day, to tell him how things were getting along. He said I go up to see him every day. He says you know I only got a couple of letters from you, but I take out one of these letters and read him pieces out of it, just to keep him easy. He says, you leave Stratton to me, that will be all right, along that line. Then Gamey apparently found out what he wanted to know about Stratton just then, and he said, how about that fellow Myers, Stratton's secretary? He said, does he know very much about this? Oh, Sullivan said, he did not think he knew very much about it, he was ra-

ther a good sort of a chap, he thought he was rather frightened. Well, said Gamey, he had a very peculiar-looking face on him when he took the money from

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Stratton.

The Chancellor: Gamey said that? A.

—Yes, sir. That Myers had a very peculiar-looking face on him when he took the money from Stratton. Sullivan said, Oh, that is all right, he was just frightened, they do not let him know very much up there, but he said when I go in they say, Oh, yes, Mr. Sullivan, come right in. He says, I can get in any time I want to, I am allowed to go in right out of my order. He says Stratton gave them instructions to let me in any time I came.

Q.—Now, follow out what you were at a moment ago, when you said, when he saw him he seemed to be frightened?

A.—I will speak about that after a little while, if you let me go on in sequence with the conversation.

Q.—Do you recollect it in sequence?

A.—Yes, I recollect it. That was apparently about all that happened about Myers at that time, and they then started to talk about a mining deal they had on, and Gamey said, or Sullivan said, what about these mining claims we were talking about? and Gamey said, Well, he didn't think it was a very good time of year to do anything about it, being in the winter season, that they could not look them up very well, and stake them out, and Sullivan said, well, that did not make any difference, now is the best time for them, it did not make any difference, now was the best time for them. He said I will tell you what we will do, we will make a blanket application or something to that effect, and we will take up 640 acres apiece, and stake it off in the spring, when the snow goes off. Gamey here mentioned that this was against the rules of the de-

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partment, and Sullivan said he did not care for the rules of the department, that he would shove it through. He said that Stratton would have to shove it through for him. Well, said Gamey, do you think he will do that? He said Stratton would have to do it. Gamey said do you think the whole Government know about this? Yes, said Sullivan, they know about this, every one of them, and he said that Stratton would have to put the thing through for him. They then drifted on and talked about a lake deal, and I think probably, but I am not exactly sure about this, that they mentioned some-

thing about fishing, said there was not very much in the lake deal, that the Government got a revenue out of that, and they would get that anyway, but that was not enough for them. They also talked about what they called the Island deal a little bit, and one thing and another, and Sullivan ended up that conversation by saying, Oh, there was only \$300 or \$400 apiece in it for them, and they were not going to take anything small like that. Sullivan said that. He said we want something big. He says we do not want anything small like that. He says, if we should take that and then come back for more the Government would say you had your choice, why didn't you choose right when you had a chance? He says we do not want anything small like that, but he says did you look up anything more about that timber deal or timber business we were talking about, and Gamey said yes, he had made some enquiries about that, and Sullivan said, how much do you think there is in it? Gamey said about 15,000,000 feet, as well as he could remember. Sullivan said that was a good

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thing, because he had been making enquiries up at the Government, and they thought there was only 3,000,000 feet in it, and they would likely be able to buy it pretty cheap. That is, he and Sullivan would get it pretty cheap. Gamey said that it would be all right, but he said it would not be a good thing for us to take that up in our own name, because the people up in Manitoulin would catch on. He said what we had better do is to get some one in with us and take it up in his name, and then pay him off. Gamey said that. Then said Sullivan, do you know of any man that would be a good man? He said yes, he knew of a fellow I think by the name of Clemow that could take it up. He said they could get Clemow to take it up and help him out afterwards, and they would take it themselves. Sullivan said yes, what they had better do would be to pay Clemow \$3,000 or \$4,000, and then divide the timber limit between them, and Gamey said that would be all right. He said, do you think that Stratton would do that? Oh, yes, he said, Stratton would have to do it. He said Stratton could not go back on them now. He said they had him in that position he had to do what they wanted, and Sullivan said, I tell you if Stratton kicks about this we will tell him we will give him that money back, and he says they need it bad enough just now. Sullivan said that. He said we will give them that money back, they need it bad

enough just now, and tell them it was only security for you until such time as you could get something very good. He says, Stratton will have to do what I want him to do. He says you know Stratton would not have this thing go through for anything now, we can get just what we want. He said the

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rest of the Cabinet were trying to sit on Stratton, and he thought he would do something just to show them what he could do, and he said he arranged this thing, and he would not have it fail, or would not have us go back on it for anything. He said he could get any amount we wanted, \$100,000, rather than go back on the thing now. Well, Gamey said, he did not think Stratton would go back on them, but he says I tell you he has not been acting very good. Sullivan says, how is that? He said, I heard he sent two men up to John McMillan in Manitoulin, he is the man that ran as a Socialist candidate there, to see if he would run for the Government in the event of my being forced to resign. And Sullivan said, Oh, he did not think there was anything in that, he did not think that was so. Well, Gamey said he had got that from very good authority, and he thought it was so. Sullivan said he did not think it was so, because he went up and saw Stratton every day, and he assured him everything was all right, and he said that his father had gone up to see him, and assured him everything was all right. He said you know Sims was down from Little Current trying to make the Government believe that you would turn them down, he says, but we fixed that, we went up there and told them about it. I supposed he was referring to his father. And he said, you know Sims wanted Spencer appointed license inspector for the Manitoulin Island, and he said, and of course you want Lewis appointed, and he will have to get the appointment. Gamey said yes, he wanted Lewis appointed, he did not care so much about the commissioners, but that he wanted Lewis appointed, and Sullivan said something, I do not remember

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just what the import was, but something about Stratton wanting the names of the commissioners handed in, and Gamey said yes, he would hand those in in the morning. Sullivan says, you know Conlin wrote down advocating Spencer's appointment, but he says that don't make any difference. He said you know my father says Sims should have pulled

with you from the start, and not acted dirty like he did, and that Lewis would have to get the appointment.

Q.—Is there anything else? A.—Yes. They talked about—he says you know—Sullivan says Dr. Macdonald was down from Little Current, and he was talking quite a lot around, and he said he wanted to find out from father just how Gamey stood, and my father told him he had better go home and keep quiet, if he wanted to get anything, that Gamey had the patronage, and, he says, you know Macdonald could talk quite a lot up in Manitoulin. When everything is hot they would not think so much about it, but if he comes down here shouting off it might do us quite a little bit of harm. He says they have to go to the right source. He says you know there was a fellow down from the West a few days ago, and he wanted to get a timber limit, and he came to my father. He said, is there any chance of my getting this timber limit? He could not get it before. My father said yes, but it will cost you a little money, and the fellow said, well, he did not mind about that, he said, how much will it cost? He said \$1,000. Frank said then he didn't know whether there would be that much in it for him or not, but we did not care. He said we were out for the stuff. He said we have got to have the stuff.

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The Chancellor: Go on.

A.—I was just thinking. He said we are out for the stuff, we have got to have the stuff, but he says we do not want to take anything small like that. He says we have got to have something big, and Gamey said, do you think Stratton will pay over the rest of that money, and Sullivan said yes, he was sure Stratton would pay it over, he said Stratton would have to pay it over. They were in

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such a position. Well, said Gamey, I am glad the whole Government know about it anyway, and why, said Sullivan, they will have to act right. He says we have just got them where we want to. He says they cannot afford to go back on us now, they need you just as bad now as they did then. He said why, they have got three sick men on the list, and there is Evanturel, who would go over to the other side if he thought he would get the Speakership, and he said the Government did not know whether he was going down, but he said they were using him very nice there, they had given him a room in the Parliament buildings to keep him quiet. He says, I tell you if

the Opposition get on to that wouldn't they make a howl, and he says if they get on to these things up in the three Norths we will never be able to hold them. He said you know the Grand Trunk will have their subsidy by that time, and why, said Gamey, is the Grand Trunk going to get the subsidy? Why, he said, sure, the Grand Trunk will get their subsidy. He said, when the Grand Trunk got that subsidy we would not be able to carry those three Norths—if they got that subsidy they would tell us to go to hell. That is the actual words, I remember that. They would tell us to go to hell, and we could not do anything. Well, Gamey at this point agreed with him that they had the Government in a pretty tight place all right, that the Government could not go back on them very well, and so on. Gamey said, you see, Frank, if I was made Minister of Mines on the Tory side, he said, you could give me a lot of information, and Frank said, yes, I could. I could tell you all about those things up in the three Norths. He says I could give you dozens of men

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up there, or a dozen men, rather, who got money, and he said—apparently he referred to North Grey and North Perth, because he said in twenty-five minutes, or something like that, I could get enough evidence to unseat the man in North Norfolk.

Q.—Then what? A.—I will go on. I just want to think how it comes in in sequence.

Q.—Have you given us all? A.—No.

The Chancellor—Oh, no; he says there is a good deal more.

Witness—It is very hard to remember it in sequence. If I do not remember it that way—

Mr. Ritchie—Did you take down a memorandum shortly afterwards? A.—Yes, sir; but I want to go on. I would like to go on and finish it up my own way. So he said his father was only up as far as Palmerston this last election; that they had got on to him too strong, and he went up as far as his sister's in Palmerston and stayed there and operated from there.

Q.—That was Sullivan's father? A.—Yes, sir; and he said, "You know an old man like my father would rather lose a leg than see the party lose, but I do not care; I do not give a cuss. I am out for the stuff, and I have got to have it," and he says, "You know we could tell all we know, Gamey, but it would force Stratton out of public life," and, "Well," says Gamey, "that was a fact." Sullivan said, "We want to have everything in good shape." Gamey says, "I could not

help but think about that fellow Myers that took the money down into the smoking room." "Why," says Sullivan, and here Sullivan seemed to have a very

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indignant air, as if surprised that Gamey could not remember something. He said, "Why, Myers did not take the money down into the smoking room." He said it was Chase. Gamey said, "Who is Chase?" He said, "That fellow that sits before the Premier's door." He said, "You know it was this way: Stratton gave the money to Myers, and Myers to Chase, and Chase took it into the smoking room and laid it on the table." "Well," says Gamey, "I am very glad you mentioned about that, Frank." He said, "We want to have everything right," Gamey said, "I will take that down. I will take that name down." And then they went on. Gamey says to him, "What did you register those letters from Yorkville for?" And Sullivan said, "Well, it was just a little post-office up in Toronto." Gamey said it with an air as if it was outside the city. He said, "It is only a little post-office above Bloor, and as I was waiting for a transfer car I would slip up and register the letter and get back in time to catch the car." He said, "I did not want to register them from the Parliament Buildings." Then they talked a little about whether Stratton would stand by them, and so on, and he said, "Yes, Stratton will have to stand by us." He said, "We can fix Stratton." He said, "I know a fellow on

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the World that is a very good friend of mine, who wouldn't say very much, and I tell you I will have him put a little scare headline in the World which will bring Mr. Stratton to time." I think he mentioned that it would be about that, or about some election corruption; just a little scare headline, and what do you call him—Sullivan—said he was very sorry that Davis had not been defeated, and he said a good many more were sorry, too, but he said, "We could not stand to have Davis defeated when the Government majority was so narrow, and they talked about the prospect of the Government lasting through the session, and there may be other little things, but that is about it.

Q.—That is about as you recollect it now? A.—Yes, sir.

Q.—You did not make notes that night? A.—No; I did not make any notes.

Q.—When did you first make any note of your recollection of the conversation? A.—No; I did not make any notes.

Q.—When did you first make any note of your recollection of the conversation? A.—I made them the next night. I was up at the Parliament Buildings that day and around, and I did not have time that day.

Q.—It was too dark where you were? A.—No; we could have made notes all right that night, but we decided—as the room was very small and we could hear every little bit of a sound, if we leafed over paper, and so on. It was too great a risk to run to make any notes; better get it in our heads.

Q.—You did not make notes? A.—No. I took down Chase's name, or something like that.

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Q.—At all events, you made no note of the conversation? A.—No; no note of the conversation at all.

Q.—Then, what time did you leave there? Who left first? A.—Well, Mr. Gamey and Mr. Sullivan first—just after that conversation.

Q.—What did Gamey do when he went out? A.—When he went out he locked the door. I don't know whether he locked the office door—and he blew out the light.

Q.—It was gas. He did not blow it out? A.—No.

Q.—He knows too much for that. And then he went downstairs. Who went with him? A.—Sullivan went with him.

Q.—He turned out the light and locked the door and went down? A.—Yes, sir.

Q.—So that you were practically locked in the room? A.—Yes.

Q.—How long afterwards before Mr. Gamey came back? A.—I would not say we were locked in that room. The outside room was locked.

Q.—Then how long after that before Gamey came back? A.—I should judge it would be about twenty minutes.

Q.—Then he came back, and what did you do? A.—He came back and let us out. We did not want Sullivan to see us leaving the building until he came back.

Q.—It was locked, and you could not have got out? A.—No. There was a snap lock. I suppose we could have turned the snap lock and have gotten out.

Q.—And in about twenty minutes he came back? A.—Yes, sir.

Q.—And how long did you and the other two remain with Gamey before you finally went downstairs? Did you

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remain any time upstairs? A.—I suppose about ten minutes—something about that.

Q.—After Gamey came back. Did you discuss anything with him, then, or have any conversation? A.—No; we did not have anything. Mr. Kinney shook hands with him.

Q.—At all events, you had some little conversation. You remained about ten minutes, and then went away? A.—Yes.

Q.—You did not make any note that night? Why didn't you make a note that night immediately after the occurrence? A.—It was quite late. We went down to see how the bye-election in North Ontario was coming out, and we went down to the Mail Building and stayed there for a while, and it was quite late when we got home, and I had some other business to attend to, and I did not make any note that night.

Q.—Did you after that? A.—I made a note the next night.

Q.—Sat down? A.—And wrote it out.

Q.—Did you write out in full what your recollection was? A.—Well, I was in a hurry, too, and I wrote out the main features of the thing all through, and of course when I read it over afterwards I saw there were little places of course I might have made a little fuller, but it was the main thing.

Q.—Substantially, it covered the whole? A.—Substantially, it was correct.

Q.—Was that statement given to Mr. Gamey at all—the one you made out? A.—No; Mr. Gamey did not get that.

Q.—You did not give him anything? A.—No.

Q.—There was a statement I understood he got. He said Mr. Price. That

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must have been your brother? A.—I suppose so. I have never seen that statement.

Q.—And you have the statement with you that you made? A.—Yes, sir.

Q.—So that you can refresh your memory from that? A.—Yes.

Mr. Johnston—But he does not need any refresher.

Mr. Ritchie—Take the witness.

Cross-examined by Mr. Riddell:

Q.—You say you are a law student?

A.—Yes, sir.

Q.—How long have you been studying law? A.—It is my second year at Osgoode Hall.

Q.—And you are a graduate or a five-year man? A.—A five-year man.

Q.—Have you passed some of your examinations? A.—I passed an examination last year, and at Christmas.

Q.—The top of the class, I hope? A.—Well, no, I could not say so. I got honours last year, and Christmas.

Q.—I should have thought with a mem-

ory like that you would come somewhere near the top? A.—Well, I suppose I might have if I had not worked in an office all the time.

Q.—Then you do remember, of course, everything that took place upon that occasion? A.—No; not everything.

Q.—Heard everything that was said? A.—Yes; I heard everything.

Q.—You are quite sure about that? A.—Yes, sir, quite positive about that.

Q.—Because that is what you were there for? A.—Yes, sir.

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Q.—And when Mr. Gamey and Mr. Sullivan came in, did you hear the first part of their conversation—the very first thing that was said? A.—Yes, sir.

Q.—What was that? A.—He asked him to take off his coat and sit down.

Q.—And what followed after that? A.—Well, then, he spoke about the Conservatives—whether Mr. Gamey had seen Conservatives.

Q.—Was anything said about an umbrella? A.—Well, there may have been.

Q.—I do not want may have been. You have remembered everything that took place. We have heard what you say took place. And I ask you the plain question. Was anything said about an umbrella? A.—Well, I don't remember.

Q.—You will not swear whether there was or was not? A.—No. I have an idea that there was, but I do not remember.

Q.—If anything of the kind was said, you have forgotten it? A.—No, I have not absolutely forgotten it. I did not tax my memory with it, that is all.

Q.—Are you a shorthand writer? A.—No, sir.

Q.—You are not a shorthand writer? A.—I can write shorthand, but I never had occasion to use it, so I never used it.

Q.—You are not what we would call a shorthand man at all? A.—No.

Q.—And you did not intend to take down in shorthand notes that night? A.—Well, we did not know what we would do.

Q.—I am talking of you. Leave out "we." Let me take W. H. Price.

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Mr. Blake: That is "we."

Mr. Riddell: I did not know my learned friend was in it. Then, did you intend to take down shorthand notes? A.—No, I did not.

Q.—So it is not the case that Mr. Gamey came to you as a man to take shorthand notes of the conversation? That is not the case? A.—No. I suppose he did not know—

Q.—Never mind what you supposed, if you please, sir. Nor was anything said to you about taking notes? A.—Yes.

Q.—What was said to you about taking notes? A.—Well, Mr. Gamey asked us if we would take notes if we thought advisable.

Q.—You would take notes if you thought advisable? A.—If we could take notes.

Q.—Did you tell him afterwards you had taken notes? Did you tell him afterwards that you had taken notes? A.—No, I did not. He knew I had taken down—

Q.—I am not asking that. Pay attention to the question and answer it. You did not tell him. Did you give him a statement at all of what you could say? A.—No, sir.

Q.—Did you see the statement which was given to him? A.—No, sir.

Q.—Did you take any part in writing it out? A.—No.

Q.—Or composing it? A.—No.

Q.—It is not the case, then, that you three men combined in giving the statement to Mr. Gamey of what had taken place? A.—No, sir.

Q.—Nothing of that kind took place at all? A.—No.

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Q.—Nor did Mr. Gamey know what you had heard? A.—No. I did not tell him.

Q.—We have that clearly. Did you hear anything of this kind said, "That our stories must hang together"? A.—Sullivan said they must get the thing down right.

Q.—Gamey says this: "Our stories must be the same"? A.—Gamey agreed with him.

Q.—Didn't he use the words to that effect? He says, "Yes, we must get the stories down right, we must have the same story?" A.—No, Sullivan suggested that they must have everything right.

Q.—Did Mr. Gamey not agree that they should have the same story? A.—Yes, he agreed, but he did not say.

Q.—That was said more than once, was it not? A.—No. I think it was only said in one place.

Q.—Will you swear that? A.—I think it was only said on one occasion.

Q.—But was it intimated on more than one occasion? A.—Sullivan intimated—

Q.—That is not exactly right. It was this way. Is that not the case? A.—Which way?

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Q.—That is not exactly right. "It was this way." Is that not the case? A.—Which way?

Q.—That is, Mr. Gamey would say one thing, and Sullivan would say, now, that is not exactly right? A.—Oh, no, there was nothing of that kind. The only time there was that was the time he spoke about Myers, when I thought it was given to draw Sullivan out.

Q.—I didn't ask you that? A.—I was explaining.

Q.—You are asked to answer questions, and not explain. A.—You want to misinterrupt me, or misinterpret me, rather.

Q.—You will understand you are there to answer questions. We do not want your explanations unless they are asked for. A.—You cannot make me say one thing when I mean another, and I won't.

Q.—I want you to tell what is true. A.—That is what I am telling you.

Q.—When was it Sullivan said, now, our stories must agree, or words to that effect? A.—It was after they spoke about Myers, when Gamey had made the mistake about Myers.

Q.—Did Gamey ask who it was that brought down the money? A.—No, Gamey did not ask; he said it that way, and Sullivan told him.

Q.—He said it what way, how did he say it? A.—Gamey says I cannot help thinking about that fellow Myers that brought the money down to the smoking-room, and then, of course, Sullivan went in and talked.

Q.—Now you are quite sure you did not take down any answers at all to any questions? A.—No, I did not take down

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any answers.

Q.—You are sure about that? A.—What I took down was the name of Chase.

Q.—Do not do anything but answer questions. Do you know if your brother took down any answers? A.—As far as I know he did not.

Q.—Do you know if Kenny, the other man, took down any answers? A.—As far as I know, he did not.

Q.—You did not give any such answers as that, at all events, to anybody previous to the statement given in the House? A.—No.

Q.—It would not be true, for instance, if Mr. Gamey said that he had the answers taken by these three men? A.—From his standpoint. He did not know whether it was the three of us gave that, or whether just one. It was handed to him, and he did not know but what it was the three.

Q.—Answer the question I put to you. Would it be true if Mr. Gamey stated, as he is alleged to have stated, that he had the answers—that we had the answers taken down by these men. You

had not taken down the answers at all, had you? Cannot you answer me? A.—No.

Q.—You had not? A.—No.

Q.—And you had not given any answers to him, at all events? A.—I had not.

Q.—Then you had nothing to do, as you have told me, with the preparation of that document, so I will not trouble you about it. In what tone of voice were they speaking? A.—They were just speaking in the ordinary way—Gamey was talking a little louder, but

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talking in a good tone of voice.

Q.—Talking in a good tone of voice? A.—A good full tone of voice.

Q.—You were sitting down behind the pianos? A.—Yes, sir.

Q.—And in what tone of voice did Sullivan speak? A.—Just about the same.

Q.—And were you so you heard everything that was said? A.—Yes, sir.

Q.—And you remember everything that was said? A.—No, not everything.

Q.—Do you remember anything else that was said now that I have reminded you—anything else that was said beyond what you have told my learned friend, Mr. Ritchie? A.—If some one would ask me a question, probably it would bring it to my mind.

Q.—Was this said, "Did you promise Whitney that you would vote for him?" A.—No, that was not said.

Q.—Was this said, "What story did you tell your men?" A.—No, not in that language.

Q.—Was this said, "What story did you tell the Tories?" A.—Are you referring to those in Manitoulin?

Q.—I am using the word "Tories" just now? A.—I think something like that was said.

Q.—Was not this said, or was it said, "Did you tell them you received any money?" A.—No, that was not said.

Q.—Was this said, "Why didn't you tell them the truth?" A.—No, sir.

Q.—That was not said. Was this said, "Did you tell Whitney or any of

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the Conservatives that you were going to support Whitney?" A.—No.

Q.—Was this said, "What did you tell the Conservative caucus?" A.—No.

Q.—Was anything said about the Conservative caucus? A.—No.

Q.—Was anything said about the Conservatives? A.—Yes.

Q.—What was said about the Conservatives? A.—Sullivan asked him had he seen many of the Conservatives, and Gamey said he had not been getting around

them much, like that, and Sullivan said, how did they use you, something to that effect, I don't say those were the exact words, and he said, well, they had not used him bad, under the circumstances.

Q.—Was anything said as to what he had told them? A.—No, there was not anything said about that.

Q.—Was there anything said as to what he had told Smyth on the way down? A.—No, what I—

Q.—Just answer my question, sir. Was anything said as to what he had said in the Parliament buildings the day before? A.—No.

Q.—Will you swear that it was not said that the two of them had been talking the day before—Sullivan and Gamey, in the Parliament buildings? A.—No, I will not swear.

Q.—You will not swear one way or the other? A.—No, but, to the best of my recollection, there was not.

Q.—You cannot recall that they talked about an interview they had had in the Parliament buildings the day before? A.—No, I don't recall that.

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Q.—That may have happened, and it may have slipped from your memory? A. It was of very short duration if it happened.

Q.—That is, they did not say much about it if they said anything? A.—I don't think it happened.

Q.—What you mean is, you cannot recall it, and if it did happen there was not much said about it? A.—What I mean is, I do not think it happened.

Q.—Then you did not express yourself very well? A.—I said I did not think it happened.

Q.—Can you swear that it did not happen? A.—No; I say—

Q.—Answer that question? A.—Do not press me down to anything like that.

Q.—Will you swear that it did not happen—yes or no? A.—No; I will not swear.

Q.—Then that is your answer: I thought we would get it, you see. Will you swear this did not happen? "You have not got the story right at all." Yes or no, if you please? A.—Well, if I say these exact words, I will have to swear it did not happen; but if words like that or something like that, I might say that it did.

Q.—Did words like those happen? A.—I think it did. That had reference to Myers alone—the part about Myers.

Q.—And it did not happen at any other time? A.—No, that was the time.

Q.—Sullivan said, "You have not given the right story at all"? A.—He said

you have not got it down right. He said you want to be careful to get things right.

Q.—And he was apparently anxious that Gamey should get it right? A.—

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He was contemplating throwing the Government over, probably.

Q.—Answer my question? A.—You want so much about it.

Q.—I want what I ask you. Don't you show off cleverness, because it does not do any good? A.—I have to counter-balance you.

Q.—I do not think you can? A.—Probably it would be hard for me to do it.

Q.—Probably so. Then answer my question. Was it apparent that Mr. Sullivan was desiring that Mr. Gamey would get the story right, from what you could hear? A.—Your question I did not catch.

Q.—Was it perfectly apparent that Mr. Sullivan was anxious to get Gamey to have the story right? A.—Yes

Q.—That they should agree? A.—Yes, on that point.

Q.—What other point were they talking about on which they did not agree? A.—There was not any other point.

Q.—Did they talk about McGregor island? A.—Yes. Well, they said Island "D." I do not know whether it was McGregor or not.

Q.—And did they talk about some mining deals also? A.—Yes.

Q.—The Clemow deal? A.—They talked about mining deals.

Q.—The Clemow deal? A.—They did not call it that.

Q.—Was the name mentioned? A.—Yes, they would get him to go into it and take it up for them.

Q.—All of that was talked about at some considerable length? A.—Yes sir, I have given it to you.

Q.—And you gave it to us as it happened? A.—As nearly as I can remember.

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Q.—Is it that you have been remembering this conversation all the time since, or have you been consulting your notes, or how is it that you have it down in the way in which you have it? A.—I looked at my notes from time to time.

Q.—You kept it fresh in your memory? Been talking it over with your brother? A.—Yes, I have talked it over with him.

Q.—And with Kinney? A.—Yes sir.

Q.—And have you corrected your notes by their recollection? A.—No sir, I did not.

Q.—Corrected your recollection by theirs? A.—No sir.

Q.—Or have they corrected their recollection by yours? A.—I could not tell you.

Q.—And how many times have you been talking it over? A.—I could not tell you the number of times.

Q.—A dozen times? A.—We never talked it all over continuously at one time.

Q.—You could not have heard my question. I asked you how many times you talked it over, if it was a dozen times? Did you hear me? Did you talk it over a dozen times? A.—We never talked it all over once.

Q.—You have been talking about it more than a dozen times, have you not? A.—About little parts of it, probably.

Q.—You have gone over the whole interview at times? A.—No, I don't think we have.

Q.—Will you swear you have not? A.—Well, shortly afterwards I think we went over the thing pretty well when we were writing it out, but that was the only time.

Q.—That is when you were writing it out. Where did you write it out? Is this it? A.—No, that is not it.

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Q.—Let me see what you were writing out, if you please? A.—Shall I produce it?

Mr. Ritchie: Certainly.

Witness: Here is what I wrote out.

Mr. Ritchie: I am not asking what you wrote out. You said when we were writing it out. What were "We writing out"? A.—While we were writing it out.

Q.—Yes. You told me you talked it all over when "we" were writing it out? A.—That is about the time we wrote it out in the first place.

Q.—Who wrote it out? A.—I wrote my own.

Q.—And were they writing out theirs? A.—No, I don't think so. My brother was—

Q.—Then why do you say "we" were writing it out? A.—Well, why I say we were writing it out—my brother had written out something the night before: it was somewhere between half-past 10 or 11 when we got home, or when they got up home, and my brother wrote out the best he could that night, but it was late, and it took a long time to get the thing in right shape, and so on, and so the next day or next night my brother and I sat down and I wrote this out, and we agreed on it all the way through, and everything, so that practically it could be taken. Of course it is my own—but it is—

Q.—You don't understand my question. (Page 748 follows).

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Q.—You do not understand my question. I want to know what you mean by saying "when we wrote it out"? A.—That is what I mean.

Q.—You mean when you were writing it out? A.—Yes.

Q.—I understood that the three of you were writing together. Is that true? A.—No, we were not writing together.

Q.—Was your brother writing at the same time you were? A.—No, he was not writing at the same time, not that I remember.

Q.—Was that before the statement in the House, or was it afterwards? A.—That was after the statement in the House.

Q.—Did you see Mr. Gamey again after that night before he made the statement in the House?

The Chancellor: After the statement in the House you wrote it out? A.—Yes sir I saw Mr. Gamey.

Mr. Ritchie: Did you talk to Mr. Gamey after that interview in the piano factory, and before the statement in the House? A.—I spoke to him.

Q.—Did you have a conversation with him about this matter? A.—No.

Q.—Did you tell him what you had heard? A.—No sir.

Q.—Did he ask you what you had heard? A.—He asked me if we would make a joint statement.

Q.—He asked you if you would make a joint statement, and what did you reply? A.—I said well, there was not very much time, that was the next day, about one o'clock, and there was not very much time, and I had to go to a lecture, and was rather busy, but we would do the best we could.

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Q.—Did you do the best you could? A.—I told my brother about it, and my brother told me he had done it.

Q.—Is his your brother's handwriting? A.—Yes sir.

Q.—I am going to put it in, memorandum of conversation referred to in schedule, and was in a sealed packet. Then did you have a talk with your brother? I am going to put this in.

(Received and marked Exhibit 57.)

EXHIBIT 57.

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The Chancellor: That is your brother's writing? A.—Yes.

Mr. Riddell: Then you had a conversa-

tion with your brother as to what should go in? A.—No sir.

Q.—“Memorandum of conversation between R. R. Gamey, M.P.P., and Frank Sullivan, in the fourth floor of No. 102 Adelaide street west, Toronto, which said conversation was overheard by three hidden witnesses.” I see there is inserted, and marked out afterwards, “Who hereby make this joint memorandum,” was it intended at that time to make a joint memorandum? A.—I do not know what he intended when he wrote that.

Q.—Did you intend it? A.—I never saw it, and did not write it.

Q.—Answer my question if you please. It takes up time answering that way? A.—No, it was not a joint memorandum. What Gamey wanted was questions and answers, or a few notes so that he could say in the House I have here—

Q.—Answer the question? A.—We told him we could not give the full thing.

Q.—So that he could say that he had got something here which the three heard? A.—Yes.

Q.—Then was it the intention that this was to be a joint statement—a joint memorandum? A.—No, it was not the intention.

Q.—It was not your intention? A.—It was not my intention.

Q.—Didn't you say you would give him something of a statement? A.—I said I had not spoken to my brother about it before that.

Q.—I didn't ask you that. Why don't you answer my questions? A.—I don't

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know what you mean.

Q.—Didn't you tell Mr. Gamey that you would give him a joint statement? A.—I told him we would do the best we could.

Q.—He asked for a joint statement, and you said you would do the best you could? A.—Yes.

Q.—And then did you proceed to carry out that promise? A.—I told my brother about it. I had not time.

Q.—You told your brother to make out a statement of what you three heard? A.—No, he did not know just exactly.

Q.—I didn't ask you that? A.—How could he make it out?

Q.—I asked you what you told your brother? A.—You are not going to cut me down to say something I do not mean.

Q.—You are going to answer my questions. You are a law student. Having promised Mr. Gamey this, did you proceed to your brother, and try and do the best you could to carry out your promise? A.—I did not do the best I could at all. I told my brother.

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Q.—To make out a statement of what you had heard? A.—I told my brother Mr. Gamey wanted some notes or memorandum of what we heard. Of course we had heard all of it. My brother could only say what he heard himself. He could not say what we knew.

Q.—You intended your brother not to write out what the three of you heard, but what he heard himself? A.—That is all he could write out.

Q.—That was what you intended him to write out? A.—Yes sir.

Q.—Not at all a statement of what you all three heard? A.—Of course we

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all three heard it, but that would be his version of it.

Q.—How long did this interview last? A.—Very probably about ten minutes after eight, as near as I can say, until about ten or fifteen minutes after nine—probably not as long—probably until a little after nine.

Q.—Can you tell me why it was your brother did not put into a statement all the story you have been telling us this morning? A.—I cannot tell you.

Q.—Did you ask your brother what he had written? A.—Yes; I asked my brother if he had made a statement. He said he was in a very great hurry; he did not know what time Mr. Gamey would have to take the floor, and he had to do the best he could. He only had a short time.

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Q.—Cannot you answer the question? A.—That is an explanation.

Q.—I want an answer? A.—I cannot say yes or no to it.

Q.—Cannot you say whether you asked your brother what he had written? Cannot you answer and say yes or no? A.—I did not ask him what he had written.

Q.—You did not ask him? A.—Not in that way.

Q.—Why didn't you? A.—I did not ask him to detail it. I asked him if he had handed it in to Mr. Gamey, and he said, yes, he had handed in a statement; it was not perfect; there were only certain parts of it, because he could not remember.

Q.—So far as it went it was true? A.—Yes; so far as he knew.

Q.—You and your brother knew Mr. Gamey wanted to make a statement in the House? A.—Yes; no; he didn't want it for that purpose. It was for making a statement—just to show he had it there. It was not supposed to be produced at all.

Q.—Which is it, that he wanted it there from which he could make a statement in the House or did he not? A.—

He simply wanted it. He could turn down probably and read out part of it here and there if it was necessary—if anyone disputed he had it.

Q.—So that he might use it in making his statement in the House? A.—Well, he was going to have it there.

Q.—Cannot you answer me yes or not? A.—He was going to have it in the House.

Q.—I am afraid if you do not answer your examination questions any better than you are answering me you will not pass? A.—I will look after that. There is no onus on you as to that.

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Mr. Blake—He may have a better examiner.

Mr. Riddell—Perhaps so. Perhaps an easier one. Cannot you answer that? A.—No harder I will bet.

Q.—Was it as a matter of fact that he might have this document to show in the House? A.—He wanted it so that he could have it in the House?

Q.—Was it a matter of importance that it should be accurate in your view? A.—Well, so far as it went—yes.

Q.—It should be accurate? A.—Yes.

Q.—Was it a matter of any importance that it would contain fairly the whole interview in your view? A.—Yes, the important point.

Q.—Then, in your judgment, it would not be right to leave out anything of importance? A.—Well, no.

Q.—Naturally? A.—Not very much.

Q.—And did you ask your brother if he had put in all the important matters? A.—I did not tell him. I thought he would know and do what he wanted himself.

Q.—You could not have heard my question. Did you ask your brother if he put in all the important matters? A.—I told him Mr. Gamey wanted some memorandum for the House.

Q.—I didn't ask you that? A.—No, I did not ask him.

Q.—Then did you ask your brother what he had put in? A.—I asked him some time afterwards if he had made a full report of it, but not just about that time—shortly afterwards.

Q.—You did not care very much what he had put in? A.—Didn't care very

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much?

Q.—Yes, that is my question? A.—Oh, yes; I thought it should be substantially correct. There was no use of him putting in anything wrong. I knew he would not do that.

Q.—Or put in an imperfect statement? A.—I knew he would put it in as good as he could in the time he had.

Q.—Is he older than you? A.—No.

Q.—Then you did not go over this statement, and we will leave you out of that? A.—I never saw it.

Q.—Then the first thing you heard after what we have been speaking of, after the preliminary, was enquiring as to whether he had seen any Conservatives? A.—Yes.

Q.—Did you hear him ask if he had gone to the Conservative meeting? A.—No, sir.

Q.—Nothing of that kind was said? A.—No.

Q.—Was he asked what he told the Conservatives? A.—How are you getting along with the Conservatives.

Q.—Don't you remember it being asked what he had told the Conservatives, or do you not, or do you say you cannot remember? A.—At another stage of the conversation he said something about what he told the Conservatives up in Manitoulin, but not referring to those in Toronto.

Q.—You did not understand he was being asked what he had told the Conservative members of Parliament? A.—No. Well, Mr. Sullivan said, "Have you seen many of the Conservatives?" and Gamey said, "Yes"—no, he had not seen very many of them, he said. He said, "How are you getting along?" He said he was getting along very well, but he told them not to be hard on him, or

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something like that—that is the Conservatives.

Q.—He had told the Conservatives not to be hard on him? A.—No.

Q.—He had told the Conservatives not to be too hard on him? A.—Yes, sir.

Q.—And then was it said what have you been telling them? A.—No; that is all.

Q.—Then where was it he had told the Conservatives not to be too hard on him?

A.—Right at the first of the conversation.

Q.—But what I mean is, from what he said, where was it that he had been telling the Conservatives not to be too hard on him? In the House? A.—Yes, sir. That is what I thought he meant. Of course, he did not say that.

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Q.—But that is what you gathered from the conversation? A.—Of course that is my idea, but I do not know whether that is what they meant or not.

Q.—You can only tell what they said, and the impression you gathered from it, and did he say to whom he said that? A.—No, he did not say so.

Q.—Did he say you had better appeal to them? A.—No.

Q.—Didn't he say he had better tell them he had been bought? A.—No, he did not say anything of the kind.

Q.—Didn't he mention money at all? A.—Not there.

Q.—Not at that stage. Wasn't there anything said about how he came to say he would support the Government at that stage? A.—No.

Q.—Sure about that? A.—Positive about that.

Q.—Then he told them not to be hard on him, and they had not been too hard on him? A.—He did not say about that. He said they used him fairly well under the circumstances.

Q.—Then was this said, "It would be a good thing if you would go and tell Whitney that you are going to support him"? A.—Yes. Gamey said, or Sullivan said, "Gamey, it would be a good thing if you would tell Whitney you were going to support him on a motion of want of confidence. That would kind of ease things off a little bit."

Q.—And was this said? Did Sullivan say to Gamey, "Now go and tell them the whole facts of the matter, and tell them you are supporting Whitney, or something of that kind? A.—No.

Q.—Go and tell them the whole story? A.—No.

Q.—Was he asked if he had told them the whole story? A.—No.

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Q.—Was anything said about telling the whole story? A.—No.

Q.—Nothing was said at all? A.—Not in that strain of conversation.

Q.—That you heard, at all events? A.—No.

Q.—Then he seemed to think that would be a good idea to go and tell Whitney he would support him—Mr. Gamey did? A.—Mr. Gamey said yes, Frank, I am glad you mentioned that, I think I will do that.

Q.—And then he was asked how the people in Manitoulin were taking it, or something of that kind? A.—Yes, sir.

Q.—And did he say this, that he had been telling the people up there he was going to vote Manitoulin? A.—He said how did you get along in Manitoulin? He said, how did you put them off, or something like that. He said, well, he did the best he could. He said they were pretty hot, but he did not mention how, or anything like that.

Q.—Didn't he tell how he had placated them? A.—No.

Q.—Didn't you hear him tell Sullivan what he had told the Tories? A.—No.

Q.—I thought you told me a short time ago that he did say something in connection with Manitoulin—what he

told the Tories? A.—He mentioned them. Sullivan asked him, of course, whether he had told—how he had got along with the Tories, and Gamey said, of course, he managed to put them off, or something of that import, and Gamey said he had managed it very well, that they did not think he had got any money out of the thing, and so on, but there was a

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timber deal in it. He said they were pretty wrathful, too; some of the members of the Executive were personally favorable to it, but as a Conservative committee they had to vote him down. That is what I referred to.

Q.—Did he say anything of what he told the Tories outside of that? A.—No.

Q.—Either there or in Toronto? A.—No.

Q.—Then we will leave that alone? A.—Not that I remember.

Q.—Then what was said about Myers? Did you know who Myers was? A.—No; I did not know.

Q.—You did not know at that time, or until long afterward, who Myers was I suppose? A.—I think I knew that Stratton had a secretary named Myers.

Q.—Did you know they were talking about his secretary that evening? A.—Well, that is what he said. He talked about Stratton—

Q.—Oh, answer my question? A.—Yes; I knew that.

Q.—Then why did you say you did not know about him? A.—I did not say that.

Q.—We have in the notes what you did say. We will not quarrel over that. Then something was said about Myers. Who was it began talking about Myers? A.—Gamey.

Q.—And did Gamey say that Myers had brought the money down, and put it on the table? A.—That was a long time afterwards.

Q.—Did he say that at all events? A.—Yes, sir. Gamey said that in a way. I cannot help thinking about that fellow Myers that brought the money down to the smoking room, as if he wanted to draw Sullivan out, and say something

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about it.

Q.—I did not ask you that. He can tell us that much better than you? A.—All right. That is my impression. You asked me for impressions one time before.

Q.—When I want them I will ask you for them, sir? A.—All right, sir.

Q.—Then he said about Myers, he could not help thinking about that fel-

low Myers that brought the money down and laid it on the table? A.—He said he could not help thinking about the look of that fellow Myers, who brought the money down to the smoking room.

Q.—Did he say when he brought the money down? A.—No, that was not the exact words.

Q.—What did he say? A.—He said I could not help thinking about that fellow Myers that brought the money down to the smoking room.

Q.—What else did he say about him? A.—That was the latter part of the conversation.

Q.—What else did he say about him? A.—Sullivan came in there then. He said why Myers did not bring the money down to the smoking room; it was Chase; and Gamey says who is Chase. Why, he says, that fellow that sits before the Premier's door, and he seemed to be disappointed that Gamey did not remember or get it right. And he said, why, this is the way it went: Stratton gave it to Myers, and Myers to Chase, and Chase took it down and left it on the table of the smoking room.

Q.—Gamey says, "Yes, that is so"? A.—No, he did not say that. He says I am glad you mentioned that, Frank.

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Q.—"Now, I will take it down in my book so that I will not forget it." A.—He said I am glad you mentioned it, Frank, and I will take it down in my book.

Q.—And he assented to what Sullivan was saying? Was it then that Sullivan said we have got to have this right—our stories must agree? A.—Yes, sir.

Q.—Was anything else said about Myers than what you have told me now? A.—Well, they talked about him up near the first of the conversation.

Q.—What did they say about him then? A.—Gamey said, what about that fellow Myers; does he know very much about it; and Sullivan said, no, he didn't think he knew very much about it; that he was too good; he was scared, or something like that, and Gamey said he had an awful peculiar face on him when he took the money down into the smoking room—when he got the money from Stratton.

Q.—Which was it? A.—When he got the money from Stratton.

Q.—It was not the other? A.—When he got the money from Stratton.

Q.—It was not when he took the money to the smoking room? A.—No.

Q.—That was a slip of the tongue? A.—Yes, sir. There were two occasions, and I forgot for the moment.

Q.—Was that the first time that Myers' name was mentioned? A.—Yes, sir.

Q.—Then did not Sullivan correct Gamey at once and say, why it was not Myers at all; it was Chase who brought that money? A.—No; they did not mention about taking it to the smoking

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room at all just there. He said he had an awful peculiar-looking face when he got the money from Stratton.

Q.—Then they said nothing more about Myers until later on? A.—Yes, sir; they talked about Myers right there.

Q.—What else did he say? A.—Gamey said he had an awful peculiar looking face when he got the money from Stratton.

Q.—We have had that? A.—I want to get it.

Q.—You must have it in its order? A.—No. It comes to my mind better if I can get it the way I think it was given.

Q.—Have you any system of mnemonics at all? A.—No; but if you start at the back of a conversation and work up, you cannot get it as well.

Q.—And if you start at the beginning you will get it better? A.—Certainly.

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There was a little bit more about Myers. After that Sullivan said Myers was scared; he did not know very much about it. He said they didn't let him onto very much about it. That is about all, with what I told you before.

Q.—And then what was the next thing said after this talk about Myers? A.—Sullivan said he could go in. He said like as if they didn't let Myers know very much around there, but Sullivan, whenever he went in they said well, yes, Mr. Sullivan, go right in. He said I can get in and see Stratton any time. He said I can get in out of my turn. They allow me. Stratton gave them instructions to let me in any time.

Q.—Then what is the next thing? Give the sequence and order, if you will? A.—Well, I do not remember what the sequence and order is there.

Q.—Oh, do not let your memory go back on you now? A.—I am not letting my memory go back on me. You cannot take out little parts.

Q.—If I let you start from the beginning you can tell the whole story consecutively? A.—I remember it consecutively.

Q.—You could do that? A.—Yes, sir.

Q.—If I let you start at the beginning you could tell the whole story consecutively? A.—I think I can remember that if you give me a minute or so.

Q.—I will give any time that is reasonable? A.—Yes; they started then to talk after that about the mining deal,

Q.—What was said about the mining deal? A.—Well, Sullivan asked him about the mining deal, or mining claims, and Gamey says, have you seen anything more about those mining claims? and

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says Gamey yes, he had seen something about it, but it was not a very good time of year to do anything, that was in the winter, and Sullivan said well, it did not make any difference about the season of the year; now was the best time for them to go on with it, and Sullivan said that the best thing they could do was to make a blanket application and they would take up 640 acres apiece, and they would stake it off in the spring, when the snow went off. So Gamey said, do you think you could push it through, or something like that; and he said yes, he thought he could. Gamey said he was rather sorry it was Davis' department; it would have been better if it had been in Stratton's.

Q.—That is something new? A.—He said, Gamey said, do you think the whole Government knows about this, and Sullivan said yes, sure, they know all about it.

Q.—Is that all about the mining deal? A.—Well, that is about as near as I can come. There may be little things.

Q.—Is that all you remember about the mining deal? A.—I will not say it is all.

Q.—If you recollect anything more, give it to us? A.—In going over it in cross-examination I may not have given the full sequence of it.

Q.—Is that the best you can do? A.—I think that is nearly it.

Q.—Then, what is the next thing that was said? A.—Well, they talked about—they then went on to talk about some lake deal or fish deal.

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Q.—Was it lake deal or fish deal? A.—They mentioned something about lake deal.

Q.—What was said about the lake deal? A.—They mentioned something about that lake.

Q.—What was it they said? A.—I cannot remember the exact words, you see.

Q.—They mentioned something about the lake deal in this way, that they had got something out of it, or were to get something out of it, which was it—that they had or were? A.—There would be something in it for them.

Q.—Which was it? Are you quite sure? A.—No, I am not sure, but that the Government were drawing a thousand dollars rental or something like that out of it, and of course, the Gov-

ernment would get something out of it, and they ought to have something independent of that, and they passed it over.

Q.—The two of them were apparently in together on the lake deal? A.—Yes, sir.

Q.—And what is the next thing that was said? A.—Then they talked about the island deal.

Q.—What was said about the island deal, and what island was it? A.—They did not mention the island.

Q.—Didn't hear the name of the island at all? A.—No.

Q.—What was said about the island deal? Was that a deal that they had carried through, or were to carry through? A.—They had evidently talked about it before, because they both knew about it very well. They talked about the island deal, and Sullivan dismissed it, and said there was not very much in that. There would be only \$300 or \$400. They did not want anything

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small like that. They must have something big.

Q.—Was that all that was said about it? A.—That is all about that.

Q.—And the next thing spoken about? A.—Sullivan said they must have something big, they did not want anything small like that.

Q.—Was that repeated? Was that statement repeated more than once? A.—I think it was, in another way.

Q.—What is the next thing spoken of? A.—In the conversation he said we want something big, we do not want anything small like that. He said if he took anything small like that and went back the Government would say, you had your choice, why didn't you choose right in the first place?

Q.—Anything else about that? A.—They talked a little about it, and then Sullivan drifted on—

Q.—Is that all that was said about the island deal? A.—Yes, sir.

Q.—Then, when was it said, if ever, that Mr. Gamey might be Minister of Mines in the Conservative Administration? A.—That was nearly the last of the conversation, after they had been talking about Sullivan—the prospect of Sullivan giving them some information, and so on.

Q.—That is, some talk about Sullivan giving them information to unseat? A.—And leading up from that Gamey said, you see, Frank, I might be Minister of Mines, and you could give us information, and so on.

Q.—That is, he was to be a Conservative, and Frank was to give information whereby some of these people could be

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unseated? A.—Sullivan was agreeable to that.

Q.—That is what was said? A.—That is what Gamey said.

Q.—And did he say what reason he had for believing he might be Minister in the Conservative Administration? A.—He did not say he was to do that. He said, you might.

Q.—Did he give any reason why he might be Minister of Mines in the Conservative Administration? A.—No, he did not say anything about that.

Q.—What led up to that remark? Surely he did not bring that right in, "When I am Minister, or I may be Minister"? A.—Yes, they led up to that by talking about other things along, and about the prospect of getting everything down right, you see.

Q.—I do not know what that means at all, "getting everything down right"? A.—They wanted to get everything down right, they did not want to have any differences in little things about it.

Q.—I see what you mean. They had to agree, and then if Mr. Gamey became a Conservative and Minister of Mines, then Frank might give him information that would assist them? A.—Yes.

Q.—And that was towards the close of the interview, was it? A.—Yes, right at the close of the interview.

Q.—And that was how they began talking about him being Minister of Mines? A.—Yes, that is how it was.

Q.—That explains what I did not quite understand before, perhaps. Well, at that stage, or shortly before that, Mr. Gamey had been complaining about the Government sending up somebody to

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John McMillan? A.—He had, yes.

Q.—He understood the Government had been playing him false? A.—Yes.

Q.—He said these men in the Government have been going behind my back and negotiating with John McMillan, sending up two men on their behalf? A.—He said Stratton had.

Q.—That Stratton had been doing that. That is, John McMillan, you knew, of course, who he was. He was candidate up there—Socialist candidate? A.—Yes, sir.

Q.—And apparently Mr. Gamey was angry at that? A.—Well, he said Stratton had been playing dirty, he thought.

Q.—Had been working with his opponents behind his back? A.—This man was not his opponent. He was a Socialist. He was not a Government candidate at all.

Q.—And he was finding fault with Stratton for doing that? A.—Yes. He

said he had got pretty good information that that was what Stratton had done.

Q.—Then that led up from one thing to another—to what you have said about the Minister of Mines? A.—Yes.

Q.—Did he say why he thought he would be Minister of Mines? A.—No, he did not say that.

Q.—Nor why he expected it, or anything of that kind? A.—No.

Q.—Then I will have to see the remainder of this interview, and see what story you have to tell about that. Then there was something said about paying the rest of the money, was there? A.—Yes, sir.

Q.—Was the amount mentioned? A.—No.

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Q.—Was any amount mentioned of money at any time? A.—They may have mentioned amounts.

Q.—Was any amount of money mentioned at all in your presence? A. Only about that one hundred thousand dollars as I remember—that he could get \$100,000.

Q.—But I mean any amount of money mentioned as having been paid, or to be paid, or anything of that kind? A.—No. No specific amount, but they agree several times there was money to be paid, and it would be paid.

Q.—There was money to be paid in the future? A.—Yes, the rest of the money, he said.

Q.—The rest of the money was to be paid in the future? A.—Yes.

Q.—Was there anything said about money having been paid? A.—Yes sir.

Q.—What was said about money having been paid? We have not got that? A.—Yes you have. He said in one place, talking about the timber deal, and they asked him whether he put that timber deal through or not—

Q.—Who asked that? A.—Mr. Gamey asked Mr. Sullivan did he think Stratton was all right, and he said, yes, Stratton would—he was satisfied Stratton would—he says if Stratton kicks about it, we will give him the money back again; he may have mentioned the amount—I am not quite positive—yes, I think he mentioned the amount—\$3,000. I will not be positive about that.

Q.—You will not swear that? A.—No; but he says we will give him that money back, and they need it had enough just now, and we will tell them that was only as security for you until you got

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something better.

Q.—That is all that was said about money having been paid? A.—No; it was mentioned on other occasions.

Q.—What was said? A.—He asked him if he thought Stratton would pay the rest of the money.

Q.—What else was said, if anything besides this, because we have got both these statements? A.—Then of course about the money and Myers—that was mentioned.

Q.—You have told me about that. Was anything else said? A.—There may have been little allusions to it, but I do not remember anything more. I might remember if it was called to my mind.

Q.—Then when Myers' name was mentioned as bringing in the money you told my learned friend that Sullivan seemed to be indignant? A.—He seemed to be—

Q.—Indignant was the word you used? A.—Rather, put out.

Q.—Indignant was the word you used. Did you mean it? A.—I do not know whether I used that word or not; it was that import. He seemed to be put out that Gamey should not remember.

Q.—He practically said, you do not remember? A.—No, he did not say that.

Q.—He says, now, we want to get that right, that is not right? A.—He did not say, you do not remember; he said, we want to get it right.

Q.—Didn't he say, "don't you remember it was Chase"? A.—No, he did not say it in that way. That might have been the impression.

Q.—He said it was not Myers at all, it was Chase that brought the money down? A.—Yes sir.

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Q.—And did he say that Stratton handed the money to Myers, and Myers handed it to Chase? A.—Stratton handed the money to Myers.

Q.—Did he say that? A.—Yes sir.

Q.—He said that Stratton handed the money to Myers, and Myers handed it to Chase? A.—Yes, he either said Stratton handed the money, or Myers got the money from Stratton.

Q.—At all events, the meaning was that the money had gone from Stratton to Myers? A.—Yes sir.

Q.—And from Myers to Chase? A.—Yes sir.

Q.—And Chase had brought the money down into the smoking-room? A.—Yes sir.

Q.—Did Gamey say then, why I did not see who it was? A.—No, he says I am glad you told me about that Frank; I am glad you mentioned about that. I will have to take that down. What is that name? And he wrote down Chase's name. I could not swear he wrote it down. He said he would.

Q.—He said he was going to write down Chase's name? A.—Yes sir.

Q.—Did he say, I had forgotten which was Chase? A.—No, he did not say that.

Q.—Did he say, I did not know it was Chase; I thought it was Myers? A.—No, he did not say that.

Q.—All he said was, I am glad you mentioned that; we want to get that right? A.—Yes sir.

Q.—And I will take that down and when Gamey said we want to get that right, then what did Frank say? Gamey said we want to get that right? That is what you told my learned friend, and that is what you assented to a moment

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ago? A.—I do not think Gamey said that—Gamey acquiesced.

Q.—Answer a question for once. I took down your answer to my learned friend, that Gamey said I am glad you mentioned that, Frank, we want to get it right, and I will take it down. Did you say that in answer to Mr. Ritchie? A.—No, I do not think I did.

Q.—Was it true? A.—It was that import. I do not think he said those words, "we want to get it right," and so on. He said I am glad you mentioned that, Frank; I will take that down.

Q.—Did he not say, "we want to get that right"? A.—Well, he acquiesced.

Q.—Cannot you answer me? A.—I do not know whether those were the words or not. He said words probably to that effect, but that was after Sullivan had said it. He agreed with him. But it was not on his initiation it was said.

Q.—Both were apparently trying to get their stories to agree? A.—Sullivan was.

Q.—And the other man was acquiescing in that? A.—And Gamey agreed.

Q.—Then what was the next thing that was said? A.—After that?

Q.—Yes; after the Chase talk.

The Chancellor: Perhaps we had better adjourn for an hour while the witness is turning this over in his mind.

(Adjournment 1 p.m. until 2 p.m.)

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AFTERNOON SESSION.

Thursday, April 16, 1903.

Cross-examination of Wm. H. Price continued.

Mr. Riddell: Now, Mr. Price, there was something said about some registered letters? A.—Yes sir.

Q.—Were the number of registered letters spoken of; how many there were? A.—No; he just mentioned letters.

Q.—And he asked, as I understand you, how he came to register them from a

certain place? Yorkville, was it? A.—Yorkville, yes.

Q.—Was there anything else said about the registered letters except Mr. Sullivan's reply? A.—No.

Q.—Was there anything said as to the name in which they were registered? A.—No.

Q.—Was anything said as to the dates upon which they were registered? A.—No.

Q.—That is all you recall now? A.—That is all.

RE-EXAMINED BY MR. RITCHIE.

Q.—Did you see the name, that was made that was handed in to Mr. Gamey? A.—Not until I saw it here to-day.

Q.—The name, you refer to now is the one that was in the sealed package? A.—Yes.

Q.—Did you ever discuss its contents with him at all? A.—No, only when it came out in the papers.

Q.—Do you know when your brother prepared that document that was handed to Mr. Gamey? A.—Well, I told him about it, about some time after one, and he prepared it after that.

Q.—After one, on what day? A.—On the day that Mr. Gamey made his speech in the House.

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The Chancellor: One in the day? A.—Yes sir, one in the afternoon.

Mr. Ritchie: Then you say he spoke to you about one o'clock? You say you were busy at your lectures? A.—Yes sir.

Q.—You were not able to do it, and you spoke to your brother? A.—Yes sir.

Q.—And between one o'clock and the time Mr. Gamey made his speech that was hurriedly prepared and handed in to him? A.—Yes; I don't think he started at it until nearly two. I'm not sure; that is when I spoke to him.

Q.—Do you know when it was handed to Mr. Gamey? A.—Not from my own knowledge. They spoke to me.

The Chancellor: I suppose you are going to call the other?

Mr. Ritchie: Yes, my Lord.

Q.—Now you said you talked over parts of the conversation, my learned friend asked you if you had talked over this conversation a dozen times with your brother? A.—Yes.

Q.—And you said you may have talked over parts of it at different times? A.—Yes.

Q.—What did you mean as to that? A.—Oh, we would just hear someone say something, some one of us say something about it, make a laughing joke, some-

thing like that, and then we would go on and talk about it.

Q.—But did you ever go over the whole conversation except on one occasion? A.—Well, I wouldn't be positive about it; I may have done so. One occasion is the only time we went over,

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the whole thing. And then that was just my brother and I; I think Mr. Kinney had retired.

Q.—I think you said to my learned friend there was nothing said about getting the story right except when the reference was made to the Myers and Chase incident.

Mr. Riddell: He did not say that.

Mr. Ritchie: You said there was something said about getting the story right, or something to that effect, in connection with what part of the conversation was that said? A.—That was about when Mr. Gamey mentioned about Mr. Myers taking it down to the smoking-room.

Q.—Was that the only occasion on which that was said? A.—Yes sir, that was the only occasion.

Q.—You say you said that you were the son of the proprietor of a newspaper? A.—I did not say; but I am.

Q.—You are a shorthand man, have you been accustomed to shorthand, but since you have been a student? A.—I have not used it.

The Chancellor: Editor of a Conservative paper? A.—Yes.

Mr. Ritchie: He writes shorthand, and had written it before, he said? A.—I had written it, but I had no occasion to use it, and it fell into disuse.

Q.—Mr. Gamey knew you up there as a shorthand man? A.—Yes.

Percy G. Price sworn. Examined by Mr. Ritchie: Q.—You are a brother, Mr. Price, of the last witness? A.—Yes.

Q.—You did not hear his evidence at all, you have just come in, I understand,

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now? A.—I have just come in now.

Q.—You are a law student also? A.—Yes sir.

Q.—Do you and your brother room together? A.—Yes, we room together.

Q.—In Toronto here? A.—Yes.

Q.—Do you know Mr. Gamey? A.—Yes sir.

Q.—How long have you known him?

A.—Oh, I think I had known him—

Q.—Within a few years will do, you have known him for several years? A.—Yes, I have known him for several years.

Q.—Do you recollect of Mr. Gamey seeing you at any time in March of this

year? A.—Yes, he saw me at my room on the 9th of March.

Q.—Does Mr. Kinney also room at the same place that you and your brother do? A.—Yes; Mr. Kinney and my brother and I at the same place.

Q.—All three law students? A.—Yes sir.

Q.—You say you saw him on the 9th? A.—Yes.

Q.—At your room? A.—Yes.

Q.—Was your brother there at the time? A.—No, my brother was not there.

Q.—Then you had a conversation with him? A.—Yes.

Q.—He asked you to do something? A.—Yes, he asked me to do—

Mr. Riddell: Never mind that.

Mr. Ritchie: He asked you to do something at all events? A.—Yes.

Q.—In consequence of what he said to you, did you do anything? A.—Yes.

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Q.—What did you do? A.—I arranged an appointment with my brother to meet Mr. Gamey in the piano factory at 102 Adelaide street shortly after half-past five the same night of the 9th of March.

Q.—The Crossin piano factory, I suppose you mean? A.—Yes.

Q.—Do you know whether your brother was there at half-past five or not? A.—I know that he was there about ten minutes after half-past five, his lecture got out at half-past five, and I walked down with him.

Q.—Then about a little after half-past five you and he went to the Crossin Piano factory? A.—Yes, I just went as far as, I am not sure whether I went to the door or went to the corner of Adelaide street and York. I could not say.

Q.—Then you did not go down into the factory with him? A.—No, I didn't go into the factory at all.

Q.—He went on towards the factory? A.—Yes.

Q.—You don't know what happened there of your own knowledge? A.—No, I don't know anything about it.

Q.—Then what was the next you heard of it? A.—About the next day, that is, on the 10th of March, shortly after dinner, my brother told me—

—Yes.

told you something, at all events? A.

Q.—What did you do in consequence of that? A.—Well, I stayed after lecture and Mr. Kinney and myself and my brother, after we had lunch at the restaurant, we went down to the Crossin piano factory.

Q.—Do you know whether your bro-

ther had said anything to Mr. Kinney? Or Mr. Gamey had said anything to Mr. Kinney? A.—As far as I know, no-

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thing was said to Mr. Kinney until we were going from lunch to the piano factory on our way, at least, as to what was going to take place there. My brother simply told, as far as I understand—

Q.—Never mind. What time did the three of you get to the factory? A.—It would be about half-past six.

Q.—What did you do? A.—We had to wait. We went up, I think, either three or four flights of stairs, and we had to wait at the top.

Q.—You got in the outer door? A.—Yes.

Q.—Then you got up to the third or fourth flat, or whatever flat it was the Crossin works were on? A.—Yes.

Q.—And was the door locked there? A.—The door was locked.

Q.—How long did you wait there? A.—We waited there until I think it was about five minutes to seven. Nearly seven o'clock.

Q.—What happened then? A.—Mr. Crossin and Mr. Gamey came along and Mr. Crossin unlocked the door and let us in.

Q.—Then where did you go? A.—We went into the large room facing on Adelaide street, and then into the small room on the right hand side of this large room.

Q.—Which also faces on Adelaide street? A.—Yes.

Q.—That is what they call their office? A.—Yes, I expect so.

Q.—Who lit the gas there? A.—Mr. Gamey lit the three gas jets, and he says—

Q.—You cannot tell us what he said? A.—No, not exactly.

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Q.—I mean I do not want you to say what he said just then. Did he up to this time tell you what he wanted you to do, did you know when you went there what he wanted you to do? A.—Oh, yes, I knew what he wanted us to do, although Mr. Gamey did not say anything to me about it.

Q.—You got it from your brother? A.—Yes.

Q.—You knew you were going there for a particular purpose? A.—Yes.

Q.—And you knew what that purpose was? A.—Yes.

Q.—Look at that little sketch. Does that fairly represent the building? (Exhibit 55.)

The Chancellor: Did you bring paper with you to take notes? A.—No, I brought no paper at all to take notes, but my brother had some in his pocket. I think; at least, I know he did.

Mr. Ritchie: And you and he did not take any notes? A.—No, I did not take any notes at all.

Q.—Now look at these little sketches. 45 and 55, do they fairly represent in a general way the size and shape of the pianos? A.—Yes, they would in a general way, at least this one would. (55.)

Q.—Were the pianos placed as they appear in either of these sketches? A.—Well, that sketch is not right as far as the placing of the pianos is concerned.

Q.—Is either of them right? A.—No. I would not consider either of them right. At least they could be drawn a good deal more accurately.

Q.—Who placed the pianos in position? A.—Well, the four of us together.

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Q.—And what was your object in placing them in a certain position? A.—Well, it was so that Mr. Sullivan could not walk behind them. We thought that we could place the four pianos in such a position so that he could not walk behind them, but then there was this little ledge on the side, we did not notice that, and we thought the only way he could get behind was to walk right over the top of the pianos, but as a matter of fact this ledge was on the side.

Q.—But for the ledge, he could not have got in there without walking over the pianos? A.—No, not at all.

Q.—Ho which was the ledge? A.—It would be nearly three feet, I should think, perhaps between two and three feet.

Q.—And how wide would it be? A.—It would be about a foot wide.

Q.—Then the only way they could get around would be by going over, or else getting up on this ledge and walking around? A.—Yes, that is the only way.

Q.—At all events, you placed them in such a position as to lead you to suppose you were effectively secreting yourselves? A.—Certainly we did, and I may say that when we were coming out we found it a little difficult to walk out along the ledge, the pianos were so close.

Q.—Then after this Mr. Gamey left and the lights were put out? A.—Yes, the lights were put out.

Q.—When he went away did he lock the door? A.—Yes, he locked the first door, and he apparently, as far as I know, locked the second door.

Q.—And he went downstairs? A.—Yes.

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Q.—And you three men remained in the dark behind the pianos? A.—Yes.

Q.—What space was there between the pianos and the walls, did you say, how many feet, four, five, six, or seven or what? A.—There would be about two and a half or three feet, because we could not sit down straight, and straighten our legs out; we had to cramp them up.

Q.—Then after remaining there in the dark for some time did anyone come in? A.—Yes, Mr. Gamey came in with another man.

Q.—How did you know it was Mr. Gamey, did you see him? A.—No, we didn't see him, but of course, I could tell him by his voice. I knew his voice, I could tell it anywhere.

Q.—And some other man came in; did you know who the other man was, or did you see him? A.—I did not see him, no.

Q.—And I suppose you could not see him without standing up to look over the pianos? A.—No, we made no attempt to see him at all.

Q.—And what was the first thing you heard after they came in? A.—Well, Mr. Gamey asked Mr. Sullivan, I will call him Mr. Sullivan, for convenience, anyway, he asked Mr. Sullivan to take a seat, and Mr. Sullivan apparently took a seat. And Mr. Sullivan asked Mr. Gamey how was Whitney, and how were the Conservatives, and how he got along with them. Oh, Mr. Gamey said.

Q.—Never mind that, your brother he got along with them fairly well, they seemed to treat him fairly well. He had not been going around with them much, but he had had a conversation

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with Thompson, Whitney's secretary, and Thompson seemed to treat him fairly well. Well, Sullivan said, "You better see Whitney and tell him that you will support him on a want of confidence motion." So Gamey says, "Yes, yes, Frank, I will see Whitney," he says. Then Mr. Sullivan wanted to know how the people in the Manitoulin thought about the turnover. Well, Mr. Gamey said that the people generally were with him, and in fact he said that the Executive were personally with him, but as an Executive they could not do anything else but throw him down. Then he said that the Manitoulin people did not think there was any money consideration in his turnover, they thought that he got the patronage only, and per-

haps a timber concession, but otherwise he simply got the patronage, and perhaps a timber concession. Then Mr. Gamey wanted to know how about Stratton. I think, of course, I would not swear at all to any exact words, but as far as I can remember, he says, "How is Stratton?" Well, Sullivan says, "He is all right, but he is a little uneasy at times." And he says, "He insists upon me calling there every day and reporting to him." "I call there every day and report matters, and I pull out one of your letters and read pieces of it to keep him quiet." And he says, "One day Mr. Stratton got very uneasy, and he walked up and down the floor before me, and finally he says to me, 'Is this man to be trusted?'" Sullivan said "Yes, certainly he is to be trusted, as long as you don't do anything dirty," but he says, "you just leave this matter to me, and don't do anything until you consult me, and it will

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be all right." Sullivan says, "that seemed to appease Stratton, all right." But Gamey says, "what about that lelow Meyers," he says, "he had an awful queer face on him when he saw him?" Sullivan says, "Oh, Meyers is all right, he is pretty badly scared, they don't put much confidence in him around the office," he says, "but, when I go in there they call me Mr. Sullivan and they send me right in; in fact, Stratton gave them orders that I was to be sent right in just as soon as I came in. I never have to wait my turn." He says "Meyers is pretty badly scared," and then he told of a little conversation he had with Meyers. I could not exactly swear when it was, when he said it took place, but he said Meyers asked him if Gamey would get the patronage for doing this, and Sullivan says, oh, yes, that Gamey would get the patronage, and he deserved a good deal more. He seemed to leave the impression—

Mr. Riddel: Do not let us have that.

Mr. Ritchie: My learned friend does not want the impression; he wants you to give the words. We don't expect the exact words, but give us the words of the conversation as nearly as you can.

A.—Do you wish me to repeat what I have just said?

Q.—No, follow on, instead of saying the impression tell us the language he made use of, and their Lordships will form the impression of what was meant?

A.—That is all I have to say about that. The conversation then drifted to—or at least Sullivan wanted to know

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what about the mining deal. Well, Gamey said it was a bad time to do anything about the mining deal, it being in winter time, but either one of them suggested that they could put out a blanket claim over 640 acres apiece, and in that way they could hold it until the snow went off, and Sullivan says, or Gamey said, something about it being against the rules of the department. Oh, Sullivan says that doesn't make any difference, he says, Stratton will have to shove it through for us, he says, you go up there and make any old discovery will do, it doesn't make any difference what it is. I think I can almost swear to those words. "Any old discovery at all will do." They thought that that was all right, and they went on to talk then about their other deals, and Sullivan says that island deal wasn't up to much, but he says that lake deal, we don't make much out of it anyway, but the Government got a \$1,000 a year rental out of it, and that is more than they could make any other way. Then they went on to talk about a timber deal. Sullivan introduced it. He says, "What about that timber deal?" Well, Gamey says he thought it was a pretty good thing, and they mentioned some figures in the matter, but I don't remember what figures they were.

Q.—Figures as to what, as to the amount of money? A.—No, figures as to the amount of timber.

Q.—The number of million feet? A.—Yes, they evidently thought it was a pretty good deal, and they could make a large amount of money out of it, anyway, but Gamey says, "It will rather dangerous if we go into this in our own name, because the people in Manitoulin, they think that perhaps I am getting a timber concession for my turnover, and they will be watching, so we better take another man in with us." So Gamey suggested a man's name, and here I don't remember, at least I could not swear to

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the man's name, and Sullivan asked what kind of fellow he was. Gamey said he was all right. He would just tell him there was \$3,000 in it for him and that would be all right. They thought that was a good plan, and that was apparently settled upon. Then Sullivan says, "If we can make a good thing of this we can just tell the Government that we will give them back their money, that we have got, and we will take the deal instead." Then Gamey says, "but are you sure that Stratton will push it through?"

Why, he says, "sure, Stratton will push it through."

Q.—That he will what? A.—Will Stratton push the deal through? He says sure Stratton will push the deal through. They both regretted that it was in Davis' department, but they seemed to think, or at least, Sullivan seemed to think that it was an easy matter to push it through, and that they would have no difficulty about it at all. Gamey says now are you sure that Stratton will put up the rest of the money?

The Chancellor: Gamey said? A.—Not Gamey.

Q.—Sullivan? A.—No, Gamey says, "Are you sure that Stratton will put up the rest of the money?" "Sure," says Sullivan, "he will have to put it up. We simply have got him where we want him, and Stratton cannot do anything

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at all," he says, "if we have got a mind to squeal on him, why, we can put him out of public life. He could not stand it at all." Then they mentioned, Gamey said, well, he didn't think Stratton was using him quite right, because they had sent a man up to Manitoulin to see if they could get John McMillan to run if he was forced to resign, but Sullivan denied point-blank. He said that nothing like that ever happened, but Gamey insisted that a man was really sent up there. Well, he says, he was quite positive that Stratton did not send him up and that if a man was sent up there he was sent up by the rest of the Cabinet and not by Stratton. However, they passed on from this, and Gamey says, "I cannot help thinking about that fellow Myers who took the money down to the smoking-room." Whv, says Sullivan, "Myers didn't take the money down to the smoking-room," he says; "here is a thing we must get right." He apparently was put out about it, and he says "Myers didn't take the money down to the smoking-room, it was that fellow Chase who sits in front of the Premier's door," he says. "Stratton handed the money to Myers and Myers gave it to Chase, and Chase took it down, and left it in the smoking-room. Gamey says, "Yes, yes, Frank. I am glad you mentioned that," he says, "Yes, yes, Frank, I am glad you mentioned that," he seemed to—

Q.—Never mind what he seemed to do, tell us what he said, can you recollect

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what he said? A.—No. I cannot. Of course I would not swear to any words at all. But the import of the conver-

sation was by the way the whole thing happened, I drew from it—

Mr. Johnston: No, no, not what you drew from it, what did he say? A.—Then that is about all I can remember just now about that part of the interview.

Mr. Ritchie: You cannot give the exact words, but you said you could give the import or the result? A.—Yes.

Q.—To which my learned friend objects? A.—I could give the result of the conversation.

Q.—What was the result as to that branch of it?

Mr. Riddell: That is not right, surely.

Mr. Ritchie: My learned friend will get it out of you in cross-examination. We will let it pass on. Can you give us the result?

Mr. Riddell: That is surely not evidence.

The Chancellor: I suppose he ought to give the words if he can remember them.

Mr. Ritchie: Can you remember the words? A.—I will just say what I do remember again, and it might bring it to me again. Sullivan said Stratton gave the money to Mevers and Meyers gave it to Chase, and Chase took it down and left it in the smoking-room, and Gamey says, "Yes, yes, Frank," he says, "I am glad you mentioned that," and here he took, or apparently took, out a book and said he was going to—

Mr. Johnston: That is not evidence. You did not see him.

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A.—He says, I will take it down.

Mr. Ritchie: Then never mind what he apparently did. He said he would take it down, and you could not see whether he was writing in his book or not? A.—No, I could not see of course.

Q.—Then what other matter of conversation do you recollect? A.—Well, they talked about the bye-elections, and Sullivan—oh, yes, I could tell how that was led up to. Sullivan said, "They need you just as bad now as they did last August." He says they have got the Speaker of the House, Charlton, he says is sick, and he said Charlton, he didn't think, would last a week, and they have three sick members, and Evanturel, they didn't know whether he would come down or not, but the Government thought he would not come down or some words to that effect, and he said that the bye-elections could be easily opened up, or, at least, the three constituencies, the three norths, could easily be opened up, in fact, he said he knew of evidence that would unseat the three Liberals—no, he said he knew of evidence that would unseat the Liberals in North Perth and North Grey, and he could get

evidence in half an hour that would unseat the Liberal in North Norfolk; he said his father managed the whole thing, but that he did not go into any constituencies; he went up to some town or place near North Grey. He mentioned the name, but I don't remember the name, and said that he did not go into the constituency before he came back. They mentioned some man's name, or at least Gamey asked him if a certain

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man was the man that was doing the boodling in North—

Q.—Doing what? A.—Doing the boodling. He did not use the word boodling. I don't remember that being used, but it was words signifying the same thing.

Q.—Did not use that expression, but conveyed that meaning? A.—Conveyed that meaning, yes, who did the boodling in North Grey, and I think Gamey mentioned a man Vance. He asked him if that was a man named Vance that was up there. Sullivan said, "No, it was a man they didn't suspect at all." Then there was a matter that came in a little further ahead that I forgot to mention. Sullivan said that Symes had been down, and was trying to persuade the Government not to put any trust in Gamey. He said that his father thought that Symes was playing dirty, and that Symes should have pulled with them from the start instead of acting the way he did, and he said that Conmee thought he was doing it up fine when he wrote a letter and thought that he would knock Lewis out of the appointment.

Q.—Who was this? A.—I guess it is Conlin instead of Conmee.

Q.—Do you remember the name? A.—It is Conlin. C-O-N-L-I-N. I think that is the way he spells it. He said that Conlin had written a letter to Gamey, and he thought he had knocked Lewis out of his appointment, but Gamey said Lewis was going to get the inspectorship, and Sullivan, his father said, that Lewis was a good man, because Lewis controlled a large number of votes, and

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he thought he was a good man for the appointment. Spencer's name, too, was mentioned concerning some job. I think it was in connection with the inspectorship, and they also discussed as to who was to be appointed License Commissioners. Gamey said he did not care who was appointed License Commissioners. Sullivan said he had better hand in the names. Gamey said he did not care about that. Well, Sullivan insisted that he would hand in the names. Well,

Gamey said, I will hand in the names in the morning, then. Sullivan said he would pass them into Stratton, and tell Stratton he did not care who was appointed as commissioners. Right after they were talking about the timber deal Sullivan said that there was a man from the west had come down, and that he was talking to his father, and that he wanted to get a timber concession, and that his father told him it would cost him some money, and he asked him how much—his father told him it would cost him some money, and he offered \$1,000, but Sullivan said he didn't think he would get a \$1,000 out of it, and Sullivan said, "We don't want to make a fool of ourselves like that, whatever we want, we want it to be good and large; we have got the Government where we want them now, and we can, if we squeal on them," he says, "it will put them right out of business," he says. Yes, Gamey said if I become the Minister of Mines we could arrange things all right; he says you could get evidence for me, at least. I am not quite sure about this point; anyway there was some talk

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about Mr. Sullivan being able to get evidence that would—

Q.—They were going to have a new Cabinet with a Minister of Mines, and Frank Sullivan, a member, as the Ministers. You said a little while ago that Sullivan said, and you switched on to something else; Mr. Sullivan said they need you as much now as ever? A.—Yes.

Q.—You are going on to say something in connection with that. Was any further explanation made in connection with that statement? A.—Well, the reason that he gave was that there were members in the Cabinet that were sick.

Q.—You did give us that? Then that was the reason apparently? A.—Yes.

Q.—Then, was there anything else beyond what you have told us? A.—Well, Sullivan said that they could easily bring them to time; there was no question about it; if they kicked about it that he knew a confidential man on the World staff that would not give him away on any consideration, no matter what he told him, and he would get him to put in a few scare headlines in the World, and next morning the Government would come to time all right.

Q.—A potent influence, a few scare headlines in the World? A.—One of the last things Gamey asked him was why was it you registered those letters from Yorkville? Well, Sullivan said, "That was on my way home; when I got off the car to take a transfer, the post-

office is right close by," he says, "there is a post-office just a little out of the city,

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or belonging to the city, and he registered them there, and he said he did not want to register them in the Parliament buildings.

Q.—Have you told us generally all that occurred? A.—I could not say I have told all.

Q.—You have told all that you recollect at the moment? A.—Yes, I think I have.

Q.—My learned friend may perhaps refresh your recollection. Then, at all events, after the interview was over what became of Gamey and Sullivan? A.—Well, they left the room.

Q.—They left before you did? A.—Oh, yes; they left before we came from behind the pianos.

Q.—And they went down stairs. Did they lock the doors? A.—I don't know whether they locked the doors or not, but I know there was one door locked, because we had, or at least Mr. Kinney had, to go out and unlock it; there was a spring lock on it.

Q.—Then was the light put out when Mr. Gamey went out? A.—Oh, yes, he put out all the lights.

Q.—And locked the doors? A.—Well, he did not lock the door of the room we were in.

Q.—The outer door? A.—Yes.

Q.—You said it was a spring lock, so that you could not get out if you wanted to. Then how long before Mr. Gamey returned to the room? A.—I guess it would be about 15 or 20 minutes.

Q.—Unlocked the doors and came into the room? A.—He did not unlock the doors; Mr. Kinney had to go out and

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let him in, do you see.

Q.—Mr. Kinney let him in? A.—Not into the little room, but into the larger room.

Q.—How long did you remain there before you left the building? A.—I think we talked about 10 or 15 minutes.

Q.—And then left the building? A.—Yes.

Q.—And you went home, I suppose? A.—Yes. No, we did not go home, we went down to the Mail building to hear the reports of Foster's election.

Q.—Did Mr. Gamey go with you, or just the three boys? A.—We went together; Mr. Gamey went away somewhere else. I think he left us at the door.

Q.—He did not go with you to the Mail office? A.—No.

Q.—Did you prepare a statement for Mr. Gamey? A.—Yes, I prepared that statement, at least that is a copy.

Q.—Is this your handwriting? A.—Yes. (Ex. 57.)

Q.—That is the copy you prepared? A.—Yes.

Q.—Tell us how you came to prepare this, when you were asked to prepare it? A.—Well, I received a little note early in the morning, I don't know whether the other boys were in or not, but I received a little note early in the morning from Mr. Gamey saying he would like to have a statement to read in the House; he thought if we put it in question and answer form it would be all right. Early in the morning. I was there alone anyway. I could not swear whether I was there alone or not, but anyway I signed for it. The messenger boy sent it, and I signed for the thing.

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Of course I could not pretend to give any question and answer statement of this thing.

Q.—You had not take anything down in shorthand at all? A.—I did not take a thing down, oh, no. In fact I didn't like the idea of putting in a statement anyway. I did not exactly see the necessity of it at the time. Anyway my brother came back. I did not write out the statement. I knew my brother was down town, and he would recall—

The Chancellor: Your brother came back. Never mind that.

Mr. Ritchie: About what time did your brother see you? A.—I think about two o'clock; I couldn't say anything positive as to the time.

Q.—And he told you something about this statement? A.—Yes.

Q.—About getting a statement for Mr. Gamey, and did you set to work to write out one? A.—I don't know whether I set to work right away or not.

Q.—You did prepare this statement? A.—Yes, I prepared that statement.

Q.—And what time did you give it to Mr. Gamey? A.—I guess about—I didn't give it to Mr. Gamey at all.

Q.—Who did you give it to? A.—I gave it to Mr. Smith.

Q.—Where? A.—Just outside of the floor of the House.

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Q.—Outside of the door of the House? A.—Yes.

Q.—Then you prepared this from the time your brother notified you, and then hurried up to the House and handed it in? A.—Yes, I left our house at half-past three; I did not have time to look over it. I looked over it very hur-

riedly, and I prepared it in a big hurry anyway.

Q.—At all events that is the one that you gave to him that is produced here? A.—Yes.

Q.—Did you and your brother have any discussion about the contents of this at all? A.—No, we didn't have any discussion about that at all. He never saw it.

Q.—You did not read it over to him at all? A.—No, he wasn't there.

CROSS-EXAMINED BY MR. JOHN-STON.

Q.—Was money mentioned on that occasion in the piano factory? A.—Well, explain what you mean.

Q.—Was the word money mentioned on that occasion in the piano factory? A.—The word money was mentioned, yes.

Q.—Was the word money mentioned in connection with the Myers-Chase-Stratton interview? A.—Yes, I think it was.

Q.—I am not asking you what you think; will you swear it? A.—Well, what is your question again?

Q.—Was the word money mentioned in connection with Stratton, Chase, and Myers, is my question? A.—Yes, the word money was mentioned.

Q.—How often was the word money mentioned? A.—Well, I never counted.

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Q.—More than once? A.—Well, if you give me time I will try to reckon it up. Well, I think it was mentioned two or three times, I couldn't say definitely.

Q.—Could not say. Tell me once when it was mentioned? A.—It was mentioned first by Mr. Gamey.

Q.—What did he say? A.—He said—he said—let me see, I have just—

Q.—Forgotten? A.—Oh, no, I have not forgotten.

Q.—Then please tell me, don't keep us here all day. You had your story very pat just now? A.—Yes, I am going to have it pat, too.

Q.—You are bound to have it pat? A.—Certainly.

Q.—That is what you are here for? A.—I am going to have it pat.

Q.—And that is what you are here for? A.—Certainly.

Q.—Then go on and tell me the first time money was mentioned? A.—Well, Mr. Gamey says, when Meyers took the—he says when Meyers took the money down to the smoking-room that is the way it came in.

Q.—And you heard these words? A.—Well, I wouldn't swear to any exact words at all.

Q.—I am speaking about, you heard the word money in that connection? A.—Yes, I heard the word money.

Q.—Not the word "parcel"? A.—No, not the word parcel.

Q.—And when was it mentioned again, money? A.—Well, I think Mr. Sullivan mentioned when he was talking about it.

Q.—About what? A.—He was trying to correct Mr. Gamey about it being Mr. Chase and not Mr. Meyers.

Q.—That is the occasion you are speaking about? A.—Yes.

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Q.—The same occasion? A.—The same occasion, certainly.

Q.—Now I am asking you, Gamey mentioned it, and Sullivan mentioned it, that was twice the word money was mentioned? A.—Yes.

Q.—And the third time was when? A.—Oh, the third time, well I guess—

Q.—Don't guess, please. The third time when money was mentioned? A.—Mr. Sullivan might have mentioned it three or four times.

Q.—Not might have? A.—I couldn't swear to anything like that.

Q.—Cannot swear whether it was said or not? A.—Certainly I can swear whether it was said, I said definitely, it was said, don't make any mistake about that.

Q.—And no man could be mistaken about it who heard that conversation? A.—No, I am not mistaken about it at all.

Q.—You swore no man could be mistaken about the word money being used instead of the word parcel when they were talking about taking it to the smoking-room? A.—Well, I am not supposed to give an expression of opinion upon that point.

Q.—Was it clearly enough said, the word money and not the word parcel? A.—I did not hear anything about the word parcel.

Q.—Then when Gamey said what was talked about was the word parcel and not the money, he is not telling what is correct? A.—I don't know about that.

Q.—I am asking you whether he is or is not, please tell me, yes or no. When Gamey swore that the word parcel was

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used and not the word money he is not telling what is correct, what do you say? A.—I say not on that occasion. However, there is a possibility that it might have been mentioned sometime.

Q.—Do not argue: you say the word parcel was never mentioned as far as you recollect? A.—No, it was not. But I don't say it might not have been mentioned.

Q.—I am not asking you that?
A.—Well, I must have myself understood.

Q.—You shall have yourself understood. Now I am asking you again, as far as you recollect, was the word parcel mentioned? You have sworn it was not, tell me what you say now? A.—Well, I say that as far as I recollect the word parcel was not mentioned, but it might have been mentioned.

Q.—I am not saying what might have been. I want as far as you recollect. Now you have given us the talk in the consecutive order in which it took place? A.—Well, of course I could not say, could not swear that it was in the consecutive order, part of it was and part of it was not.

Q.—And you board with your brother?
A.—I board with my brother.

Q.—And there has been a good deal of talk about this matter in the papers and in the country? A.—Well, there has been a good deal of talk about this matter, but concerning our interview there, only lately.

Q.—And you and your brother have talked it over a good deal, no doubt. I don't want the number of times, but you have talked it over a good deal? A.—Well, I cannot give you the number of

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times—talked it over casually. It was quite an exciting conversation.

Q.—And you went there to listen to a conversation? A.—Yes, that is why I went there.

Q.—You were there with two others to hear what was said? A.—Certainly.

Q.—You were there to be used in future if necessary to give evidence? A.—Nothing was said about that matter.

Q.—Later on? A.—No, not later on.

Q.—When were you first asked to give evidence? A.—I was first asked by—concerning giving evidence by—I don't know exactly who it was. I know the first time I went down to Mr. McPherson's office.

Q.—How long ago since you were asked to give evidence? A.—I think it was the first time I went to Mr. McPherson's office.

Q.—How long ago was that? A.—Oh, I don't remember. It was not very long after the matter was discussed in the House, anyway.

Q.—About a month ago? A.—Well, I couldn't say whether it was a month ago.

Q.—Three weeks ago? A.—I don't know whether it is three weeks ago or not.

Q.—Two weeks ago? A.—It was before two weeks ago, I think.

Q.—You are undertaking to give a conversation that took place five weeks ago, and you have not any idea within a couple of weeks when you went to McPherson's office about it. Why is your memory better in the one case than the other? A.—I will tell you very plainly why. In the first place, I went there

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to hear the conversation; in the second place, it was a very interesting conversation. I am not likely to forget it, and in the third place it was a very interesting conversation for the people of Ontario when they mark their ballots next time.

Q.—I see you are a politician? A.—No. I have not taken a great deal of interest in politics.

Q.—But you are growing up well in politics? A.—Well, I am not very tall.

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Q.—Are you the man that was up at the Sault, taking part in the political elections and protests? A.—No, sir.

Q.—That was your brother? A.—That was my brother.

Q.—You thought the marking of the ballot would impress it on your mind? You had no idea you would be called upon to give this statement in future. Did you want to listen to it? Oh, well, I thought it might be useful.

Q.—You thought you would? A.—Yes, certainly.

Q.—And you thought it would come in some kind of evidence, and that is what it was for, do you deny that? A.—That I was going to get it as evidence?

Q.—Yes. A.—I did not know in what form I would give it, whether in the witness box—in fact, I did not care.

Q.—You did not care as long as you had a chance of giving it? A.—I did not care. It was useful information, and I was glad to give it at any time.

Q.—Useful information for what? A.—Useful for the people of Ontario, evidence they should have known before.

Q.—Why, what had the people of Ontario to do with it? Because it would defeat the Liberal Government? A.—Because it would give justice to the people.

Q.—Because it would defeat the Liberal Government, is that the reason it would be useful to the Ontario people, because you hoped it would help to defeat the Ontario Government? A.—Well—

Q.—Is that the reason? A.—I said the reason—I gave you the reason, because it was in the interest of justice.

Q.—In what way was it going to serve the interest of justice? A.—Well, because if that interview is true and as it proves a good deal, it proves that the

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Ross Government were not doing justice.

Q.—They were corrupt? A.—They were corrupt.

Q.—You believed it? A.—Certainly.

Q.—And you always believe the Ross Government were corrupt? A.—No, not at all.

Q.—When did you first believe the Ross Government were corrupt? A.—Well, I have lived long enough in New Ontario to know that they are pretty corrupt. (Laughter.)

The Chief Justice: We shall have to clear the court-room if we have any more of these demonstrations.

The Chief Justice: You had better ask him his age.

Mr. Johnston: How old are you? A.—I am twenty-one.

Q.—How long has that fact been in your mind; how many years? A.—Oh, I don't know.

Q.—Five or six anyway? A.—What fact do you refer to?

Q.—The fact that you have known the Ross Government is corrupt? A.—I couldn't say anything about that.

Q.—Three or four years have you felt that in your mind? A.—I couldn't say anything about that.

Q.—When I take, for instance, 1902, was your mind in that condition that you believed the Ross Government to be corrupt? A.—Well, I didn't think they were very virtuous, but I couldn't come here and swear, as I can to-day, that I believe the Ross Government was corrupt; I had an idea that they were, but here I have a good idea.

Q.—And then when you got into this room you went in there with your mind prepared for evidence of the corruption of the Ross Government? A.—Why, I don't know—

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Q.—Your mind was running that way, looking for evidence of the corruption of the Ross Government? A.—I would not say it was running that way at all.

Q.—Would you swear that your mind was perfectly unbiased when you went up there to listen to this conversation? A.—Well, I am a Conservative; I cannot say that I am a rabid Conservative.

Q.—I should think not? A.—But as a matter of fact, I am capable of giving evidence as straight as I hear it.

Q.—I am not asking you about the evidence; when you went up to listen to this conversation, I am asking you if your mind was impressed with the idea that the Ross Government was a corrupt Government; there is no trouble about answering that question; was it

or was it not? A.—Well, I had a kind of vague idea that it was corrupt, but I had a more definite idea when I left.

Q.—After you heard the story through Frank Sullivan, the man who evidently was making Ministers and unmaking them? A.—He did not say anything about that, making Ministers.

Q.—You were anxious, of course, with your mind in that way, to catch everything that was said? A.—Well, I went there to hear the conversation.

Q.—You were anxious to hear everything that was said? A.—Certainly.

Q.—You were anxious to get at the truth? A.—I was.

Q.—And you were anxious to get at the facts in the interests of the people of Ontario? A.—I was.

Q.—And the interests of the people of Ontario were being served if you could truthfully get the evidence of the corruption of the Ross Government?

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A.—That is right. No, I beg your pardon, let us have your last question.

Q.—You have answered yes. The reporter will read it for you. (The reporter reads the question.)

A.—He had better leave off the "Ross Government." You ran that on at the last. I didn't exactly hear it.

Q.—You should always listen to a question before you answer it. Having that state of mind that you were in, you go to this interview. Where were you lying, on the floor? A.—No, I was sitting.

Q.—Sitting on the floor, the others also were sitting on the floor? A.—Yes.

Q.—Were you far away from Frank Sullivan? A.—I don't know where Frank Sullivan was.

Q.—Sitting under or near the gas jet? A.—I don't know where Frank Sullivan was.

Q.—Do you know where the gas jet is? A.—There were three gas jets in the room.

Q.—Were the three lit when these men were talking? A.—No, at least the two nearer ones could not have been lit, because it would have been lighter where we were.

Q.—Which one was lit when these men were there talking? A.—It would be the one that was right next to—the furthest away from us, I suppose; I don't know.

Q.—The one nearer the door? A.—The one nearer the door.

Q.—I want to find out if a man was sitting near that desk, how far he would be away from you, if he sat opposite the gas jet? A.—I don't know the length of the room, you know; I have an idea.

Q.—Between you and him there were three pianos? A.—There were four pianos.

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Q.—There were not perhaps four pianos between you and him, there would only be the three, because there were two in the middle and one at each end.

Q.—Now where did you sit, on the floor? A.—This is not a correct view (refers to the small sketch).

Q.—Take this one? A.—That is not correct, either. They were more overlapping. (Refers to Exhibit 55.)

Q.—Whereabouts were you sitting, (looking at 55)? A.—This is Adelaide street, is it?

Q.—Yes. A.—Well, then, if this is the last piano, we were right back here.

Q.—Were you back behind the last piano? A.—Yes, certainly, we were all together.

Q.—How far were you away from the back wall? A.—Well, we would be about two feet and a half, I guess. At least the last piano was about two feet and a half from the wall, and we were sitting with our backs right against the wall.

Q.—So, you were at one end of the room, and Frank Sullivan and this man, according to Gamey's story, were at the other end. Now did Gamey say during that conversation, "We don't want to get mixed on this Myers and Chase business, we want to be sure of the man, we don't want to get our stories crossed." Did Gamey say that? A.—He did not use those words. It was Sullivan.

Q.—Did he make use of words to that effect? A.—I don't remember.

Q.—You are professing to give the conversation: I ask you now about a most important part of it, whether he made use of the words I have given you or not. Mr. Gamey? A.—Let me have the words again.

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Q.—"We must make sure about the man; we must not get our stories crossed; we must not have any hitch about that." A.—No, he did not use those words.

Q.—Is your memory clear enough to swear to that? A.—Well, my memory is quite clear to swear that he did not make use of those words.

Q.—Did he make use of words to that effect, Gamey, I mean, to Sullivan? A.—I think the words he used—I am not quite positive about this, but I think he said, "We must have everything right, Frank."

Q.—But he did not use the other words, "We must not get the thing crossed; we must not have a hitch about the man that brought the parcel or the money." These words he did

not use. "We want to be sure of the man; we don't want to get mixed on that; we don't want to get our stories crossed." He did not use those words. Did he or not? A.—He certainly did not.

Q.—I want to test your memory because I may have to call some evidence later on, and I want to make sure. Are you positive about that? A.—Certainly, I am positive about that.

Q.—And if I put a witness in the box who swears that is so that is not correct? A.—That is not correct.

Q.—Now, Mr. Gamey swore this on page 514: "Finally you and he agreed, you pretending and he real about that, that it should be put in this way, that Myers took the parcel to Chase, and Chase took it to the smoking room." What would be the proper answer to that? A.—What is it again?

Q.—(Question repeated.)

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Q.—(Question repeated.). A.—Sullivan real?

Q.—Yes, in earnest about it. (Same extract read.) Was that the fact? A.—I don't understand your question.

Q.—It was agreed between you and Sullivan as the way the story should be told.

Mr. Ritchie—That is only taking part of the question.

Mr. Riddell—No, that was all the question.

Mr. Johnston—My learned friend should not interfere.

Mr. Ritchie—I will interfere and ask their Lordships to rule whether my learned friend has the right to simply take a part of a question and read it. He read from the third line of the question.

Mr. Johnston—It was agreed between you, that is, between Sullivan and Gamey, as to the way the story should be told. I do not care anything about what the story was; I am merely asking him this question: "It was agreed between Gamey and Sullivan as the way the story should be told, Myers took the parcel to Chase, and Chase took it to the smoking room." Now, what would be the proper answer to that? Would that be the fact or not be the fact that that was the way it was agreed upon between them? A.—That it was agreed upon between them?

Q.—Yes. A.—Well, I don't remember them agreeing upon anything.

Q.—Was it the fact that they did agree that that was the way that the Chase-Myers story should be told, that Myers took it to Chase and Chase to the smoking room, was that agreed upon between them? A.—Well, yes, it seemed to be —

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Q.—Of course it was.

Mr. Ritchie—Let him answer, please.

Q.—I want to qualify that.

Mr. Johnston—You can qualify it any way you like. A.—Gamey apparently did not know by the way he answered; he apparently was not sure which one it was that took the money, or, at least—yes, he took the money down to the smoking room, and, in fact, as far as I can remember, they did not talk. Gamey did not say very much about it at all; it was Sullivan that was put out about it.

Q.—Now, having said that, do you profess to give us the connection in which this story was told; the different connections in which the story was carried out? A.—I could not swear. I have got part of it in the right connection.

Q.—A part of it may not be? A.—Well, I could not swear that that memorandum is in the right connection, but just the best of my recollection, of course.

Q.—The memorandum that you prepared on the 12th day of March, 1903, was according to the best of your recollection? A.—Certainly.

Q.—That was made within two days of the occurrence? A.—It was made

Q.—One day of the occurrence? A.—Yes, it was made within one day.

Q.—And your memory of that time would likely be more correct a month later? A.—Certainly.

Q.—Now, in what connection was it that Sullivan said that whenever he called to see Stratton he did not have to wait his turn, but was sent right into his private room? A.—Well, he

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mentioned that a couple of times.

Q.—In what connection was either one of the times said? A.—You see, he talked about Myers twice, you know, and he mentioned that in connection with Myers, and he also mentioned it when they first talked about Stratton. They talked about Stratton several times, and I think that that came in when they first talked about Stratton.

Q.—Did Sullivan say that Myers did not know that there was money in the envelope? Did he or not give me your memory? A.—I don't remember.

Q.—The most important feature of the whole case, and the only important feature, the question of money? A.—Did Myers?

Q.—Did Sullivan say that Myers did not know there was money in the envelope? A.—I don't think he said. I don't remember as I said whether he said that positively or not, but he inferred that Myers did not know there was money in the envelope.

Q.—Why do you say he inferred that? A.—Well, he said they talked as though they did not put much confidence in Myers, and Myers spoke to him and asked him if—oh, if Gamey would get the patronage for this.

Q.—I am not speaking about the patronage at all. I am asking you the

question, did Sullivan say that Myers did not know that the money was in the envelope? A.—Well, you asked me how I inferred, and I was telling you how I inferred.

Q.—Tell me how you inferred? A.—Well, because Sullivan said he was talking to Myers, and Myers asked him if he thought Gamey would get the

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patronage for this, and I infer from that, and he inferred from that, that Myers did not know there was any money in it.

Q.—Now, in writing out your statement, you put down, Sullivan said that Myers did not know there was money in the envelope. Do you remember that? A.—I don't remember.

Mr. Ritchie—Is that in it?

Mr. Johnston—I must ask my learned friends not to suggest to the witness.

The Chancellor—I understand you are quoting from the statement. Then you should not be interrupted.

Mr. Ritchie—I have a copy of it, and it is not in the copy.

Mr. Johnston—I know nothing about the copy. I am reading from the paper in my hand. I say, did you write in your statement that Sullivan said that Myers did not know there was money in the envelope? Did you write that down in your statement in your handwriting? A.—Well, of course if I wrote it down it would be in my handwriting.

Q.—Did you or not write that statement down? A.—I don't remember whether I wrote it down or not.

Q.—Would it be true if you wrote it down? A.—Well, I couldn't say positively whether it would be or not. I know that he inferred that, but whether he said it positively I could not say.

Q.—If you wrote it down, would there be any object in striking it out if you were giving the correct version? A.—Well, you see, that was my impression, and I might have written it

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down, and then not been sure about it, and struck it out.

Q.—That is your excuse? A.—That is not my excuse; it is my reason.

Q.—You went on and wrote this, that Sullivan said Myers did not know there was money in the envelope, winding up a paragraph, and then you struck it out. That is what you did? A.—Let me see it.

Q.—Then you struck it out? A.—Well, I will just explain to you why I struck it out. You see, likely, that was in my mind, and I believed that Sullivan —

Q.—Said it? A.—Not said it, but inferred it.

Q.—Why did you put it down in the first place if he did not say it? A.—

Well, I put it down, perhaps, because I may have thought it was right; that is likely the reason.

Q.—Why did you put down anything on that paper that you were not quite sure about? A.—Well, it was a draft.

Q.—It was the original that you were going to hand to Mr. Gamey. A.—I wrote it out as quickly as I could, and there might have been a lot of inaccuracies in it for that matter. That is, in the wording, not in the sense.

Q.—I am not speaking about the wording. A.—I am speaking about the wording.

Q.—I am speaking of the statement of a fact. Sullivan said Myers did not know there was money in the envelope. I want to know if Sullivan did not say that why you put it in the statement? A.—I have just told you.

Q.—Now, did Sullivan remain in the same place all the time you were there, or did they move about? A.—I don't know.

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Q.—Did any of them go over to the pianos? A.—Well, Sullivan pounded on the piano when he was going out.

Q.—You were lying or sitting behind it? A.—Yes.

Q.—And you were there altogether, how long? A.—Well, I guess it would be about an hour. It might not. My recollection is about an hour.

Q.—And I suppose he could have got in behind the piano if he wanted to? Nothing to prevent him? A.—Well, there was a slight impediment—four pianos.

Q.—And three detectives? A.—Well, we would not have hindered him from coming in.

Q.—You heard, I suppose, every word that was said, did you? A.—Yes, I think I heard every word that was said.

Q.—A great deal would depend in a conversation of that kind upon whether or not the proper question is allocated to the proper answer to that question. A.—How do you mean? I don't understand your question.

Q.—If you wanted to convey the correct idea of that conversation, you would have to know the question and the answer? A.—Well, as a matter of fact, there was not many questions asked.

Q.—Did it appear to you they were going over some story that they were going to say, to be sure about? A.—No, it did not appear to me that way at all.

Q.—How did it appear to you, men coming into a room like that and discussing all these matters in practically half-darkness, one small gas jet in a large room, at that hour of the night? What did you suppose? A.—I knew why they were there.

Q.—Were they talking over their story as if they wanted to see how they agreed about it? A.—They certainly were not.

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Q.—Then, what was the object of their saying, "We must not get our stories mixed; we must see that we agree upon our stories"? A.—I did not say that.

Q.—About Chase and Myers? A.—I did not.

Q.—That is, that Sullivan and the other man? A.—Well, with reference to that little point?

Q.—Yes, about the way the money was handled or the parcel was handled? A.—Well, perhaps if I would say the way it was said you would understand it better in case you want to understand it.

Q.—Oh, yes. A.—Mr. Gamey says, "Oh, I am a little doubtful," or something like that, "about that fellow Myers who took the money down to the smoking room." Sullivan says, why Myers didn't take the money down to the smoking room, and then he says, we must, he says; there is a point that we must be very particular about, he says.

Q.—Exactly. There is a point we must be very particular about. And did he not tell him at the same time I told you that yesterday at the buildings, that it was not Myers but Chase? A.—No, sir, he did not.

Q.—What did Gamey say when he told him that was a point that they must be very particular about? A.—He went on to say, Gamey didn't answer that; he went on to say that it was—that Stratton handed the money to Myers, and Myers to Chase, and Chase took it down to the smoking room.

Q.—You need not repeat that. I am asking you now what did Gamey say to that? A.—Well, he said I am glad you mentioned that, Frank; and he said, I will just take that down.

Q.—And who was it that said they would have to be particular about that? A.—It was Sullivan.

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Q.—Did anybody say it, that they would have to be particular about it? A.—I could not use the word particular.

Q.—You swore it a moment ago. A.—I did not swear to any words.

Q.—You told me a moment ago that one of them said they would have to be particular about that, who took the money down? A.—Well, I want to be strictly understood that I am not swearing to any exact words unless I say definitely that I do.

Q.—You are just saying without pretending to give us at all the statement that they made. You are giving us your impression of what was said? A.—I am giving you what was said, as near as I can give it.

Q.—Then I ask you again, did any one say that they would have to be particular about that, the name of the

man who took it to the smoking room, because we have your evidence down, and I want you to qualify it now if you want to, or take it back if you like. A.—I didn't say, if I said that some one said they must be particular about that, I did not swear to the exact words, but that was the import.

Q.—You are giving us your impression of what the conversation was, and not the language that was used? A.—Certainly, I am not giving the language that was used.

Q.—And you are not pretending to give us anything near the language that was used; the words, I mean, are you or not? A.—I am pretending to give you somewhere near, yes.

Q.—Are you pretending to give us nearly the words that were used or your impression of the words that were used? A.—I am trying to do both.

Q.—Now, Sullivan was talking as if he owned the Government—could

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make them do just what he pleased. Was not that the impression you got from the conversation? A.—He seemed to think that he and Gamey had evidence enough to—

Q.—That is not my question. Sullivan was talking as if he owned the Government, and could make them do as he pleased, was he or not? A.—He did not make it quite as strong as that.

Q.—Not quite as strong but pretty nearly? A.—I could not say that he made it pretty nearly.

Q.—Why, he was saying again and again, according to your story, they have got to do what we tell them, and if we want blanket applications covered over in any names we liked, you can make up any old story of a discovery, and Stratton has got to force it through.

Q.—That is the position he was taking? A.—Yes.

Q.—He was taking the position that if they did not do what he wanted them that he would scare them out of their existence by some head lines in a newspaper in Toronto? A.—Yes, he said that.

Q.—He was saying practically that these men were under his thumb to that extent? A.—He apparently thought he could bring them to time.

Q.—For anything? A.—For the things he was mentioning.

Q.—That is big deals, mineral, timber, fishing, everything else? A.—For the deals he mentioned. I cannot say for anything else.

Q.—They were not to be small deals; he scouted the idea of small deals? A.—Yes.

Q.—Big; apparently, in thousands? A.—Yes; at least I did not hear him saying anything about thousands, but I should judge perhaps it would be.

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Q.—Did you hear anything said about thousands at all? A.—Well, Mr. Gamey said he would pay, or that they could give this fellow, concerning the timber deal, he said they could give this fellow \$3,000 and he would be all right.

Q.—Did this man say that he could get from Stratton anything he wanted, \$100,000 if he wanted it? A.—I don't remember anything about that.

Q.—Will you swear he did not say it? A.—No, I will not.

Q.—Will you swear that he did say it? A.—No.

Q.—That you don't recollect that the words \$100,000 were mentioned? A.—No, I don't recollect that at all.

Q.—That is a thing that has gone from your memory completely. Well, your brother says it was very prominently mentioned, and that that was the limit that he could apply to Stratton for. A.—I don't think he said that.

Q.—Your brother swears he did say it. A.—However, this might have been, such a thing might have been said and I would not remember it.

Q.—You don't think he said it? A.—Not in the way you put it.

Q.—If Stratton kicks about this we will give that money back, they need it badly; if we say it was only given to you for security I can get anything I want, \$100,000 if we want it. Did he say that or not? A.—You don't expect me to swear to the whole thing, do you?

Q.—Did he say in that connection "I can get anything I want, \$100,000 if I want it?" A.—Well, I couldn't swear either way to that.

Q.—A moment ago you swore you did not think he said it. A.—I said I did not think my brother said all you said.

Q.—Never mind what your brother said, I am asking you if that is what

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Sullivan said on that occasion at the Crossin piano factory, "if Stratton kicks about this we will give that money back, the Government need it bad, and it was only given to Gamey for security, and I can get anything we want, \$100,000 if we want it." Did Sullivan say that to Gamey on that occasion? A.—I told you I could not swear either way to that, it might have been said and might not.

Q.—And that is a matter that you have forgotten at any rate, if it was said? A.—Yes, it is a matter I have forgotten.

Q.—When Gamey said about the Chase-Myers matter, "Yes, yes, Frank, I am glad you mentioned that," you remember that, do you? A.—Yes.

Q.—What was next said after that? A.—Do you mean concerning the same thing?

Q.—I don't care what it was concerning, what was next said after that? A.—He says, "I guess I will take that down."

Q.—Then there was a pause, I suppose, for a short time? A.—I don't know whether there was or not.

Q.—What was the next conversation that took place after that? A.—I couldn't swear what was the next.

Q.—Then when he talked about McMillen and Gamey not being used right in that political connection, what was the next thing said after that? A.—Well, that was a kind of unimportant matter, I cannot get that—

Q.—You cannot get that in your head? Can you get anything in your head if your thread of the story is broken? A.—Oh, yes.

Q.—In its order? A.—Oh, yes; do you want to try me?

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Q.—I am trying you now. I have given you two chances, and you cannot get them in your head either time? A.—Well, I will tell you that last part about Myers and Chase was mentioned the last part of the conversation.

Q.—I am not speaking about that, when McMillan's name was mentioned, and about Gamey not being used right; I want to get the thread of the conversation, the next subject matter that was spoken about, because I have it here what you have sworn to to my learned friend. Give me the next thing that was said? A.—I cannot give you the next thing that was said. When I gave my evidence here a few minutes ago I did not pretend to have that part of it in order. I think I had the first part of it, but I remember that that was said at the last part of their conversation, it seemed to me an after-thought of Gamey's, at least not an after-thought, he thought he didn't get quite enough out of Sullivan about the money, and he would go at it again, that was the object of his question as far as I could see.

Q.—That is not my question at all, sir. When McMillan's name was mentioned, think of it for a moment. I want to get from you the next subject matter of conversation. Give it to me, please, if you can? A.—I don't remember.

Q.—I will take your answer. You gave it to my learned friend, and I don't know why you will not give it to me. A.—What did I say then?

Q.—When this man said that Stratton would let him in at any time—you remember that, Sullivan claiming that he could go into Stratton's office at any time? A.—Yes.

Q.—What was the next subject of conversation after that? A.—I think they went on to talk about the mining deal after that.

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Q.—What did they talk about the mining deal after that? A.—They talked about staking out a blanket claim of 640 acres.

Q.—What you told my learned friend when he said to you, "Well, then, what next," your answer was that Myers had asked Sullivan on one occasion if Gamey would get the patronage? A.—Well, that came in between, of course.

Q.—Oh, yes, of course. I am asking you the order of the conversation? A.—Well, I want it to be understood that I don't swear to any of the order.

Q.—That is, if I want to ask you a certain thing about this conversation, some six or seven subjects they talked about, you could not tell me what was the subject immediately before or after unless you started at the beginning? A.—Yes, I could tell you in most of the cases.

Q.—I have given you three now, and I will give you the fourth. A.—I answered that last one correctly.

Q.—Do not argue, please. You told me they drifted on to the mining, and what you did say and the notes will show, was that Myers had asked Sullivan and Sullivan had so told him that Gamey would get the patronage. Now I will give you another chance. A.—That mining came right after that. That was put in between.

Q.—Then I will take the next. What was talked about just before he said that he had registered his letters from Yorkville on his way home, and he did not want to register them at the Parliament buildings. What was the subject matter of conversation before that? A.—I think it was about the bye-elections.

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Q.—You think so, just try to think. A.—Well, that was about the last thing that was said.

Q.—Then you ought to know. What was the thing that was said before the last talk they had, the subject matter; I am not asking for the details at all. Cannot you make a guess even? A.—I don't want to guess at it.

Q.—Then if you cannot say, say so? A.—I think it was about the bye-elections.

Q.—To my learned friend you said it was, "If I become Minister of Mining, you (Sullivan) can get evidence for me," that is what you swore to in regular sequence. A.—I did not swear that those were in regular sequence.

Q.—My learned friend asked you what next, go on, and you went on. A.—You have no right to say that I said they were in regular sequence, because I did not.

Q.—Now, will you tell me what was the first thing that took place in regular sequence, what was the first thing, according to your story, after they sat down? A.—Well, they talked of Whitney and the Conservatives.

Q.—What was the next thing in order? A.—I could not swear to any order, but I think I can give you pretty near it. Then Sullivan seemed anxious about what people thought in Manitoulin.

Q.—What was the next, then? A.—Oh, yes, Gamey asked about Stratton.

Q.—Yes. The next? A.—Oh, yes, then the conversation on Stratton led on to the first talk about Myers.

Q.—The next? A.—Then they went on to talk about their deals.

Q.—What deal? A.—Well, they talked about—

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Q.—In its order, please, as far as you can recollect? A.—The mining deal came first.

Q.—What next? A.—They said a little about the Lakin Island and about the timber.

Q.—What next? A.—Then they talked something about the rest of the money, that came in there somewhere.

Q.—The next? A.—About the bye-elections.

Q.—Next? A.—I am not saying that these are in regular sequence.

Q.—I am asking you to give me in regular sequence, and you understood my question, because I put it twice; give me in regular sequence the subject of conversation? A.—Well, I told you I would not give you in regular sequence. This is as near as I can remember.

Q.—As near as you can remember is all I am asking. Go on, what came after the bye-elections? A.—I don't know, at least I cannot swear. I think it was something about registering the letters, that was one of the last things that was said, and about being—about getting a World reporter was one of the last things that was said.

Q.—What else? A.—I don't know; I think that is about the extent of it.

Q.—Now, where did the license inspector talk come in? A.—Well, I am not certain about that, whether that came in; I rather believe it came in when they were talking about the Manitoulin in the first—when they were first talking about the Manitoulin. Of course I could not swear to that.

Q.—You have not sworn to anything yet very much with regard to this I am asking you about. Then where did it come in about the blanket ap-

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plication for 640 acres? A.—That was concerning the mining affair.

Q.—What did it come after? A.—I think it was when they were talking, after they got through talking about

Myers. You see they discussed the Conservatives first, and then Reformers, and then went on to talk about their deals. That is the general order. You see I can tell you generally.

Q.—That is what you say in your statement; it is totally different to what you are telling me now. "Gamey asked if Stratton would put up the rest of the money, Sullivan said we have got him just where we want him and that will be all right. Sullivan further said that now is the time to get whatever we want, and the sooner we ask for it the better. Sullivan said that the Island scheme was too small, that the Government were getting a large revenue from the lake deal."

Q.—What was the next thing that took place? A.—About the lake deal?

Q.—Yes. A.—After the lake deal, I think they went on to talk about the timber deal then.

Q.—In your statement you say this: "Sullivan asked if he did anything further about their mining scheme, Gamey said no but they could get out a blanket claim for 640." So you are wrong there? A.—No, I am not, because I told you I got out the statement in a hurry, and I would not swear to the sequence in the statement at all.

Q.—You just put down whatever came to your mind in any order whatever? A.—Well, I tried to group it as nearly as I could.

Q.—You were trying to write it consecutively, were you not; or were you

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mixing it up together? A.—I did not make an effort to mix it up.

Q.—Did you make an effort to keep it in its order? A.—As nearly as possible in the time I had to do it.

Q.—Then what was said about the Ministry of Mines. Because Mr. Gamey told us something about that? A.—There was not much said.

Q.—Tell me what was said, I do not care much or little? A.—Well, Mr. Gamey says, "if I become Minister of Mines you can help us," or something like that. I do not remember definitely.

Q.—How was he going to become Minister of Mines, did he say? A.—Well, the Government was turned out.

Q.—How were the Government going to be turned out if Gamey was going to support them? A.—Well, they were talking about Evanturel, they thought he, perhaps, might go over, and then being three members sick, you see.

Q.—And then Gamey and Sullivan were going to hold up the Government according to your story of what took place that night, for all the deals that were in it; that was your impression?

A.—Hold up?

Q.—The present Government, Stratton representing the Government? A.—They were going to hold him up for

one of the deals. I don't think their intention was to push through; they might have intended to push through the mining deal and timber deal too.

Q.—And they were going to get all they could out of the Government, apparently, from what they said? A.—I think that they were; yes.

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Q.—I am only speaking of what they said, we don't know what was in the men's minds, but from what they said you thought they were trying to get all they could out of the Government. Now, will you please explain to me how Mr. Gamey could have expected to become Minister of Mines when he and Sullivan were leaguely to support the Government for benefit? A.—In case they squealed on the Government, I suppose.

Q.—In case they did squeal on the Government, he expected to be made Minister of Mines by the Opposition; was that the intention he conveyed. They did not talk much about it, Gamey simply mentioned: "If I was made Minister of Mines we could do a business," or something like that.

Q.—They could do a business. Of course they could? A.—But he did not explain the matter, in fact there was very little said about it.

Q.—Are you sure he did not explain it? A.—I do not remember.

Q.—You did not expect that the conversation had reference to his becoming Minister of Mines in the present Government, did you; that was not the impression you got? A.—I don't think so; no.

Q.—The impression you got was that they would turn the Government out, and Gamey would get the Minister of Mines portfolio? A.—I think that was what was meant.

Q.—When did it occur to you to mention the matter of registered letters? A.—When did it occur to me?

Q.—Yes? A.—I don't think I mentioned the word registered letters, at least if I did—

Q.—It is a mistake? A.—No; I will tell you what was said about that.

Q.—You have mentioned it already, and I am asking you now one ques-

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tion, when did it first occur to your mind to mention the word registered letters? A.—Well, if you will tell me—I don't remember it, you know; I don't remember when I mentioned it.

Q.—Do you remember mentioning the word registered letters or registering letters to-day in your evidence? A.—I couldn't say whether I did or not.

Q.—Do you mean to say you are giving evidence of a conversation that took place in March, and you don't know that within an hour that you told us about registered letters as part

of the discussion? A.—I don't remember exactly whether I did or not. There is nothing queer about that, though. I rather believe that I mentioned it in the last part of what I said.

Q.—I ask you when did that first occur to you to mention about registered letters? A.—I don't exactly know what you mean?

Q.—You have sworn that you do not remember mentioning to-day anything about registered letters? A.—I swore that I did not know whether I did or not.

Q.—Although you mentioned it not an hour ago in the witness box and swore to it; now what do you say? A.—Well, I don't exactly recollect whether I mentioned it; if I did not mention it, I intended to do so.

Q.—Why didn't you mention it in your statement? A.—In my statement? Well, there is quite a few things I did not mention in my statement. I tried to shorten it down, and I did not have time to write it out fully.

Q.—When did you first think of registered letters being part of the conversation? A.—Oh, I heard the evi-

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dence—at least I heard Gamey ask Sullivan, certainly.

Q.—And you remember that from March up to the present time? A.—Certainly I remember it.

Q.—And you don't remember for an hour back whether you swore to it or not? A.—Well, you see I have sworn to a lot of things, and you could not expect me to recollect a little point like that.

Q.—I don't want you to recollect the words used at all; I am asking you to recollect whether you swore or did not swear to that not an hour ago; can you or not? A.—I could not say exactly whether I did or not.

(Cross-examination concluded.)

(Adjourned at 4 p.m. to ten on Friday, 17th April, 1903.)

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SIXTH DAY.

Friday, April 17th, 1903, 10 a.m.

Percy G. Price; re-examined by Mr. Ritchie:

Q.—Will you tell us whether in giving your evidence you pretended to give it in sequence, or consecutive order as to the different matters that happened at the interview at the piano factory? A.—I did not pretend to give it in sequence at all. I gave some parts of it in sequence because that naturally followed, as nearly as I could, one thing after the other.

Q.—But you did not pretend to be able to give it throughout in sequence? A.—I did not pretend to; I could not.

Q.—Now my learned friend yesterday asked you as to certain statements made by Sullivan, and grouped the statements in this way. Sullivan said, if we can get the timber limits we can give that money back to the Government, they need it badly enough, and we can say it was only given as security, that we can get anything you want, and \$100,000, if necessary. Now my learned friend in his question grouped all this together, and asked you if all these things were said. What do you say as to that? A.—I said, or at least I say now, that I do not remember about the \$100,000 being said. It might have been said, but I do not recollect. That is simply all about that.

Q.—What about the other matters? Have you a distinct recollection as to whether they were said? A.—I have a distinct recollection about the first part—about the giving back of the

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money that they had got if they got their timber limit.

Q.—Have you a distinct recollection about the statement that it was only given as security until Gamey got something else? A.—Yes.

Q.—And that Sullivan also said that they had the Government in such a place that they could get anything they wanted? A.—Yes, sir.

Q.—All these statements you have a distinct recollection of, and the only one you have not a recollection about is about the use of the expression \$100,000? A.—Yes.

Q.—That is the only one. As to all the others you have a distinct recollection. Your brother, I believe, is several years older than you,—the brother that gave evidence yesterday? A.—Yes.

Q.—Now I see that on the second page of the statement that you handed to Mr. Gamey, and which was put by him in the sealed envelope—that on the second page these words are stricken out—"Sullivan said that Myers did not know there was money in the envelope." You had evidently written that there in the first place? A.—Yes.

Q.—Why did you strike it out? A.—Well—

Mr. Johnston: He has already explained that, my Lord. It is not open on re-examination.

Mr. Ritchie: I did not ask him anything about it.

The Chancellor: He can ask him. Witness: I think my explanation was perhaps full enough before.

Mr. Johnston: I think so.

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Witness: But here, you see I simply drew the inference from the conversation that Sullivan said he had with Myers—Sullivan said he had been talking with Myers, and that Myers asked him if he thought Gamey would get the patronage. From that I drew the inference that Myers thought that Gamey would only get the patronage, that he did not think there was any money consideration in it. That is all I drew from that. And when I put those words down—at least, I have not got any distinct recollection about this part, but that is my explanation as far as I know, and when I put this down, I likely thought that was right, and when I thought over it a minute, I thought perhaps I could not say that definitely enough to put it there. I wanted to be fair over the matter.

Q.—On reflection you thought you were perhaps stating as a fact what was really an inference that you drew? A.—Certainly, that is exactly the position.

Q.—So you struck it out because you thought you could not swear to it as a fact? A.—Certainly.

James Arthur Kinney, sworn. Examined by Mr. Ritchie:

Q.—You are a law student? A.—Yes, sir.

Q.—And you are rooming with the Price brothers—the two last witnesses? A.—Yes, sir.

Q.—Do you know Mr. Gamey? A.—Yes, sir.

Q.—How long have you known him? A.—Oh, ten or twelve years; something like that.

Q.—Do you recollect seeing him in the month of March last? A.—Yes, sir.

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Q.—About what time?

The Chancellor: Do you want all these preliminaries gone through with Mr. Johnston? Cannot you get him ensconced behind the piano?

Mr. Johnston: Oh, yes. I suppose the man was there, and I suppose he has his story to tell. What is his story?

Mr. Ritchie: Very well, my Lord.

Q.—Then in consequence of an interview you had with Mr. Price, or Mr. Gamey, you went to Crossin's piano factory on the night of the 10th March? A.—Yes.

Q.—You got up into the room at all events, and did you hear the evi-

dence of any of the others—a part of it? A.—I heard the evidence of the last witness.

Q.—You did not hear the other? Well, without going into details, do you recollect Mr. Gamey coming into the room about 8 o'clock? A.—Yes.

The Chancellor: I suppose you read it all in the papers this morning? A.—I read it—yes.

Mr. Ritchie: About 8 o'clock. Who was with him? A.—A man.

Q.—What was the first thing that was said when he came in, so far as you can recollect? A.—Well, he says—he says, take off your coat, Frank, and sit down, and so they apparently took seats and commenced conversation. This gentleman asked him about if he had seen—

Q.—Use the expression Sullivan. You believe it was Sullivan? A.—Yes.

Q.—Use the expression Sullivan. Sullivan said what?

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A.—He asked Mr. Gamey if he had seen many of the Conservatives. Gamey said no, he had not been moving around among them very much, he had seen a few of them, and had been talking to Mr. Whitney's secretary, Thompson. He said they used him as a well as he could expect, but he had been keeping rather shy of them, not to use him too hard.

Q.—And what next? A.—Well, Sullivan asked Mr. Gamey how he was getting along up in Manitoulin, with the Conservatives up there. Well, Mr. Gamey said he had a pretty hot time up there among some of the old Tories, but he said at their meeting they had passed a resolution condemning him, but he said individually a number of the committee did not feel like asking him to resign.

Q.—Then what next? A.—Well, of course, I could not tell just what came. I cannot tell just the order that it came. Q.—We do not want that if you can give us all the facts.

A.—Mr. Gamey asked about Stratton, and Sullivan said he had been to see Stratton quite often, been to see him nearly every day. In fact, he said Stratton seemed quite uneasy at times, and one day he was walking up and down the room, and he stopped and asked if he thought this Gamey could be trusted. Sullivan told him Gamey was all right, he had him fixed all right, only that he wanted him to let him, that is, Sullivan, make an arrangement with Gamey; I think that was about all of that, the substance of that.

Q.—Then, take up any other subject matter? A.—Sullivan said of course he

went to see him every day, and he spoke about getting in, that is, wherever he went there, and apparently he did not

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have to wait his turn, that he spoke of going in in a private way, and seeing Mr. Stratton.

Q.—Was there any other subject matter of conversation? A.—Gamey asked him about Stratton. He says, do you think Stratton will pay the rest of that money. Frank says, oh, yes, sure, he will have to pay it; we have got them right where we want them, and they cannot kick, they have got to put up with it. Gamey asked then about a man by the name of Myers. He says what kind of a fellow is this Myers, does he know anything about this deal? Sullivan said he did not think he knew very much about it, they did not tell him. He was a sort of an innocent fellow, and they did not tell him very much about what was going on. Well, he said, I thought it was funny. I noticed a very queer expression on his face when I saw him. He said he colored up, and I thought perhaps he knew something. Sullivan assured him he did not think he did know very much.

Q.—What further? A.—Well, a short time afterwards, I don't exactly remember just what came in there, but Gamey brought him back to this Myers again, and he said, I cannot help thinking of that fellow Myers. He says that fellow who brought down the money in the envelope to the wash-room—to the smoking-room, rather—and Sullivan says, why it was not Myers that brought it down, it was the man, Chase. He says Myers gave the money—that Stratton gave the money to Myers, and Myers handed it to this man Chase. I think he said he was at the door, or stayed at the door, or something to that effect, and Chase brought the money down. Gamey says, well I am glad you mentioned that, I will just take that

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down, and there was a lull in the conversation, apparently.

Q.—You did not see whether he took it down or not? A.—I did not see anything.

Q.—Then can you give us anything else that happened at this interview? A.—Well, they spoke of the patronage, and Sullivan went on to tell Mr. Gamey that a man by the name of Sims had been down from Little Current, and had been talking with his father at the Walker. He said that he tried to get his father's influence to not have anything much to do with Gamey; he did

not think that Gamey could be trusted. He went on to say that he had also spoken about the appointment of a license inspector, and mentioned the name of Spencer. He said that Sims wanted to get his father's influence to appoint this man Spencer, but Sullivan said his father told Sims that Gamey had the whole thing. I suppose he meant the patronage. And that he could not do anything for him. He says anyway Sims should have pulled with Gamey from the start.

Q.—He should have pulled. Is that what was said? A.—Those are not the words. I merely give you the substance.

Q.—You don't pretend to give the exact words of course? A.—No.

Q.—Then, was there any other subject matter of discussion? A.—Well, regarding the same subject, he spoke of McDonald being down and doing a lot of talking, but there was very little said of him, any more than his father told him Gamey had the whole patronage, and there was no use of him trying to do anything.

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Q.—Anything else? A.—They spoke of some deal that they were trying to put through—spoke of an island deal—and they came to the conclusion that it was too small. Sullivan said there was only a few hundred in it, and it was not worth while. He spoke also of a lake deal in regard to fishing, and talked over it a few minutes, but they apparently passed it over. Sullivan said the Government any way were deriving, or would derive, a revenue from that, and that they wanted something more than that.

Q.—Then, what next? A.—Well, Sullivan asked him if he had been doing anything more about certain mining schemes—taking up some mining land. Gamey said no, that he had not been doing much, that it was a poor time of the year, snow on the ground, and that they could not do any prospecting at present. Sullivan says, cannot we arrange to get out a blanket claim, take up a claim anyway. He says you could go up there and make some find, and we would get the claim pushed through, and things fixed up. He says now is the time to do it. Well, he spoke about how much they could take up, and Sullivan says now is the time to do it. Well, he spoke about how much they could take up, and Sullivan said, if the two of us cannot take up enough, we could get some other names, and Gamey told them they could put in a blanket application for about 640 acres each, and he thought that would be plenty. I think that is about all that was said with regard to the mining that I can think of now.

Q.—You told us about a lake deal, an island deal, and a mining deal. Any other deals spoken of? A.—He spoke

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of some timber limits. He asked Gamey if he had any more information about those timber lands. Well, Gamey said he had got some, and found out that there was a good deal more timber on the limit than the Government thought there was, and he thought it would be a pretty good thing.

Q.—Were any figures mentioned? A.—I think there were.

Q.—Do you recollect the figures? A.—Well, I couldn't say.

Q.—You could not swear to that. You think there were figures mentioned, but what the figures were you will not undertake to say? A.—No, I cannot say.

Q.—Then, what else was said about the timber deal? A.—Well, I do not think of any more there. Oh, yes; they spoke about Gamey taking another man in with him in this deal. He said the people on Manitoulin did not think there was any money in his deal, but they would be watching to see if he got any limits or mining lands, or something like that, so he spoke of taking in another man to sort of allay suspicion. So they mentioned a man named—I do not remember it—I did not know it at the time.

Q.—Then, what further was said about the timber limits that evening, if anything? A.—Then Gamey said, "We can fix up this man, give him a few thousand dollars, and we will arrange it in that way."

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Q.—Then what further was said about the timber limit, if anything. A.—Then Gamey said, "We can fix up this man, give him a few thousand dollars, and we will arrange it in that way." He also spoke—Sullivan told him about a man going to his father about some timber limit—that his father told him it would cost him some money to get it, he said about \$1,000, and he says I do not think there is very much in that for this fellow, and, anyway, we want something big, we do not want any little thing.

Q.—They wanted something big? A.—Yes; he says, I am out for the stuff. He says, my father is a good old Reformer, and he would not see anything come to hurt the party, he would rather lose a leg than see anything come to hurt the party, but, he says, I am not a party man like that; I am out for the stuff.

Q.—You say he said they wanted something big? Was there anything further said in that connection? A.—No,

I don't know as there was. I cannot think of anything more now.

Q.—Is there anything further that you can recollect at the moment? A.—About the same deal?

Q.—Yes, or about anything further?

A.—They talked at the bye-elections; spoke of Mr. Davis. Sullivan said that he would not mind if Davis had been defeated. He said he did not think very much of him, and he said there were a good many others that had about the same opinion, but he said the way it was, with such a small majority, of course, it would not do to lose any of their supporters. They also talked of elections in the three Norths, and Sullivan spoke of his father—he said his father had not went out into constitu-

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encies because they were watching him pretty close now, that everybody knew him. He said he had worked and regulated most of the dealings from Toronto, and Sullivan spoke of a certain man in North Grey, where there had been some good work done at the bye-election. Gamey asked him if it was a man by the name of Vance, and Sullivan said no, it was not Vance. He said another man that they did not suspect at all. He did not tell Gamey the name. He also spoke of the situation of the Government, and Sullivan said to Gamey, he says, Gamey, they need you just as bad now as they did last August. He says, there are two or three of the men sick. He says, Charlton—he may not last a week. He spoke of these couple of men being sick and also—I cannot think of the name—the Speaker of last year.

Q.—Mr. Evanturel? A.—Evanturel, that is the man. He spoke of him, saying that they had given him a room in the House, and were trying to use him pretty good. He said some of them thought he might leave the party if he got the offer of the Speakership from the Conservatives. Also, speaking about the bye-elections, Sullivan spoke about what evidence he had, about what had been going on in the bye-elections. He said that in two of the Norths he had evidence already. He said, if there was a protest put in it would certainly turn out the members. He said in the other North, I think it was North—I do not remember—whether it was Simcoe—not Simcoe—he spoke of the other North, any way. The two he had evidence, and he spoke of this other place where he could get a man in half an hour to give him all the evidence he wanted.

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Q.—Now, have you told us all you can recollect at present? A.—Well, they spoke also in talking over this big

deal—Sullivan says, if we can get what we want, and they do much kicking, we can give them back this money. He says, we will tell them it was only given for just to hold you until you got something better, and he says they need the money now very badly.

Q.—Anything further you think of?

A.—Yes; Gamey asked him about sending up some man to see McMillan, at Gore Bay. He wanted to know if Stratton had sent up a man to see McMillan about becoming a candidate if Gamey was forced to resign up there, and Sullivan said that he did not think there was anybody sent up, and Gamey seemed to press the argument that they had been sent up. He said he had it on good authority, and Sullivan said, well, there might have been, but he did not know, at least he did not think that Stratton had sent anyone.

Q.—What further? A.—Gamey asked Sullivan about registering some letters. He asked him why it was they were marked with a mark "Yorkville" on it. He said he thought it was strange. Sullivan said he did not want to register them at the County Buildings—

Q.—At what buildings? A.—The Parliament Buildings, and that he had registered them when he made his transfer going home.

Q.—Did not want to register them at the Parliament Buildings? He would register them where? A.—While he was making the transfer at a certain place going home.

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Q.—Now, is that all? A.—That is about all I can think of now.

Q.—Then without going into details, Sullivan and Gamey left first, we are told? A.—Yes, sir.

Q.—Left the room first and what did Mr. Gamey do when he went out? A.—Well, both of them left the room and went down.

Q.—What did they do with the light? A.—Put out the light. I do not think they locked the first floor. At least I got out of it, any way. It was not locked, because I had to go out to let Gamey in at the second door.

Q.—The second door was locked? A.—Yes, the second door on the top—a spring lock, I think.

Q.—And how long after Sullivan and Gamey went out after extinguishing the light did Gamey come back? A.—Oh, fifteen or twenty minutes.

Q.—And went up-stairs and how long did he remain up there with you when he came back? A.—About ten minutes. He was not very long.

Q.—About ten minutes? A.—About ten.

Q.—And then you and Gamey left? A.—We all went down.

Q.—Gamey went in one direction? A.—He left us at the door and went towards York. We went to the Mail and Empire building.

Cross-Examined by Mr. Johnston.

Q.—What is your occupation now, Mr. Kinney? A.—Attending Osgoode Hall.

Q.—And were you ever engaged in this class of work that you have been

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describing, before? A.—No, sir, this is my first detective.

Q.—Of course you are rather proud of your success. I suppose? A.—Not at all.

Q.—A little ashamed of it? A.—That is, perhaps, my own business.

Q.—You need not be afraid to answer. Were you a little ashamed of the work you were doing? A.—I do not know as I was.

Q.—You feel perfectly satisfied in your own mind that you were acting the part of a patriot? A.—Quite satisfied.

Q.—Why did you refuse to answer me a moment ago, if it was a matter to be proud of? A.—I do not think I have any reason to tell you what my opinions may have been in regard to that.

Q.—You have no business to tell me what your opinions may have been. What is your politics? A.—I vote Conservative.

Q.—Always have? A.—I think so.

Q.—And your occupation before you became a law student? A.—I taught school, some.

Q.—In the Island? A.—Yes.

Q.—Did you do any detective work while you were engaged in that occupation? A.—No, sir.

Q.—You would not have done it then? A.—It is hard to say.

Q.—Would you have done it then? A.—I couldn't tell you.

Q.—Now let us see what your motive was in getting this conversation. What was it? A.—The motive I went there for was to hear what was said.

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Q.—What was your motive in going to hear what was going to be said? A.—Nothing further than that.

Q.—Just a mere matter of idle moment—going there? A.—You could not call it an idle moment.

Q.—You must have had some motive in going to hear what was said. Please tell me what the motive was? A.—I just went there to hear what was going on.

Q.—Was it out of curiosity that you went? A.—It was partly out of curiosity.

Q.—Partly out of what else? A.—I couldn't say.

Q.—You could not say? A.—I wanted to hear what was going on.

Q.—I am asking why you went to hear what was going on. Why did you go? A.—I had been asked to go.

Q.—Made no demur to going? A.—I do not know as I made any demur.

Q.—Did you or did you not make any demur to going? Did you object? A.—No, sir. I did not object.

Q.—Glad to go? A.—No, I cannot say I was glad to go.

Q.—Sorry to go? A.—No, I was not sorry.

Q.—Just a little bit pleased to go there, and play the detective and hear what was going on? A.—I wanted to hear what was going on. I was not pleased or anything else.

Q.—What business was it of yours as to what took place in the piano factory? Will you please tell me that? Let us get at the mind of the man before we get his recollection? A.—I do not sup-

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pose it was any of my business at all.

Q.—Under what obligations were you to Mr. Gamey to induce you to do such a thing as this? A.—None whatever.

Q.—Then you did it of your own free will? A.—Yes.

Q.—And you were satisfied to do it? A.—I was—yes.

Q.—And you were very glad, I suppose to be able to get evidence to hurt the Government? A.—I never thought of evidence at that time.

Q.—You knew what you were going for? A.—Yes, sir.

Q.—And you knew about what the subject matter was going to be? A.—No, sir.

Q.—Did not know. They might have been talking about horse races or crops or anything else so far as you knew. Is that what you tell the Court? A.—I had no inkling of what was going to be talked about at all. My friend just asked me—that Gamey was going to have a meeting with this man Sullivan and he wanted us to go there, that is all I thought about it.

Q.—And you had no suspicion of what the meeting was going to be? A.—No, I cannot say that I had.

Q.—Had you or had you not? A.—I could not say that I had.

Q.—You knew you were going there to play the part of a spy? A.—I was going there—you can call it a spy.

Q.—Is that correct? You were going there to play the part of a spy? A.—Call it what you like.

Q.—And, if necessary, to turn informer. Did you know that when you went there? A.—I never thought of informer or anything else.

Q.—It did not trouble you? A.—No, it did not bother me.

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Q.—Then had you taken part in elections before this time? A.—I had.

Q.—A rather active part? A.—I do not know whether you would call it active or not.

Q.—Talk on the platform? A.—Not very much.

Q.—Not very much talking on the platform. And feeling that the Government was a corrupt Government, eh? A.—I think you got that yesterday.

Q.—Well, I will get it again to-day, if you please, from Mr. Kinney. Believing that the Ross Government was a corrupt Government? A.—I believed there were certain things going on. I think that is right.

Q.—Did you on many occasions say that the Ross Government was a corrupt Government—long before this? A.—I do not know as I used that language at all.

Q.—Did you use any language condemning the Ross Government, before you went up to play the part of a spy? A.—Certainly, talking of politics, I spoke of what I thought was out of place in their doings.

Q.—And condemned them as being corrupt? A.—I don't know as I ever used the word corrupt.

Q.—Condemned them as being what, if not corrupt? A.—They did not suit my line of idea as a Government.

Q.—Like to see them turned out? A.—I guess I would have.

Q.—And liked to see the Conservatives in? Nothing wrong about that? A.—No.

Q.—Liked to see the Conservatives in? A.—Yes, I would, certainly.

Q.—And that was your view when you went to this meeting? A.—No, sir.

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Q.—I mean that was your mental condition at that time? A.—I do not think of politics a month after politics is over. They do not bother me at all. While politics is on I take part.

Q.—Does anything bother you much a month afterwards? Because you have been giving us a conversation here. Do you keep conversations in your mind? A.—Special conversations I do.

Q.—When did you have a special conversation that you can refer to, prior to this time? A.—I don't think of any now.

Q.—Never have a special conversation in your life before? A.—Not one just like this.

Q.—Any that would mark itself in your mind? A.—This is my first detective work.

Q.—And you hope it will not be your last, perhaps? A.—I do not know.

Q.—I am asking you to name a single conversation prior to this time that you

can recall. I do not want you to give the particulars of it, but give me one that you can recall—any one? I do not care what it is? A.—I can recall conversations, I suppose.

Q.—Give me one conversation that you can recall that took place prior to this in March? A.—A conversation in March?

Q.—No. Prior to this conversation in March. Give me one? A.—There is no special conversation I can think of at present.

Q.—Give me any conversation in the past history of your life that you can recall that took place prior to the 10th day of March—give me any conversation? A.—Well, there are so many I

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could not pick out any one.

Q.—I give you your whole life to pick me out one conversation that you can recall in the box now? A.—I could not recall any.

Q.—Speak out, sir, like a man. Speak out. Can you recall one? A.—I cannot recall one. I would have to think over it.

Q.—Think over it and furbish up your memory. I am not surprised at your want of memory. It is your wonderful memory that is marvellous. Give me a conversation since the 10th day of March, up to the 1st of April that you can recall? Give me one? A.—I do not think I have had any conversation especially with any one striking—.

Q.—Give me a conversation that you have had this week that you can recall? Give me one? A.—I do not know as I have met anybody to have any conversation, other than what has been going on—talking to the Osgoode boys.

Q.—Give me a conversation this week up to this morning that you can recall, and I will wait for an answer? A.—You will have to wait till I think, then.

Q.—Well, just think? A.—I can tell you about one I had yesterday.

Q.—With whom? A.—Talking to a boy at Osgoode by the name of Jamieson. I asked him if I could get a book for the examination. He told me I could if I would come in the afternoon. I did not go.

Q.—Is that all? Is that the only conversation you can recall this week? A.—No. I could pick lots of them.

Q.—Pick me one? A.—There is one.

Q.—I will take another. Give me another this week? A.—I can think of

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another then.

Q.—Give me another? A.—I was talking to a fellow by the name of Blain.

Q.—That is number two. Can you give me number three, and I will stop at that. Give me number three this

week? A.—I had a conversation with my brother.

Q.—When was that? A.—It was Monday, I think.

Q.—Be sure you give the day. What day was it? A.—It was Monday I met him, the first day of the opening of the court.

Q.—Now, sir, give me a conversation in the month of March. I have given you last week, just a short time ago. Give me a conversation that you had in the month of March last, other than the one in the piano room? A.—I do not know of anything special.

Q.—You do not know any that you can give me? A.—Not just now.

Q.—Let me see what you have got to say about your recollection of this conversation. Are you aware that a conversation given without proper connection may be very misleading? Are you aware of that fact? A.—I am—yes, sir.

Q.—My learned friends, both behind and to the left of me would like to hear you. Are you aware that very often in giving the substance of a conversation, you are giving only the listener's impression? Are you aware of that fact? A.—Yes, the impression.

Q.—Are you aware of the fact that the impression is often the result of a man's own views and feelings at the moment? Are you aware of that fact? A.—I suppose if he lets it—

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Q.—Are you aware of that fact? A.—It may, in some cases.

Q.—And, therefore, you will admit this, that before you can get the effect of what was said, you must have the connection of the whole matter? You will admit that, I suppose, without reference to this case at all? A.—It is not necessary to have the connection of the whole matter, I do not suppose.

Q.—You do not think it is necessary? A.—No, not certainly.

Q.—I mean the whole subject matter of that particular branch? A.—He spoke of a dozen subject matters.

Q.—I am speaking of one subject matter. You would have to know how that subject matter was opened up, would you not, and what led up from one thing to the other? A.—Not necessarily.

Q.—That is your view of it—I just want to get your view, to see how unique you are in your views. That is your view, and your view is that you may drop in and hear generally a conversation, and go away and give the true account of that without knowing the exact connection the conversation had? Is that what you mean? A.—If you are there for a special purpose you get the most of it, I should judge.

Q.—You were some seventeen or eighteen feet away from these people who

were talking? A.—I think the room is about eighteen feet long.

Q.—Twenty-one feet, we have heard. However, you were with your back up against the back wall? A.—No, I sat with my back to the piano.

Q.—Your back, then, would be to the speakers? A.—Yes, sir.

Q.—And there was 27 inches of piano between your head and the space on the

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other side, according to Mr. Crossin? A.—I do not know what the width of the piano was.

Q.—He says they are 27 inches. Is that about right? A.—I guess so.

Q.—Then, there was 27 inches between your head and the speaker's. That is right? A.—That is right.

Q.—And over the top of your head would be the projection of the piano key-board? A.—That is right.

Q.—So that you were sitting behind a piano 27 inches thick and under the cover of the key-board? A.—Behind the piano.

Q.—I am asking if, that is the fact? A.—If I understand you, it is. I sat behind the piano.

Q.—I am not asking you about that. I am getting your position. That is, that you were behind the piano, with your back to the speakers, 27 inches of piano between you and the space, and a key-board over your head? That is your position, or it is not—one or the other? A.—Do you mean the top of the piano?

Q.—The projection where the keys are? A.—No.

Q.—No projection at all? A.—We sat against the back of the piano.

Q.—Keys turned the other way? A.—Yes, sir.

Q.—And, under those circumstances, will you swear that you heard every solitary word that was said? A.—I think I did.

Q.—Will you swear it as a fact? A.—You could hear every word plainly.

Q.—Listen to me. I want to get you down to something definite, not what

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you think. Will you swear that, upon that occasion, that you heard every word that was said by both parties—every word? A.—Yes, sir.

Q.—And you swear it as a fact? A.—Yes.

Q.—You swear it as a fact that there was no word that was said that you missed? A.—Not unless they whispered. I don't think they did.

Q.—No word that was said that you missed. Now, did Sullivan at any time say to this man in any connection what-

ever, "You want to be careful to get things right?" A.—When—

Q.—Never mind when. Did he, at any time, in any connection, during that interview say to Gamey, "You want to be careful to get things right?" A.—When Gamey—

Q.—Will you answer my question? A.—I will answer it if you will let me.

Q.—I am not tying you to any particular time or occasion? A.—I will tell you the occasion, and tell you all about it.

Q.—I am asking you for the words, sir, and you will be good enough to give them to me. Did he at any time say, "You want to be careful to get things right." Did he use those words upon any occasion during that interview? Did he, or did he not? A.—I do not know that Sullivan did. Gamey—I want to tell you —

Q.—Never mind that. Tell me what I asked you. And that is all I want for the moment. Did Sullivan say you have not got it down right? A.—No, sir.

Q.—That you swear to? A.—Yes, sir.

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Q.—That that was not said during any part of the conversation? A.—No, sir; not as I heard.

Q.—You have sworn that you heard it all? A.—I did.

Q.—Now, I have laid the foundation so that you cannot get behind the piano here. You have sworn that you heard every word that was said? A.—Unless they whispered.

Q.—Now, I am asking you, sir, if Sullivan said, "You have not got it down right, you want to be careful to get things right." Did Sullivan make use of those words at all on that occasion? A.—I did not hear the words used at all, that you have not got the thing down right.

Q.—Then they were not used, or you would have heard them? A.—I think I would.

Q.—You have sworn you did hear? I want to know for future purposes something definite. Will you swear, sir, that those words were not said? A.—Which words?

Q.—The words I have repeated to you? A.—You repeated two. You have put it in two different ways.

Q.—I have repeated it verbatim? A.—You gave me two expressions, sir.

Q.—Then, I will give you the first one, "You have not got it down right?" A.—I never heard it.

Q.—Did it take place? A.—I never heard it.

Q.—You have sworn that you heard everything that was said? A.—To the best of my knowledge, I did.

Q.—You swore as a fact? Well, as a fact.

Q.—You swore it as a fact? A.—I could hear every word.

Q.—And you did hear every word? A.—I think so.

Q.—Now, were those words said? A.

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—I have lost which expression you are using now again.

Q.—You have forgotten. "You have not got it down right?" A.—I never heard the words at all.

Q.—Were they used? A.—I could not say that they were. I never heard them.

Q.—Will you deny that they were used? A.—I never heard them. That is all I can say.

Q.—And you heard everything? A.—I did.

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Q.—And you heard everything? A.—I did.

Q.—Then they could not have been used? A.—I don't think so.

Q.—Now, do not think. Were they or were they not used? A.—Not as I heard at all.

Q.—Will you swear they were not used? A.—I swear I never heard them.

Q.—You heard everything? A.—Yes, sir.

Q.—If they were used, you would have heard them? A.—I would have, yes.

Q.—And, therefore, they were not used, because you did not hear them? A.—I did not hear them.

Q.—Then did he say, "You want to be careful to get things right?" Did he say that on any occasion? A.—I think Gamey made that expression.

Q.—Gamey said that. Now that would indicate, if that was said, that those fellows were concocting some story, if they made use of that kind of language? A.—Apparently wanted to get this part of it.

Q.—I do not care what part of it. It would apparently indicate to your mind that they were concocting a story, if these words were used, or words to that effect, would it not? A.—I do not know as they were concocting any story, any more than in this particular. I cannot tell you what they did.

Q.—I am asking if it indicated to your mind, if they used words of that kind, that there was a story being planned? A.—It indicated to my mind that Gamey and this man wanted to have this thing right, that was all.

Q.—Listen to me? A.—All right, sir.

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Q.—Would words of that kind have indicated to you that they were planning some story, if those words were used? Would it, or would it not? A.—I could not say.

Q.—Now, young Price swore yesterday that those words were the words used by Sullivan to Gamey? A.—I cannot help that.

Q.—And you contradict him? A.—I tell you the way I think it is.

Q.—And you say they were not? A.—I say—

Q.—We have what you said. A.—I said I thought Gamey used the words, and they both joined in stating they wanted to have the thing right if there was any future trouble.

Q.—Then, in that connection, did Sullivan say, "You have not got it down right?" A.—I never heard the words.

Q.—Did he say you want to be careful to get things right? A.—No, I never heard those words.

Q.—What did you say a moment ago, that they wanted to get this thing right in case of future trouble? What did you say that for? A.—Apparently they wanted to when—

Q.—When what? A.—When Sullivan mentioned this fact, that it was not Myers who had brought the letter down, Gamey said, I am glad you mentioned that, Frank. I will take it down, we want to have things right. Sullivan joined in and said yes, we want to have it right.

Q.—What about future trouble you mentioned? A.—That is what I understood.

Q.—What? A.—Well, in talking of their mining deal they gave me the understanding that if things did not go their way on the one side that they would fix it so that it would come, anyway.

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Q.—They would fix their stories so that there would be no trouble, is that what you understood? A.—No, I did not say they did. That is merely my expression.

Q.—Is that your impression? I want to get at something definite. Is that your impression of what they said, that they would fix their stories so that there would be no trouble in the future if their mining deals did not go right? Is that what you understood? A.—I think I just explained to you what it was.

Q.—Is that what you tell us? Listen to me, sir. Is that what you tell us? A.—I do not know what you asked now.

Q.—Have you forgotten what I asked you a moment ago? A.—I cannot keep track, you make your sentences so long.

Q.—I will make it as short as I can. That they wanted to get their story fixed all right so that there would not be any trouble in the future with regard to the mining deals. Was that the

impression that they conveyed? A.—I do not know whether it was used in connection with mining deals, or what; it was with their deals.

Q.—Yes, it was used with "their deals." Whether rightly or wrongly, that was the impression that you got apparently from what you say.

Mr. Blake: What was the impression?

Mr. Ritchie: I do not think my learned friend has it right. I think he cut the witness off.

The Chancellor: I do not think the witness was cut off. I think it is all right.

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(Reporter reads the last two or three questions.)

Q.—Rightly or wrongly, that was the impression that you got from what they said? A.—I got the impression that they wanted to have this particular matter—apparently Gamey did not know whether it was Chase or Myers, or who it was, and he wanted to get it down right, that is all the impression I got.

Q.—And you stated you know, that if they did not get their mining deals, they would get it from the other side. Do you remember their stating that? A.—I said that was my impression.

Q.—Now we will see a little more with reference to this. Now, was anything said with regard to Mr. Gamey being Minister of Mines? A.—I don't remember him saying.

Q.—Oh, come. That was an important matter? A.—I did not hear it, if that will do you.

Q.—You have sworn it, and you cannot get behind the piano in this instance, you have sworn you heard every word that was said? A.—I think I did.

Q.—You have sworn it, not thinking, excepting it was said in a whisper? A.—Then I heard it.

Q.—Then did you hear anything in that interview about Gamey being made Minister of Mines, or being Minister of Mines? A.—No, I did not hear the words in that way.

Q.—If it had been said, was there any reason why you should not have heard it? A.—No reason why, if I remembered it.

Q.—Would it be a matter of surprise to you to hear Mr. Gamey talking about being made Minister of Mines? A.—Why, yes.

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Q.—Of course it would be. Certainly you say it would be a matter of surprise, and being a matter of surprise, you would have likely noticed it if it had been said? A.—There were so many matters of surprise I could not keep track of them all.

Q.—If it had been said, you likely would have noticed it? A.—I think I would have heard it.

Q.—And you think you would have remembered it, if such a thing had been said, because Mr. Gamey said he never said it to anybody, and I want to get your recollection? A.—I did not hear it, or remember it, at least.

Q.—And to the best of your recollection, you will swear it was not said on that interview, so far as your memory goes? A.—I never heard it.

Q.—Listen to me. As far as your memory goes, you will swear, or you won't swear, one way or the other, that these words were not used? A.—I did not hear those words.

Q.—That is not quite the answer you should give? A.—That is all I can give you.

Q.—Perhaps it is all you will give? A.—No.

Q.—Mr. Gamey says he never used any such statement to anybody in his life. Now, I ask you if on that occasion Gamey said anything about being made Minister of Mines, or when he was Minister of Mines? A.—I did not hear the words.

Q.—Were they said? A.—Not that I heard. That is all I can give you.

Q.—Will you swear they were not said? A.—No. I will not swear they were not said.

Q.—Why won't you? A.—They may have been said and I might not have got that part of it.

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Q.—You heard everything that was said? A.—I heard it, yes. I could hear it if I kept track of it all.

Q.—Didn't you keep track of it all? A.—No, I could not say I did.

Q.—Didn't you follow it from line to line, every word? A.—I followed as close as I could.

Q.—You could not follow it very closely perhaps? A.—You could not follow an hour's conversation and keep it.

Q.—I am not asking about an hour's conversation. Did you follow it closely? A.—As closely as I could; that is what I was there for.

Q.—Did you make any notes at all while you were there? A.—No, sir.

The Chancellor: Are you a shorthand writer? A.—No, sir.

Mr. Johnson: You are not? A.—No, sir.

Q.—Who saw you about going there? Mr. Gamey. A.—No, sir.

Q.—He knew you, I suppose? A.—He knew me, yes—he knows me.

Q.—Now, this would not be true, would it, or would it be true: "Three young men, shorthand writers"? A.—It would not be true, sir.

Q.—The answers taken down by these men—that would not be true? A.—I never took any.

Q.—That would not be true? A.—I never took any.

Q.—That would not be true? A.—No, it would not be true.

Q.—That is what Mr. Gamey stated in the House, that he employed three shorthand writers, and that he had in the House the answers taken down by these men. You say that is not true. Well, then, did Gamey, in talking about Myers, say that he had rather a peculiar

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looking face when he took the money from Stratton? A.—He spoke about him having a peculiar looking face; I don't remember the other.

Q.—Sullivan talked as if he could do what he pleased with the Minister? A.—The inference I drew was that he could do pretty well.

Q.—That he could do just as he liked with him, from what he said? A.—I do not know how far he could go.

Q.—From what he said, that was the conclusion you formed? A.—You can draw as you like. He might be able to go so far and then stop.

Q.—Was there any limit at all given by Sullivan as to his power with the Minister? A.—He did not say anything about any limit.

Q.—Everything that was talked of, Sullivan could get done? A.—He apparently thought he could, at least.

Q.—I am only speaking as to that. Of course you or I do not know what he could or could not have done, and all that Sullivan apparently was conveying to Gamey—all that Sullivan had to do was to figuratively raise his finger to the Minister, and the Minister would come down, in these deals, etc? A.—Well, he imagined—

Q.—That is the way he talked? A.—He could get them pushed through, that is the way he talked.

Q.—That is the way he talked? A.—He apparently could get what they wanted. He thought they would have to get it done all at once. He did not know that he could go so often as he liked.

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Q.—What? A.—He did not lead me to think he could go as often as he liked. He apparently had to get what he wanted at once.

Q.—Did he want to get something about the timber deal in which there was a large amount of money? A.—A large amount of money?

Q.—Yes? A.—Do you mean they could make some money?

Q.—Yes? A.—That is the way I understood it.

Q.—And do you remember whose name was mentioned in connection with that timber deal? A.—No, I heard a man's name, but I did not know the man.

Q.—Was there any quantity of feet mentioned in that timber deal? A.—I don't remember that. I don't remember the number.

Q.—You heard it. I am asking you if there were any number of feet mentioned? A.—Not that I could swear to.

Q.—And was there any sum of money mentioned in connection with the timber deal? A.—He spoke about taking in another man.

Q.—Was there any sum of money mentioned in connection with the timber deal? A.—That is the way it was mentioned.

Q.—Was there any sum of money mentioned? A.—They spoke of taking in another man.

Q.—Was there any sum of money mentioned? A.—I think there was—yes.

Q.—How much? A.—\$3,000.

Q.—Then was there any statement made by Sullivan that he could get \$100,000 from the Minister if he wanted it? A.—I don't remember the \$100,000.

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Q.—Was that too small a matter for Mr. Kinney's mind to grasp? A.—I did not hear it.

Q.—And if it had been said, you would have heard it? A.—I would have likely heard it, yes, if I remembered it.

Q.—But no such sum you heard mentioned as \$100,000. Then let me see what was said about the money. Was it stated that money was taken down to the smoking room? A.—Yes.

Q.—And you remember the word "money"? A.—Yes.

Q.—No doubt about that. You forget the \$100,000, and the millions of feet, and the Minister of Mines, but you remember distinctly the word "money"? A.—Yes.

Q.—Give me the words that were made use of? Give me the words in that connection that were made use of? A.—If you will wait a minute.

Q.—Yes, I will wait a half a minute, or two minutes, or five minutes, or as long as you like. Go on? A.—They were talking about—Gamey spoke about a certain man Myers—

Q.—Do not "think" about what they were talking of. A.—That is the only way I can get it.

Q.—Give me the words in connection with the statement, containing the word "money" being taken to the smoking room. Give me that sentence. I do not care about what

took place before or afterwards? A.—I cannot think of it just—

Q.—Try and think of it. Go on, please. A.—They spoke about bringing—

Q.—Give me the sentence? A.—I cannot get the words just now.

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Q.—Why, sir, Gamey says that the word "money" was not mentioned, that the word "parcel" was said? A.—I never heard "parcel."

Q.—And the man who says "parcel" is not telling correctly, according to your statement? A.—I did not hear it.

Q.—If it had been said you would have heard it? A.—Yes, sir.

Q.—And you swear you did not hear it. Now give me any other expression in which the word "money" was used? I will give you the whole conversation to go over, and give me any other expression. I want the expression. I do not want loose talk. Give me the expression that was used? A.—When they were talking about the mining deal—not the mining, but the timber deal, I think it was. Anyway, concerning their deals, Gamey spoke about the Conservatives on Manitoulin not thinking that there was any money in this, but that they would be watching to see if he got any mining deals, or anything of that kind.

Q.—Any other expression containing the word "money," excepting what you have given us? A.—Sullivan spoke of—

Q.—Tell me what he said, please? A.—He said, in talking over their deal, about getting this big thing—he said we can give them back that money, as they need it very badly.

Q.—Now what else, in which that was used? A.—Well there was another place where Gamey asked Sullivan if he thought Stratton would pay the rest of the money.

Q.—What were the words he made use of? Let me hear them? A.—Those are the words.

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Q.—And you swear those are the exact words that were made use of? A.—No, I cannot swear to the exact words.

Q.—Give me the words, do not give me your impression, but give me the words. A.—That is as nearly as I can put it.

Q.—Tell me what he said as if Gamey was speaking. Tell me how he addressed Sullivan? A.—Gamey asked Sullivan if he thought Stratton would give him the rest of that money.

Q.—Is that what he said? Did he say, "Do you think Stratton will give us the rest of that money"? Is that what he said? A.—I do not know that those would be the words. You changed the words.

Q.—Put it as if Gamey was speaking to Sullivan. Let me hear what he said? A.—Gamey asked Sullivan if Stratton would pay him the rest of that money, or give him.

Q.—There is no sense in that. "If Stratton will pay him the rest of the money." That is not what he could have said. That is your conclusion. Give me the words as nearly as you can that Gamey said to Sullivan on the subject, as if he were addressing Sullivan? A.—That is it.

Q.—"Do you think Stratton will give us the rest of the money." is that what he said? A.—I think so—something like that.

Q.—You see you were not satisfied with that at first, when I gave it to you. Now you think that is it? A.—I have been satisfied all along.

Q.—Was there anything said about the Nobles on that night? A.—I do not remember it.

Q.—What? A.—I do not remember it.

Q.—You don't remember it. Again I recall to your mind that you swore

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you heard everything that was said? A.—Yes.

Q.—Did he say this, that the Nobles would be around? A.—I don't remember, sir.

Q.—And that they had paid for a rake-off the former year. You don't remember it? A.—No, sir.

Q.—And the amount was mentioned which they had paid? A.—I never heard it. I don't remember it anyway.

Q.—Was there a talk about Clapperton Island? A.—I never heard the word "Clapperton."

Q.—Was it talked of? A.—I don't think so. I couldn't tell.

Q.—Never heard the word Clapperton anyway. Then was the word Clapperton used with reference to the timber deal when he said there was not enough value there—Sullivan said? A.—I never heard Clapperton used at all—not that I remember.

Q.—If it had been used, likely you would remember, because it is a peculiar name? A.—No; I know the Island.

Q.—Oh, I see. I suppose you do. You come from that part of the country? A.—Yes.

Q.—And if it had been used your ears would have been tuned to the name?

The Chancellor: He says he did not hear it.

Witness: I do not remember it. I cannot remember everything that was said.

Mr. Johnston: Gamey says that was the island that was talked about. Do you recollect it now? A.—No.

Q.—Was this said: "You see, Frank, if I was made Minister of Mines on the Tory side, you could give me a lot of information, and Frank said, "Yes, I could." Was that

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said? A.—I do not remember their using any word about Minister of Mines at all.

Q.—Now, just let me recall this, and that is all I want to ask you. I want to get it clear in your mind, and have no dispute about it. It was said that Mr. Gamey might be Minister of Mines in the Conservative administration, this was nearly the last of the conversation, after they had been talking about Sullivan—the prospect of Sullivan giving them some information, and leading up from that Gamey said, you see, Frank,

I might be Minister of Mines, and you could give us information, that is with reference to unseating the Liberal candidates? A.—He spoke of giving information with regard to unseating Liberal candidates. I don't remember the words "Minister of Mines" at all.

Q.—Well, that is the connection in which we have it from some of the others. Did you talk this over at all? A.—Yes.

Q.—Talked it over a good many times since the occurrence. I suppose? A.—Talked of certain parts of it, I suppose, a number of times.

Q.—Do not suppose. Did you or did you not? A.—I did, certainly.

Q.—Talked it with whom? A.—With the boys, there.

Q.—You live together? A.—Yes.

Q.—And have been ever since? A.—The same house.

Q.—Talked of it, I suppose, quite frequently? A.—Oh, certainly, things would come up during the conversation—talked about some things.

Q.—Quite naturally enough, you have been giving—each one. I suppose, his own version, according to the best of

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his recollection? A.—I don't know as there was any dispute.

Q.—Did the two Price boys ever tell you what they recollected of the conversation? A.—Nothing any more than what we were talking over.

Q.—I am not asking you anything more, or anything less. Did they ever tell you what they recollected of the conversation? That is a simple question? A.—We talked it over there, and they certainly told me what they thought at the time.

Q.—And what they recollected at the time? Did they or did they not? A.—They talked of the thing. I cannot say anything more about it. They talked over the matter, and we both talked about it—we all talked about it.

Q.—And you have done that. I suppose, upon a good many occasions since the night at the factory? A.—A number of times—yes.

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Q.—And during the conversations that you have had you did not disagree as to your recollection? A.—I do not know. We did not talk about that.

Q.—Did you or did you not disagree with either of the Price boys during any of these number of times that you have been talking about it since it happened? A.—No, I don't think we did.

Q.—And if there is any disagreement it would be in court here and not before? A.—I think so. I want you to understand we talked this over casually, as circumstances would come up.

Re-examined by Mr. Ritchie:

Q.—You heard what the last witness said in the box here about his recollection as to the word "Minister of Mines" being used? A.—Yes, sir.

Q.—You were in court then, and you knew what he said; you say if that was said you don't recollect it? A.—Yes.

Q.—That is what you say. Now, this happened between 8 and 9 o'clock that night? A.—About 8 o'clock—it started.

Q.—Was the street quiet in the vicinity? A.—I was not down. We did not hear anything.

Q.—You did not hear any noise where you were? Apparently no noise on the street, as far as you could tell. Had you any difficulty whatever in hearing?

Mr. Riddell: That is all in chief.

Mr. Ritchie: Had you any difficulty in hearing what passed in that room? A.—No, we could hear very plainly; I was so close that Mr. Gamey kept scraping his feet to give us a chance to

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breathe; we could not move.

Q.—My learned friend asked you if Sullivan said you want to be careful to get things right, and you told him that Sullivan did not say this? A.—I never heard the words used just in that way.

Q.—Will you just tell us what it was you heard in connection with getting things right?

Mr. Johnston: We had that in chief.

Mr. Ritchie: I think not in chief.

Witness: I think you have it all. They were talking about this. Gamey mentioned about Myers bringing down the money, and Sullivan took it up and said, why, it was not Myers, it was that fellow Chase. Gamey said, I am very glad you mentioned that, I will just make a note of it. He says, we want to have things right. Sullivan agreed with him.

Q.—Was the expression, "Want to have things right" made use of by either Sullivan or Gamey during that interview, excepting in that one connection? A.—I don't remember hearing it.

Q.—In any other connection? A.—Gamey seemed to not know which name or which man it was.

Q.—That is the only connection in which this statement was made about "Wanting to have things right?" Now, you say you heard everything that passed on that occasion? A.—We could hear very plainly.

Q.—And you heard the whole conversation from beginning to end? A.—Yes.

Q.—While you heard the whole of it, can you swear positively whether you recollect all that passed or not?

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A.—No. I could not recollect.

Q.—You could not pledge your oath to it. So that some things may have passed that you do not recollect? A.—I could not catch it all at times. Lots of names I did not know, and lots of people spoken of whom I never heard before. It went on to other things. I could not keep track.

Q.—You said to my learned friend that there were no number of feet of timber mentioned. What do I understand by that? What do you mean to convey by that? Do you mean to say— A.—I said I did not remember the number of feet on the limit.

Mr. Johnston: My learned friend has no right to put it in that way.

Mr. Ritchie: My learned friend has not heard the question. (Reporter reads last question.)

The Chancellor: That is not proper. He said he heard no number of feet mentioned.

Mr. Ritchie: It occurred to me it was susceptible of a double meaning. I want to get that from the witness. I can understand what the witness may mean by it.

The Chancellor: It is not what the witness may mean. He is telling us what he heard at that time.

Witness: I said I did not remember hearing—

Mr. Johnston : Wait 'a minute.

Witness : I did not remember hearing the number of feet mentioned.

The Chancellor : The witness is able to make himself perfectly intelligible. He is quite at ease. He can explain what he wishes to say.

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Mr. Ritchie : Was there any reference that night to the number of feet ? A.—I cannot remember the number.

Q.—I am not speaking of that. Was there any reference to the quantity of timber ? A.—I think there was a reference to the quantity, but I cannot remember the numbers that were used.

Q.—That is what I want to get at. There was a reference to the quantity, but you cannot remember the number.

Mr. Johnston : He does not say that.

The Chancellor : He says he thinks there was. He says he thinks so.

Mr. Johnston : State it fairly if you state it at all.

The Chief Justice : There is a great difference between no reference being made to a number at all, and his not being able to remember what the exact number was.

Mr. Ritchie : That is exactly what I want to know.

Witness : I think there was a reference made, but I cannot remember the number.

Mr. Ritchie : That will do, Mr. Kinney.

Mr. Johnston : We have not seen Mr. Crossin's book, and three times we have endeavored to see the place where these pianos were put, and where the interview took place.

The Chancellor : Then you had better have Mr. Crossin produce the books, and the sketch was to be completed. You can cross-examine afterwards. You will have an opportunity of doing that. You can examine him now, and they can re-examine him afterwards.

Mr. Ritchie : I am through with my examination.

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The Chancellor : I thought he was going to give this information.

Mr. Ritchie : No, I will not ask for anything.

The Chancellor : I did not understand you had finished with your examination in chief. Is that so ?

Mr. Ritchie : That is my impression.

Mr. Johnston : Oh, yes, that is the case, my lord.

The Chancellor : The examination-in-chief is done.

Mr. Johnston : Yes. We expected to see the books, but we have not seen them yet.

Mr. Ritchie : The only objection is this. I do not suppose Mr. Crossin

wants everyone to go and look at those books, which contain matters of a private nature.

The Chancellor : You can detail one of the counsel on your side, and they can detail one on their side. If there is any dispute about a matter, refer it to us. That will save time.

Mr. Crossin : My lord, might I ask that any information in the books should remain private property.

The Chancellor : Any private information you are not obliged to disclose, but anything bearing on this case you will.

Mr. Crossin : I am quite willing to answer any questions.

The Chancellor : Anything bearing on this case you are to show. It is not desirable to occupy the time of the court in searching through the books. Mr. Crossin will submit these to counsel on each side, and if any question arises about privilege, in respect of any entry, let it be referred to us.

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Mr. Johnston : Mr. McEvoy will represent us in looking at the books.

The Chancellor : Then the cross-examination will stand over until you have an opportunity of inspecting these books. Mr. Crossin may perhaps go with you now, or at lunch time.

Mr. Ritchie : I have no person now who can go. Mr. Crossin says there is not the slightest objection. He says if they want to see that room they can see it at any time—the room in which this took place.

Mr. Johnston : We were refused three times. We had an appointment with Mr. Crossin, I understand, for one occasion. Mr. McEvoy was there, and Mr. Crossin was not there.

The Chancellor : The whole matter is solved by Mr. Crossin saying in open court you can see it at any time.

Mr. Crossin : I remained the first day, until a quarter after two without my lunch. I thought if they were coming they would have been there before that time. I went away. They are at liberty to see the room at any moment. There is nothing to secrete. They can see it at any moment.

The Chancellor : You had better arrange a time with Mr. Crossin.

Mr. Ritchie : What time do you want to go there ?

The Chancellor : You had better fix the time now.

Mr. Riddell : We will arrange a definite time later on.

Mr. Crossin : All I want is to have a definite time arranged so that you will not have this excuse again.

Some of the counsel suggested four o'clock.

The Chancellor: Then you will meet after four o'clock. Your books will be there.

Mr. Ritchie: Why cannot he see the books at the same time?

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The Chancellor: I say that.

Mr. Johnston: Very well.

The Chancellor: Then whom do you call now?

Mr. Ritchie: I thought Mr. Crossin was going to occupy some time. I will call Mr. Might.

John M. Might, sworn. Examined by Mr. Ritchie:

Q.—Where do you reside? A.—Toronto—South Parkdale.

Q.—And what is your business? A.—Well, I have not got very much business just now. I am a broker really.

Q.—You are the publisher of the Might Directory? A.—I was.

Q.—Do you know Mr. Gamey? A.—Yes, sir.

Q.—You have known him for some years? A.—Very well.

Q.—Do you recollect having a conversation with him sometime before the 1st of September last? A.—Yes, I had. I think it was before the 1st of September. I think some time in the month of August.

Mr. Ritchie: Now, what I propose to ask this witness, my Lord, is whether in the month of August Mr. Gamey stated to him what approaches had been made to him by Mr. Sullivan.

The Chancellor: I do not see how you can make evidence of that. You had Mr. Gamey's oath upon that point. He is the proper person to give the evidence. What he may have said to some person else is not evidence.

Mr. Ritchie: It would be corroboration. What he said almost immediately

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afterwards, or within a day or so.

The Chancellor: I think we must draw the line at that point.

Mr. Ritchie: Very well, my Lord.

The Chief Justice: We agreed that that would not be evidence.

The Chancellor: In fact, you have the evidence in already. You only want to give another version of it.

Mr. Ritchie: Except corroboration.

The Chancellor: You see what danger would arise. A man would fabricate a thing and tell it to fifty people, and then call upon them to corroborate.

Mr. Ritchie: That is quite true.

The Chancellor: I do not think you will press it when you come to consider it yourself.

This ruling will apply to all evidence of a kindred nature. I do not know whether there is any other.

Mr. Ritchie: Yes, my Lord. Then we will have to send the witnesses home.

The Chancellor: You need not keep the witnesses on that line.

Mr. Blake: Yes, my Lord, there are four or five. I do not suppose there is any object in keeping them here.

The Chancellor: Oh, no.

Mr. Blake: No object in keeping them here to tender them formally? The

Chancellor: Oh, no. The ruling will apply to all that class of repetitions of Mr. Gamey to these people of what occurred.

Mr. Blake: There are two or three of them from Manitoulin. We do want

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to keep them any longer than may be necessary.

The Chancellor: You will see how far the ruling applies to them.

Mr. Johnston: Of course I assume your Lordship's ruling covers cases in which we propose to call evidence in reply to that character or class of evidence.

The Chancellor: We are only ruling now in this particular shape on the question where Mr. Gamey has given his evidence in full, and proposes to call people to whom he told certain things afterwards. It applies to that class. You had better not consider any other class at present.

Mr. Johnston: No, but I have several witnesses at least who speak exactly as to that same circumstance, if that had been admitted, and I merely say that this evidence cannot be taken on either side apparently.

The Chancellor: If it is that sort of evidence. If you want to call evidence, for instance, after examining Mr. Sullivan, if you do examine him—witnesses to prove what Sullivan said to them, that would be subject to the same ruling.

Mr. Riddell: That is the kind of evidence.

Mr. Johnston: That is the kind of evidence we have, because we did not know what view your Lordship might take. You might, for instance, say it was part of the *res gestae*, or it might be admissible upon other grounds.

The Chancellor: I do not think it is part of the *res gestae*.

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Mr. Johnston: We will send our witnesses away.

The Chancellor: We have only extended it to a case where there has been some act.

You, of course, Mr. Johnston, on the other side, have a right to examine these people as to statements Gamey made to them, if you choose to do it.

Mr. Johnston: Quite so.

The Chancellor: They cannot do it, but, you can do it if you like.

Mr. Johnston: We had a number of witnesses as to what was said by Sullivan at the time, to corroborate his statements, just as my learned friend has in respect of Gamey, and I suppose they all go out.

Mr. Blake: I understand, my Lords, it is simply witnesses occupying the same position.

Mr. Johnston: Quite so.

Mr. Blake: As these occupy to Mr. Gamey.

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The Chancellor: Counsel understand the position. It simply covers that point.

Mr. Johnston: Quite so.

Miss Margaret Durkin, sworn. Examined by Mr. Blake:

Q.—You are a stenographer in the city of Toronto? A.—Yes, sir.

Q.—You are engaged in the office of the Provincial Secretary, the Hon. Mr. Stratton? A.—I am engaged in his Department.

Q.—How long have you been engaged there? A.—Over two years.

Q.—And what are your duties in his office? A.—Mere stenographer.

Q.—Have you anything to do with the copying of the letters? A.—No.

Q.—Who attends to that work? A.—Well, our letters—my letters were always duplicated.

Q.—And were not entered in any copy-book? A.—No.

Q.—In a letter-book? A.—No.

Q.—And that has been so for the last couple of years? A.—Well, I have not been in the Provincial Secretary's office in his public office—for two years. I have been in his Department.

Q.—How long have you been in his office? A.—I was in his office for about five months.

Q.—The last five months?

The Chancellor: Whose office? A.—The Hon. Mr. Stratton's office.

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Mr. Blake: She was explaining.

The Chancellor: In his private office for five months.

Witness: In his public office, I mean.

The Chancellor: I thought you said you were in the Department? A.—I was in the Board of Health, and then in the Assistant-Secretary's office, and in Mr. Stratton's office again.

Mr. Blake: Tell me whether you were in January last and in October last, and

in February last, in his private office?

A.—In his outer office.

Q.—Well, were you the person that took his letters—the stenographer that took his letters? A.—Yes, sir.

Q.—You were. Was there any other stenographer there that took his letters?

A.—The private secretary would take his letters.

Q.—What was his name? A.—Mr. Myers.

Q.—And were there duplicates kept of the letters that were taken by Mr. Myers, as well as by yourself? A.—I think so.

Q.—That was the practice in the office. Then, where are those copies kept of the letters—the duplicates? A.—In the files.

Q.—And you have those files, or under whose charge are they? A.—They are in the office.

Q.—Then you were subpoenaed to produce the books in which you wrote? A.—Well, I never kept them.

Q.—Are you sure of that? A.—Yes, I am quite sure.

Q.—What did you do with them? A.—I always destroyed them.

Q.—When did you first destroy books?

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A.—Well I have always destroyed them.

Q.—When did you first destroy any of your typewriting books there? A.—I don't remember.

Q.—In what way did you destroy them? A.—Well, I have always torn them up and put them in the waste-paper basket.

Q.—When, you say always? A.—Yes, always.

Q.—Do you mean to say the moment a book is finished? A.—I generally keep the last one.

Q.—For how long? A.—Well, until the next one is written.

Q.—Until the next one is written? A.—Yes.

Q.—But do you say that for two years that has been your practice? A.—Yes.

Q.—For two years. Who instructed you to do that? A.—Well, it was the rule of the office where I was.

Q.—How was it conveyed to you? A.—I think I just got the impression.

Q.—And you state that, as early as two years ago, you used to destroy your book as it was finished? A.—I used to.

Q.—You swear to that? A.—Yes, to the best of my recollection.

Q.—But you would recollect a matter like that? A.—Yes, I think that was always my custom.

Q.—What had been your employment before you entered the Government employ? A.—Well, I was a stenographer.

Q.—Used you at any time to destroy your books then? A.—I don't remember it.

Q.—You don't remember doing that. How, then, did you gain the impression that the rule in the Department was to destroy the books of the steno-

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grapher? A.—Well, it was the other office I was in. It was the distinct rule.

Q.—Which office was that? A.—In the Assistant-Secretary's office.

Q.—What is his name. A.—Mr. Lumsden.

Q.—The distinct rule is to destroy your book as it is finished?

The Chancellor: No, as the next one is finished?

A.—Yes.

The Chief Justice: Always have a complete one on hand.

Mr. Blake: Always have the prior one complete: then you would have two completed, and then you would destroy the former one of those two? A.—Yes.

Q.—That is the way. Then, how long would it take you to finish a book ordinarily? A.—I couldn't say.

The Chancellor: Weeks, or months, or days?

Mr. Blake: A week, or a month, or a day? A.—Perhaps, three weeks, I should think.

Q.—Then you had, however, as you say, copies of all the letters, and they are on file, are they? A.—Yes.

Q.—And can they be procured? A.—Yes, sir. I guess so.

Q.—Then do you remember in September preparing a letter? A.—No, I was not in Mr. Stratton's office in September.

Q.—Who was there? A.—The private secretary and assistant secretary.

Q.—Was there no stenographer in connection with it? A.—Well, I do not know anything about the office then.

Q.—There was, you say, a private secretary and an assistant private secretary. Possibly you will be able to

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tell me, looking at that, whose work that is, from the work itself, or from the machine? A.—No, I could not tell you.

Q.—Are you sure? A.—Yes.

Q.—Is that written upon the same machine that you have?

Mr. Johnston: Unless she is an expert, I do not see how she can tell that.

Witness: I could not say that.

Mr. Blake: You have not got here any of the work that you turn out? A.—No.

Q.—Then have you produced the copies of the duplicates of the letters

which you have? A.—No, I did not.

Q.—Why did you not produce those? A.—Well, I was not asked to produce those. I was asked to produce stenographic notes.

Q.—And failing your being able to produce those, you did not think of producing the copies of the letters? A.—No.

Mr. Johnston: She has no control over them, I suppose.

Mr. Blake: Who would have control?

Mr. Johnston: Mr. Stratton has control of them.

Mr. Blake: I see. Then it will be necessary, I suppose, unless you will produce—

Mr. Johnston: If you will tell us what your letters are we will produce anything you want that bears on this case.

Mr. Blake: We want the letters of these dates. The letters of February.

Mr. Johnston: Perhaps you will give us a list.

Mr. Blake: Very well.

The Chancellor: Just exchange lists.

Mr. Blake: Very well, my Lord.

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Q.—Then do you say that you could not tell of any letter whether it came from the type that you used in your office, or not? A.—No.

Q.—You could not. Well, what is the name of the stenographer that is used in the Department in which Mr. Frank Sullivan is employed? A.—The name of the stenographer?

Q.—Yes? A.—The young lady, do you mean? The typewriter?

Q.—Yes? A.—Oh; I do not know.

Q.—Why don't you know? A.—Will you repeat that again, please?

Q.—What is the name of the stenographer that is in the office where Mr. Frank Sullivan is? A.—The stenographer or the typewriter?

Q.—Give me either? A.—The stenographer is Miss O'Grady.

Q.—The stenographer. And does she do the typewriting, or does somebody else? A.—I do not know.

Q.—Well, is there a typewriter there in addition to the stenographer? A.—I am perfectly ignorant of any matter relating to the Public Works Department.

Q.—You have just given me a little bit of information, that Miss O'Grady is the stenographer? A.—Yes.

Q.—Could you not give me the information as to the typewriter? A.—No, I could not.

Q.—Do you know Miss O'Grady's Christian name? A.—No. I do not know that I do.

Q.—Do you recollect as a matter of memory preparing that paper? Please look at it.

His Lordship: Is it to identify this?

Witness: No.

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Mr. Blake: Do you say that you did not? A.—Yes.

Q.—Or that you do not recollect? A.—Yes. I didn't.

Mr. Blake: That is the enclosure, Exhibit 29. You do not identify it. Did you ever see that before? A.—No. I did not.

Q.—You are quite sure of that? A.—Yes. quite sure.

Q.—Did you ever see that letter before? A.—No. I never saw that before. (Referring to part of Exhibit 29.)

Q.—And you cannot tell me on whose typewriting machine that was written? A.—No.

Q.—In the Public Works Department is the rule the same that the books are destroyed, but copies of the letters are preserved? A.—I do not know.

Q.—You do not know of any rule except in your own Department. Don't you remember some of your books being taken out of your drawer, Miss Durkin? A.—No. I do not.

Q.—Do you swear that they were not, within the last two months, and that you complained about their being taken? A.—No.

Q.—Mention that they were taken? A.—No, they were not taken to my knowledge.

Q.—No, they were taken without your knowledge? A.—No. I did not say that either.

Q.—Do you solemnly on your oath say—

Mr. Johnston: This is my learned friend's own witness.

Mr. Blake: Certainly. That the books were not taken out of your

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drawer, and that you mentioned to a person that somebody had been at your drawer, and taken some of your work out, and taken also some of your books? A.—I never said anything of the kind.

Q.—Did you miss some, and say that your work was not about, and that some of your books were taken? I am told you stated that.

Mr. Riddell: Surely that is not right.

The Chancellor: There is no objection to that, is there?

Mr. Johnston: She is not an adverse witness.

Witness: It is not correct so far as the statement goes.

Mr. Blake: Not so far as what statement goes? A.—So far as your statement goes.

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Q.—Give it to me in your own language? A.—You are asking me if I ever complained of anyone taking out books out of the drawer, and I think you said I had made that statement?

Q.—Yes. I am told that you did. That you mentioned that to a person? A.—Well, that person is not telling you the truth.

Q.—In what respect is she not telling me the truth? Of course, I need scarcely say I may absolutely rely upon you, in regard to the truth, Miss Durkin?

The Chancellor: You ask her if there is another "she" telling the truth. I suppose it is lady against lady.

Witness: I think when a person is on oath they are supposed to tell the truth. That is my idea.

Mr. Blake: They are supposed to. What we desire is to live up to the supposition if we can do it. Tell me, please, what you did find in regard to the work and the books, no matter what statements you made? A.—I did not find anything. When I destroy a book I cannot go and say that somebody else has taken it out of a drawer.

Q.—No, and I was not referring to the books that have been destroyed. I was referring to other books. A.—I do not just see what you mean.

The Chancellor: He asks, did you miss any books from your drawer that you were using? A.—I think, my Lord, I answered him that before.

Q.—Answer now? A.—No. I did not miss any.

Mr. Blake: At any time? A.—No.

The Chancellor: And did you complain to anyone that you had missed books?

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A.—No. I told him before I did not.

Mr. Blake: So that at no time did you find that any books had been taken from your drawer, or from the place that you had put it, within the last three months? A.—No.

Q.—You swear to that? A.—Yes. I swear to that.

Q.—What is the name of the typewriting machine that you use. A.—The Densmore.

Q.—And then, is that the machine that is used in the building generally? A.—I cannot say anything about that.

Q.—Well, in the other Departments that you were in? A.—In one Department there was a Smith Premier. I used

that myself, and in the other I have used a Remington.

Q.—In which Department is it there is a Smith Premier? A.—In the Board of Health.

Q.—And then the other one? A.—In the Assistant Secretary's Office.

Mr. Riddell: Is that Mr. Lumsden? A.—Yes.

Mr. Blake: Is that the only one there is in that Department? A.—In what Department?

Q.—In the Department in which you are at present—the Densmore—just the one Densmore machine? A.—In the Department in which I am there is a Remington.

Q.—And then in what Department was it there was a Densmore? A.—In Mr. Stratton's Department—in his outer office.

Q.—Do you remember the number of the Densmore? A.—No, I do not.

Q.—Who operates a Remington machine there? A.—The private secretary.

Q.—Who is that? A.—Mr. Myers.

Q.—Had you anything to do with the preparation of that (Exhibit 17)? A.—

(932)

No.

Q.—Did you ever see that? A.—No.

Q.—Could you tell me on which of the machines that was sent out? A.—No, I could not tell you.

Q.—Did you ever see that before? A.—No.

Cross-examined by Mr. Johnston:

Q.—The work that you have generally been doing has been in Mr. Lumsden's office. A.—Yes, Mr. Johnston.

Q.—And he is the gentleman who has charge of the incorporation of companies, and all matters of that kind? A.—Yes.

Q.—And therefore your work is largely routine work there? A.—Yes.

Q.—And the going to Mr. Stratton's own room, that is the main room connected with himself personally, was, I understand, because they were short-handed? A.—The reason I went there was that when the late private secretary became ill there was a vacancy for a young man.

Q.—Speak just loud enough so that these gentlemen can hear you? A.—And I was taken there for a short time until the position was filled, that was all.

Q.—Not a position for a young lady? A.—No.

Q.—Has never been filled to your knowledge by a young lady? A.—No.

Q.—Always by a man? A.—Yes, so far as I know. I do not know much about it.

Q.—Then you had worked there before at odd jobs when required? You had done work in connection with Mr. Stratton's own Department? A.—Yes.

(933)

Q.—Before this at all? A.—Yes.

Q.—Whenever they were busy, or wanted assistance, they would get some from some other office to help them through? A.—Yes.

Q.—And you have gone there for that purpose, or you have done work for them in that way? A.—Yes.

Q.—Then, taking Mr. Lumsden's office—you have been there for how long? A.—Well—

Q.—About two or three years? A.—Oh, no, I have only been in the buildings two years and three months. I should think.

Q.—Since you went to the buildings you have not always been in that office? A.—No.

Q.—Been in another Department? A.—No, I was in that office. I was in the Medical Board of Health Office.

Q.—And you were doing the same class of work in Mr. Lumsden's office and the Board of Health as you did in Mr. Stratton's, taking notes and extending them? A.—Yes, attending to the correspondence. Writing the correspondence. Answering it, rather.

Q.—And in all of these offices you pursued the same thing, destroyed the note books as they got filled up? A.—Yes, as far as I can tell.

Q.—And you know that that is the practice of all the Departments? A.—Well, I could not say about that, but it was decidedly the practice in the Department where I had been; I was there for nearly a year, that I took it for granted. I did not think of asking, as my work was in duplicate.

(934)

Q.—Then you would leave your note book where? A.—Just in the drawer.

Q.—And you never had during the whole time—never had any reason to complain of anybody touching any of your things at all? A.—No.

The Chancellor: She said that.

Mr. Johnston: Is it easy to read the notes of another stenographer? A.—I do not know.

Q.—Have you ever tried it? A.—Well, I think I have glanced at writing and could not read it sometimes.

Q.—You could not read it. But what I wanted to ask is: Take, for instance, your own writing. Supposing your books were kept and a strange stenographer came in, would he or she likely be able to make much out of your system of writing, so as to be able to extend it? A.—I would not think so.

Q.—That is as far as I know, you would not think that would be so? A.—No.

William P. Ryrie sworn. Examined by Mr. McPherson:

Q.—What is your occupation. Mr. Ryrie? A.—Paper merchant.

Q.—In the city of Toronto? A.—Yes.

Q.—What experience have you had in the paper business? A.—As to length of time?

Q.—Yes? A.—Upwards of twenty years.

Q.—Have you examined some of the exhibits that have been filed here? A.—I have casually.

The Chancellor: Did you say casually or carefully? A.—Casually.

(935)

Mr. McPherson: Take, for instance, the first sheet of this "Stock Brokers' Bond," at least, of Exhibit 29, what is called the "X. Y. Z." letter, and examine the first sheet. Examine that paper and tell me what you can about the paper? A.—Well, I would like to ask as to what you consider actual knowledge.

Q.—Look at the paper. Is there a water mark in that paper? A.—There is.

Q.—What is the water mark? A.—"Stock Brokers' Bond."

Q.—Do you know anything about the manufacture of that—do you know who manufactures that brand of paper? A.—Well, that is why I asked that question of knowledge. I gave it from the man who sells it—the firm controlling it, that it is manufactured for them specially.

Mr. Riddell: Surely that is not evidence?

Witness: One firm.

Mr. McPherson: I think so. It is trade knowledge.

The Chancellor: What the man manufacturing told him. He says he makes it solely? A.—Yes.

Mr. McPherson: Who is that man—the manufacturer? A.—The Rolland Paper Company, of St. Jerome, Quebec.

Q.—Do you know if they have an agent in Toronto? A.—They have a local agent named W. R. Pringle.

Q.—And he transacts their business here—he handles their goods? A.—Oh, he is the man who controls the sale of goods direct from the mill to a large number of jobbing houses in Toronto—chiefly confined to jobbing houses.

Q.—Now, as to this Stock Brokers' Bond—that particular brand of paper. Can you tell me who handles that among the trade here? A.—The sale

(936)

of it is confined to the one house—that is, the one jobbing house.

Q.—What house is that? A.—Buntin, Reid & Company. It is a matter of

trade in the paper business. Such a water mark as this is controlled, and made solely for one firm frequently. In this case, Mr. Buntin himself has stated to me that it is—

Mr. Riddell: Please do not give us that.

Mr. McPherson: That is trade knowledge.

The Chancellor: Oh, no. In strictness you ought to call these different people. I suppose that is a matter that can be verified, about this being made in Quebec.

The Chief Justice: Known in the trade as the production of that house?

The Chancellor: That can be checked.

Mr. Johnston: I am not objecting to that part of it.

The Chancellor: He says it is sold by Buntin, Reid & Company.

Mr. McPherson: Now, I show you Exhibit 27.

(937)

Mr. McPherson: Now, I show you Exhibit 27. That is a copy of a letter produced by the Hon. J. R. Stratton, as a letter written by his private secretary to R. R. Gamey, in reference to Platt. Is the paper upon which the X. Y. Z. letter and the Exhibit 27 the same brand of paper? A.—It is.

Q.—Does it bear the same water mark, "Stock Brokers' Bond"? A.—It does.

The Chancellor: That appears upon the face of it?

Witness: No, my lord, it is the brand.

Q.—You can see it by exposing it to the light? A.—Yes.

Mr. McPherson: Now, I show you Exhibit No. 3, a letter signed in Mr. Aylesworth's office, my lord. I ask you if that is the same brand of paper? A.—It is.

Q.—Does it bear the same water-mark? A.—The same water mark—the same brand.

Q.—Now, I show you what is called the typewritten enclosure, accompanying the X. Y. Z. letter, part of Exhibit 29. Will you tell me if that paper contains a water-mark? A.—It does. "C. & Co." as a monogram.

Q.—What does that indicate in the trade as a trade-mark? A.—The make of the paper?

Q.—Yes? A.—It is a paper manufactured by Cowan, of Valleyfield, Scotland.

Q.—An important paper? A.—Yes.

Q.—Alexander Cowan & Company? A.—Alexander Cowan & Son, or Alexander Cowan & Company, I am not sure which. It is commonly called Cowan's paper.

Mr. Riddell: Cowan & Co.? A.—Yes, or Cowan & Son.

Mr. McPherson: Now, I show you Exhibit 17, The Globe interview. I

(938)

ask you if that is the same brand of paper as the typewritten enclosure in Exhibit 29? A.—It is.

The Chancellor: That is Cowan & Company, is it? A.—Yes.

Mr. McPherson: Does it bear the same water-mark "C. & Co."? A.—The same water-mark and same weight.

Q.—Now, speaking of Exhibit 17, how do you describe that sheet of paper in your trade language? A.—A full sheet, quarto letter, or fly-leaf sometimes called.

Q.—Looking again at the typewritten enclosure, part of Exhibit 29, will you tell me whether that has been the same kind of paper? Can you tell from the appearance of the paper? A.—I should say it is identically the same paper.

Q.—The letter appears to be in two sheets—the enclosure? A.—In Exhibit 29.

Q.—Can you tell whether the two sheets whether that originally has been one entire piece? Can you tell? A.—I should strongly suspect so. I should give it as my opinion that it has been.

Q.—Severed at the back, but it has been originally one entire sheet.

The Chancellor: 17 has been severed at the back.

Mr. McPherson: No, my lord, 29 has been severed at the back.

Q.—Now will you look again at Exhibit 29? There is a sheet of paper, a blank sheet of paper, attached to that. Will you look at that paper and describe it to the Commissioners. What water-mark does that contain? A.—Earncliffe linen bond.

(939.)

Q.—By whom is that paper manufactured? A.—The Rolland Paper Company.

The Chancellor: The same firm as the other spoken of?

A.—Yes.

Mr. McPherson: I am speaking of the blank sheet attached to 29? A.—You could call it a cover.

Q.—I show you Exhibit No. 30, letter dated 20th February, signed with the initials F. J. S., and I ask you to compare the blank sheet, part of Exhibit 29, with Exhibit 30, and say if they contain the same water-mark and are the same grade of paper? A.—The same paper.

The Chancellor: The same as what?

The Chief Justice: 29 and 30.

Witness: Also water-marked Earncliffe linen bond.

The Chancellor: F. J. S. What is that? A.—Exhibit 30.

The Chief Justice: That is one of the letters registered from Yorkville.

Mr. McPherson: I show you an envelope in which Exhibit 30 was contained. I also show you an envelope in which Exhibit 31 was contained. Will you examine those envelopes and tell me if the paper is the same grade of paper?

A.—I should say it is identically the same sheet, the same size envelope.

Q.—Are the envelopes identically the same in their original state? A.—I know what way?

Q.—The same manufacturer? A.—Oh, yes, the same die—the same size and the same paper.

Q.—The envelopes to Exhibit 30 and 31, the two registered letters from

(940.)

Yorkville—two of the registered letters. Now, I show you the envelope in which Exhibit 29 was contained. Will you describe that envelope to the Commissioners? What is it called in trade language. How is it referred to? A.—Oh, it is an envelope that is used largely with official correspondence, made from paper called cloth-lined envelope paper. It is lined with a cheap linen or cotton cloth.

Q.—Is it an imported or domestic article? A.—It is imported.

Q.—From where? A.—From Great Britain usually.

Cross-examined by Mr. Riddell:—

Q.—Are you in a large way of business, Mr. Riley? A.—It depends upon what you consider large.

Q.—I mean large for Toronto? A.—Large?

Q.—Don't you really understand me? A.—I do not, sir.

Q.—Do you sell a good deal of paper? A.—Yes.

Q.—Running up to the thousands in a year? A.—Yes.

Q.—Perhaps thousands in the month. Is that right? A.—At times.

Q.—I am very glad to hear that. The Rolland Paper Co. are at St. Jerome, Quebec—a very large paper works? A.—Not large.

Q.—Then turn out a very great deal of paper at all events? A.—Yes.

Q.—Do you deal in their paper? A.—Not at all. Well, I have dealt in it—yes.

Q.—You are not dealing in it now? A.—Not continuously—no.

(941.)

Q.—What you mean is that you get the paper from these works whenever you desire their quality, and the price is right? A.—Yes.

Q.—That is, they do not deal particularly with any particular dealer? A.—They?

Q.—Yes? A.—Oh, no. They sell their paper to the jobbing trade as a rule.

Q.—They sell their paper to any person who will buy? A.—To the trade.

Q.—And they make a very great many kinds of paper? A.—I do not know what you mean by a good many kinds.

Q.—About thirty? A.—I cannot tell you that.

Q.—How many kinds of paper of theirs have you dealt in? A.—I could not tell you that from memory.

Q.—Half a dozen? A.—Within what length of time?

Q.—Within any length of time. I do not care how long? A.—I should not care to say from memory.

Q.—You could not fix any amount. Let us see the first of those we have been speaking of. I will look at my notes to be accurate in that. Here is the X. Y. Z. letter. Now, is there anything particular about that kind of paper that would prevent any person buying it who desired? A.—Why, no. Buntin, Reid & Co. have that paper for sale.

Q.—Paper of that kind—paper of that size? A.—That particular paper.

Q.—For any person who desired to get it? A.—In the full sheet.

Q.—What do you mean by a full sheet? A.—Four times that size. That is what is called a quarto sheet.

(942.)

Q.—Then have they got it in that size? A.—I cannot answer you that.

Q.—Do the Rolland people send it out from their works in this quarto size? A.—I cannot answer that positively, but I should say not. It is contrary to the trade custom.

Q.—Then who cuts it into the quarto paper size? A.—Buntin, Reid & Co. have a cutting machine. I presume they do.

Q.—Have you any other quartos of stock broker's bond in this lot which has been produced? I will take all you can find if you let me have them? A.—Those three.

Q.—That would be this X. Y. Z., Exhibit 3 and Exhibit 27—those are the three. A.—Yes.

(943)

Q.—Are those cut also, apparently? Those have been cut by a cutting machine, and not torn? A.—I should say these two are. I do not know about that one.

Q.—Then take that one? A.—Yes.

Q.—Then we have the fact that the "X.Y.Z.," the No. 3 and the No. 27, are in your view, the same quality of paper,

the same size, and, apparently, all have been cut by a machine? A.—Yes.

Q.—Then let me have the next kind now. No. 27 is the next one, or did I mention No. 27? A.—27 is in that.

Q.—Yes, No. 27 is in that. Then, the next kind of paper we have. Let me see that? A.—C. & Co.

Q.—That is the well-known Cowan & Company. They are people who have a very large institution in Scotland, and they export a very great deal of paper? A.—Yes.

Q.—And they export to the wholesale trade alone, or do you know as to that? A.—Oh, yes; they export to only one concern in Canada.

Q.—Where is that? A.—Montreal.

Q.—And that concern is? A.—W. B. Dawson.

Q.—They deal with the jobbers? A.—Yes.

Q.—Then, let me see the sample you have of that. Is that a half-sheet? A.—No; that is the full sheet quarto.

Q.—Now, is this the form in which this kind of paper, C. & Co.—is this the size in which it comes to this country? A.—Oh, no. Emphatically not. There is very little of that used. It comes out in the flat, double that size.

Q.—It is cut into this shape, because this has been cut apparently by a machine? A.—Yes.

Q.—Who puts it into this form? A.

(944)

—Well, the manufacturing stationers, when it comes here.

Q.—And then it is sold out to the—? A.—To the trade.

Q.—And, of course, anybody can get this kind of paper who wants it and is willing to pay for it? A.—Yes.

Q.—And know where to get it. Now, have you anything corresponding to No. 17? A.—These two.

Q.—That is the typewritten letter enclosed in No. 29? A.—Yes.

Q.—Is that all you have got? A.—That is all I have seen.

Q.—Is that all you have got? A.—That is all I have seen.

Q.—Then, your idea is that, as regards this typewritten letter, was that cut in the form in which it is now, or was it torn apparently? A.—No; I should give it as my opinion that it has been torn and severed by hand, or with a knife, or some such instrument.

Q.—It is quite clear—perfectly clear to anybody who has any skill in those things—that this enclosure in the typewritten letter has not been cut by a machine? A.—It is quite clear to me. That is the one edge—just as though this sheet were now torn and severed.

Q.—So that if we took this enclosure in the "X.Y.Z." letter, and had it in its

original form, that would correspond to No. 17, according to your view? A.—Yes.

Q.—So that what you mean is that the two sheets—the two sheets I have here—of the enclosure, apparently have been cut out of a sheet like 17? A.—Yes.

Q.—That is apparent. Anybody can see that? A.—Yes.

Q.—Have you anything else corresponding to No. 17, that is, Cowan & Company? A.—I have only seen the two.

(945)

Q.—Now, the third kind of paper you spoke of was this Earncliffe paper? A.—Earncliffe Lmen Bond.

Q.—That is manufactured also in Quebec? A.—By Rolland—yes.

Q.—By the same people? A.—Yes.

Q.—Now, this blank sheet, enclosed in No. 29, has that been cut on all its edges by a cutting machine? A.—Yes.

Q.—That paper also can be got by anybody who wants to buy it? A.—Yes.

Q.—What have you got corresponding with this? A.—No. 30.

Q.—Has that also been cut on all its edges by a cutting machine? A.—Yes.

Q.—Then it is quite clear to your view at present that those two pieces of paper which I have in my hands have been manufactured at the same place, the same quality of paper, and both cut, and on all four sides by a machine? A.—Yes.

Q.—Those are all that have been handed to you or shown to you of that kind? A.—I think, just the two.

Q.—Now, let us see as to the envelopes. Is there anything peculiar about that envelope? A.—Let me see them.

Q.—The envelope containing 30 and 31? Is there anything peculiar about the envelopes? A.—Why, no; they are ordinary commercial envelopes.

Q.—Made where? A.—I should say, made here in Toronto—made in Canada.

Q.—Have you anything to tell you? A.—No.

Q.—You can give no idea at all, as a matter of fact, where they were made, or by whom? A.—Well, as a general practice, I should say they are made

(946)

here, inasmuch as paper coming in is only subject to a duty of twenty-five per cent, when flat, but manufactured paper costs 35 per cent.

Q.—That is by reason of the duty, it is better and cheaper to make them here than import them? A.—Yes.

Q.—That is a common envelope? A.—No, sir; it is not common.

Q.—It is uncommon? A.—It is uncommon inasmuch as the quality of the paper is much better than in ordinary use.

Q.—It is a little better than generally used? Isn't it the ordinary kind of envelope used, for instance, in lawyers' offices, and sent out into the country?

A.—Speaking from experience, lawyers, as a rule, do not use such good stationery; they are too poor.

Q.—I am glad to hear your testimony to that effect. They are a little better than ordinary? A.—They are.

Q.—But, still, they are sold in the open market constantly? A.—Oh, yes.

Q.—There is nothing unusual about them in any sense? A.—I would not like to say that. It strikes me at the moment that the cutting of that is very unusual.

Q.—Look and see if you will swear to that? A.—No; I will not swear to it; but it is a much deeper flap.

Q.—Because it is a much better class? A.—No; but they make the ordinary—

Q.—Take it either way. Either there is, or there is not, something unusual about this paper? A.—The unusual feature, to my mind, is that it is a much deeper flap.

(947)

Q.—And a better class of envelope? A.—Better paper.

Q.—But still they are in the market, and anybody can buy them? A.—I cannot say that.

Q.—Did you ever deal in envelopes of that kind? A.—Of that kind, but not that particular cut.

Q.—So that you cannot tell us where they are made? A.—No.

Q.—Your idea is that those two seem to be of the same size, and the same make. We shall not disagree about that. Then let us look at this paper which is said to have enclosed No. 29. Are you telling us there is anything unusual about that class of envelope? A.—Except that it is not in general use at all.

Q.—It is in general use for sending documents, deeds and mortgages, and official documents which are valuable, is it not? A.—Yes.

Q.—And, of course, those are sold in the open market? A.—Yes.

Q.—And anybody can buy them who has the money and wants them. Now look at Exhibit No. 4? A.—This has nothing in the shape of a brand to identify it.

Q.—Can you tell where that was made? A.—I would venture the opinion it was made in Canada.

Q.—And probably where? A.—Well, such papers are made at three or four mills here. For instance, the Toronto Paper Manufacturing Company of Corn-

wall, the E. B. Eddy Company of Hull. and also the Rolland Paper Company.

Q.—Does that correspond with any of the papers that we have been speaking of? A.—No.

(948)

Q.—That you are quite sure of? A.—Yes.

Q.—That is not the same class of paper as we have been speaking of? That is something different? A.—Cheaper paper.

Q.—That is also quarto form? A.—Quarto.

Q.—Every side cut by a machine? A.—Yes, sir.

Q.—That is Exhibit No. 4.

Edmund L. Young, sworn. Examined by Mr. McPherson:

Q.—What is your occupation? A.—In the paper business.

Q.—And are you in business on your own account? A.—No, I am not.

Q.—How are you connected with the trade, then? A.—I manage a paper business here for an American concern. R. H. Thompson.

Q.—They have an agency in Toronto, and you are the manager here? A.—Yes, sir.

Q.—How long an experience have you had in the paper business? A.—Upwards of fifteen years.

Q.—Will you take what we may call Series 1—?

(949)

The Chancellor: Is this going over the same ground as the other?

Mr. McPherson: Practically, my Lord.

Q.—I show you what is called the X. Y. Z. letter, part of Exhibit 29. Examine that paper and the water-mark. What is the water-mark? A.—Stock-Brokers' Bond.

Q.—Will you look at Exhibit 3 and compare that with the X. Y. Z. letter, and tell me if it is the same grade of paper and the same water-mark? A.—Yes, that is the same paper.

Q.—Compare Exhibit No. 27 with Exhibit No. 3 and the X. Y. Z. letter, and tell me if all three are the same grade of paper and the same water-mark? A.—They seem to be all the same.

Q.—Do you know who is the manufacturer of the brand of paper called Stock-Brokers' Bond? A.—I could not tell you that—no, although I think it is the Rolland Paper Co.

Mr. Riddell: We will agree it is made by the Rolland people.

Mr. McPherson: Take Series 2, and I will show you Exhibit No. 17, and I ask you to examine the quality of the paper and the water-mark and state your conclusion? A.—Well, of course that is a different paper.

Q.—What kind of paper do you denominate that in the trade? A.—We call this, generally speaking, an English

paper or Scotch paper—practically the same.

Q.—What is the water-mark? A.—C. C. & Co.

Q.—Is it C. C. & Co. or C. & Co.? A.—C. C. & Co., I should judge. I would think so.

Q.—Who is the manufacturer of that paper? A.—I believe that is made by

(950)

Cowan & Co., Scotland.

Q.—Where is their place? Valleyfield, Scotland? A.—Scotland. I am not sure of just the place.

Q.—Now, take what is called the type-written enclosure accompanying the X. Y. Z. letter, part of Exhibit 29, compare that as to paper and water-mark with Exhibit 17. Are they both the same kind of paper? A.—Yes, those are the same paper.

Q.—The same grade and the same water-mark? A.—The same water-mark.

Q.—Take Series 3. I show you Exhibit No. 30, and ask you to examine that and state the kind of paper and the water-mark? A.—It is known as a bond paper.

Q.—What is the water-mark? A.—Earnscliffe.

Q.—Earnscliffe what? A.—Earnscliffe Linen.

Q.—Linen bond. Just state the water-mark as it appears on the paper? A.—Earnscliffe Linen Bond.

Q.—I show you the blank sheet attached to Exhibit 29, and ask you to examine that and compare it with Exhibit 30, and state whether they are the same grade of paper and the same water-mark? A.—Yes, those are the same sheets.

Q.—I show you the envelopes in which were contained Exhibits 30 and 31, and ask you to compare them. Can you tell me out of what kind of paper those envelopes are manufactured? A.—That is a bond paper, as well.

Q.—Is that a domestic or an imported article? A.—That I could not tell you. It could be made here and also be imported. I would judge it is an imported article, on account of the softness of it.

Q.—Speaking of the two envelopes, as envelopes, and of the dies from which

(951)

they are manufactured, can you tell whether they are from the same die? A.—I would say they were.

Q.—Do you say they are? A.—Yes.

Q.—Is there anything, speaking of the flap on those envelopes—is that a usual or an unusual flap? A.—That is an unusual flap.

Q.—In what respect? A.—It is deeper than the most of them, as it goes down farther on the envelope.

Q.—Towards the bottom of the envelope—folds further over on the envelope? A.—Yes.

Q.—I show you the envelope in which was contained Exhibit 29. Can you say what kind of paper that envelope is manufactured out of, and describe the trade name? A.—That is what is usually called a linen lined, or a cloth lined.

Q.—Is that a domestic, or an imported paper? A.—An imported paper.

Q.—Where is it manufactured? A.—Well, I should judge that was manufactured in Great Britain.

Q.—That is the paper? A.—Yes.

Q.—Is that envelope, as it stands, what would be called an ordinary business envelope? A.—No. These envelopes are used more for documents, or sending money, or things of that kind—valuables.

Mr. Riddell: Nothing to ask.

The Chancellor: I think we will adjourn at this point until 2 p.m.

(Adjournment 12.45 until 2 p.m.)

(975)

AFTERNOON SESSION.

Friday, 17th April, 1903, 2 p.m.

Wilfred Gamey sworn; examined by Mr. Ritchie :—

Q.—You are a farmer, Mr. Gamey? A.—Yes, sir.

Q.—Living where? A.—In Perryville, Campbell.

Q.—You are a brother of Mr. R. R. Gamey? A.—Yes, sir.

Q.—How far do you live from your brother? A.—About seven miles.

Q.—Do you recollect being at your brother's place in August of last year? A.—Yes, sir.

Q.—How did you come to be there? A.—His son came after me.

Q.—Mr. R. R. Gamey's son came after you? A.—Yes, sir.

Q.—What were you to do? A.—I was going down east with them.

Mr. Riddell: I suppose that is not evidence.

Mr. Ritchie: East to where? A.—By Arrnprior.

Q.—That is, he wanted you to go east with him. A.—Yes, sir.

Q.—Then did you go to his house? A.—Yes, sir, that night.

Q.—Did you drive to his house? A.—Yes.

Q.—What time did you get there? A.—Somewheres between half-past ten and eleven, along there.

Q.—At night? A.—Yes, sir.

Q.—Can you tell us the time in August? A.—I think it was about the middle, somewheres along there.

Q.—Perhaps you can fix it in this way. tell us what happened after you got to your brother's? A.—Well, I had a lunch when we first went in.

Q.—Supper, I suppose, at that time, probably you would call it? A.—Well, we call it a lunch. About the time I got there there was a rap came to the door.

(976)

Q.—What time would that be? A.—I should judge somewheres about eleven o'clock, or along there.

Q.—Where was your brother at the time the rap came to the door? A.—He was in bed.

Q.—Then you answered the call at the door? A.—Yes, sir.

Q.—Who was there? A.—A gentleman that I took to be Mr. Jackson for the instant.

Q.—What Jackson? A.—Sheriff Jackson.

Q.—How did you address him when you opened the door?

A.—I said, "Good-night, Mr. Jackson." He said good-night.

Q.—What did he do then? A.—He stepped to one side of the door.

Q.—Was he in the light? A.—Yes.

Q.—At the door? A.—Yes.

Q.—Then when he stepped to one side was he out or the light? A.—Yes, sir.

Q.—Then what did he say to you, did you ask him to come in? A.—Yes, sir.

Q.—Did he decline?

The Chancellor: He had better tell what happened. Just go on.

A.—He did not come in. He refused to come in.

Mr. Ritchie: What did he say to you? A.—He said he wanted to see Mr. Gamey.

Q.—Go on and tell us in your own way what happened? A.—I called Mr. Gamey up, and I saw him come down stairs and speak to the man and went back up again and finished dressing, and come back down, and went out with the man.

Q.—Do you know what time he returned? A.—No, sir.

Q.—Do you know from anything that happened since who that man was? A.—

(977.)

Yes, sir.

Q.—Who was the man? A.—Captain John Sullivan.

Q.—You are clear about that, are you? A.—Yes, sir.

Q.—You did not know where they went to when they went out? A.—No, sir.

Q.—What happened the next day? A.—My brother and I and his son drove to town.

Q.—What do you call town? A.—Gore Bay.

Q.—Did you see any person there? A.—Yes, sir.

Q.—Who? A.—I saw Captain John Sullivan.

Q.—Was that the same man who called at your brother's house the night before? A.—Yes, the man I took it to be, yes.

Q.—Where did you go from there? A.—Went across to Cutler and down to Sudbury.

Q.—How did you go to Cutler? A.—On the steam boat, mail tug.

Q.—Was Captain Sullivan along. A.—Yes.

Q.—Your brother, too? A.—Yes.

Q.—Was your brother conversing with Sullivan or were you? A.—Yes, I saw them talking.

Q.—You saw your brother and Sullivan talking on the boat? A.—Yes, sir.

Q.—Then from Cutler where did you go? A.—Went to Sudbury.

Q.—The whole three of you? A.—Yes.

Q.—Then did Captain Sullivan part company with you there? A.—Yes.

Q.—Where did he go? A.—He stayed on the train.

Q.—The train for Toronto? A.—Yes.

Q.—And you got off at Sudbury? A.—Yes.

Q.—To go where? A.—We stayed there over night.

(978)

Q.—Was this the only occasion in August that you were at your brother's house at night when anyone came there? A.—The only one I can remember of, yes. The only time I can remember seeing anyone there at night.

Q.—You said about the middle of August; have you any means of fixing the exact date? A.—No, sir; I could not fix it.

Q.—Had you ever seen this man more than once at your brother's house? A.—The only time I ever saw him.

Q.—The only time you ever saw him was the occasion you refer to when he came there late at night? A.—Yes, sir.

Q.—What kind of night was it? A.—I think it was a bright night.

Mr. Riddell: Nothing.

David George Sturrock sworn. Examined by Mr. McPherson.

Q.—What is your occupation? A.—I am in the telegraph business.

Q.—Do you occupy an official position in connection with either of the telegraph companies? A.—Yes, sir; I am local manager of the C. P. R. Telegraph Company here.

Q.—Have you produced a telegram in response to a summons, sent from Toronto to R. R. Gamey? A.—Yes, sir. The date please?

Q.—I do not recall the date for the moment.

Mr. McEvoy: The 27th of January.

Mr. McPherson: The 24th or 27th of January. A.—The 27th of January it is.

The Chancellor: This is from Gamey? Mr. McPherson: No, my lord, a telegram to Gamey signed "Frank."

(979)

Q.—The telegram reads, "Robert Gamey, Gore Bay, Ont." Stamped 27th of January. "Important that you be here on Thursday or Friday. Answer." Signed "Frank." (Exhibit 58). Can you tell me what time that message was put into your office? A.—Yes, sir, at 7.50 p.m.

Q.—Would you be on duty then? A.—No, sir.

Q.—Can you tell who would be on duty? A.—I can tell by the writing, Mr. W. A. Ezard, our night clerk.

Q.—What is the writing? A.—The time for one thing and the check for another.

Q.—I see written on the bottom of this paper: "Says no address." Whose hand-writing is that? A.—Mr. Ezard's writing.

Q.—What does that indicate? A.—It indicates that no address was given.

The Chancellor: For an answer? A.—Of the sender, sir.

Mr. McPherson: Does it indicate that the sender said there was no address?

Mr. Riddell: No, that would not do, that is not evidence.

The Chancellor: Mr. Ezard would have to speak for that.

Mr. McPherson: That seems to be written on a blank piece of paper and pasted on one of your forms? A.—Yes, sir; in accordance with our rules.

Mr. Johnston: Nothing.

(980)

George Patrick Reid sworn. Examined by Mr. McPherson.

Q.—What is your occupation? A.—General manager of the Standard Bank.

Q.—At Toronto? A.—Toronto.

Q.—You have been summoned to produce certain documents, books and papers here? A.—Yes.

Q.—What do you produce in compliance with the summons? A.—I produce an account of Messrs. Kerr, Davidson, Patterson & Grant, and an account of R. A. Grant.

Q.—Copies, are they? A.—Yes, copies.

Q.—Where are the originals of which those are copies? A.—They are in the

books in the head office. The books are at present in use. We could not bring them up. The most important books, the ledgers.

Q.—Will you permit us to make the comparisons to verify your copies? A.—Yes, sir.

Mr. Riddell: So far as that is concerned we have no objection at all to anything of the kind, but Mr. Grant should have some knowledge and notice of this. There may be something in these accounts that he does not produce.

Mr. Ritchie: We expect to follow on with Mr. Grant immediately after this witness.

The Chancellor: You do not propose to use them now at present? You are going to call Mr. Grant?

Mr. McPherson: We would like to have them for inspection.

Mr. Ritchie: I expected the books to be here, but Mr. Reid says these are copies. Then we want to use the copies, or else the books, for the purpose of examining Mr. Grant.

The Chancellor: Is Mr. Grant here?

(981)

Mr. Johnston: No, my lord. Mrs. Grant called me up last evening when I went home to say that Mr. Grant had a telegraph message to go to Ottawa, but that he will be back to-nig't. He has waited here all the week and endeavored to put off the Ottawa appointment, and finally he had to go. He has been here since Monday morning.

The Chancellor: What is the objection to putting in these copies of accounts now, not to be used until Mr. Grant sees them?

Mr. Blake: Mr. Grant was to have been our next witness. We wanted these just as a foundation for the examination of Mr. Grant.

The Chancellor: Is this all Mr. Reid is here for, to produce these documents? You are not going to examine him? Had he not better just leave these documents?

Mr. Blake: No harm can be done by that.

The Chancellor: They are not to be published. They will be in the hands of the Registrar.

Mr. Ritchie: We wanted to use these, and expected to get the production to-day for the purpose of getting other evidence which we cannot get until after we have seen these.

The Chief Justice: There is no reason why you should not, at Mr. Reid's convenience, look at those books and see if the entries are the same.

Mr. Ritchie: I am satisfied they are. I have no doubt they are correct, but

we would like to have an opportunity of looking at these accounts to get certain dates.

Mr. Johnston: Mr. Grant, I think, should be here.

The Chancellor: I suppose Mr. Grant, of course, has a voice in the matter of his private account.

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Mr. Ritchie: The only difficulty is that when it is produced we may not be able to go on with the other evidence. There may be delay on that account. If my learned friend says there is anything there we should not see?

Mr. Johnston: I do not know anything about it. Mr. Grant was called here, and produced all he said related to these matters in question.

The Chancellor: Did he produce his bank book?

Mr. Johnston: He had the extracts relating to this particular matter.

Mr. McPherson: No, they are all filed, and that is not one of them. That is one of our objections. There is no entry in the bank book. We can demonstrate that in a moment.

Mr. Johnston: We have no desire to trouble Mr. Reid in this matter, to recall him here. We have no desire to dispute the accuracy of his statements as copied from the books of the bank. Let these documents be put in an envelope and sealed, and left with Mr. Grant, the Registrar, until Mr. Grant comes here. If Mr. Grant is willing that his whole account should be produced we have no objection. It is not our business.

The Chancellor: That is all you can accomplish to-day. Mr. Grant ought to be here on this matter.

Mr. Blake: It will be unfortunate if in the meantime we cannot look at these.

The Chancellor: If Mr. Grant returns to-morrow morning, the solicitors may confer with him, and then refer to us if there is any difficulty. There will be no sitting of the Commission to-morrow. You can work it out in that way.

(983)

Mr. McPherson: Mr. Reid, some of the books you refer to from which these documents are copied, are in constant use, are they? A.—Yes.

Q.—Have you produced, in compliance with your summons, your tellers' blotters for September, 1902? A.—No, I have not.

Q.—Why not? A.—Well, that book is in use just now, too, I think. I am not quite sure, but I think it is.

I thought these would be all you wanted. If I produced all the books requested of me, I would have about two wagon-loads to bring up.

The Chancellor: The bank would have to stop? A.—Well yes, partly. Q.—Extracts would have to be made?

Mr. Blake: Could it not be arranged just in the same way, at the convenience of Mr. Reid at some hour to-morrow, that the solicitors should attend there, and you can show the books? A.—Certainly, with pleasure.

Mr. Riddell: As far as that is concerned, this is outside of the Grant matter. I suppose that will have to be thrashed out as to the production of the ledger and what it contains, and what it is evidence of.

The Chancellor: This inquiry has to come in. If there is nothing pertinent, that is all. If there is any dispute about the pertinency it would have to be referred to us.

Mr. Blake: In the meantime we could see whether there is anything material, and then it might be referred to your Lordships when the Commission meets.

Mr. Riddell: My learned friends must take their own course as far as that is concerned in respect of examining that book to see if there is

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anything material. We cannot assist them in that regard, that is examining the teller's blotter. Then as to its admissibility, that is a different thing.

The Chancellor: They select what they think relevant, and then if there is any objection to that being produced it will be referred to us.

Mr. Blake: And this is to prevent the inconvenience of having the bank books here.

The Chief Justice: I understood you to say that there was something in Mr. Grant's bank book that you wished.

Mr. McPherson: He produced cheques on this account, but he does not produce the bank book. The bank book is essential.

Mr. Blake: It will be better that the solicitors should attend to-morrow and make such investigation as we can at the bank, see what is material, and if there is any question raised it can be disposed of when the Commission next meets.

The Chancellor: If you agree on that, we would sanction it.

Mr. Riddell: We do not concur in any examination of this bank's books with my learned friends. As far as

Mr. Grant is concerned, that I understand has been arranged for. Anything outside of that my learned friends must pursue their own course.

The Chancellor: I suppose this blotter is connected with Mr. Grant and the firm of which he is a member, so it is covered by the Grant arrangement that has been made. They are not going into extrinsic accounts.

Mr. Blake: We want to act reasonably, my Lords, and to be treated

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reasonably. I do not want that Mr. Reid and the bank should unnecessarily be put to the trouble of having their books here, and the business to a certain extent stopped. We can go down there and make the investigation.

The Chancellor: All that Mr. Riddell says is that you can make an ex-parte investigation. He does not care to take part.

Mr. Blake: We shall be sorry to be deprived of the pleasure of his company, but we shall try to get on without him.

The Witness: Have I the authority to show Mr. Blake and these gentlemen the books now?

The Chancellor: The examination is to be made now at your office instead of here. A.—When they come down, yes, I see. Well, any time will suit me, gentlemen.

Mr. McPherson: It may lead ultimately to the production of some of the books, but we cannot help that. We may simmer it down to the precise book we want, that is all.

The Chancellor: I think at the same time you should give Mr. Grant notice that you are going into these books. Mr. Riddell does not appear for him. Mr. Grant will get notice so that he can be there.

Mr. Blake: We had not thought he would be absent. We supposed he would be here, and if there was any objection to be raised, he would be here to take it. He can be notified to-morrow. The difficulty with regard to our next witness is, we have arranged with the Ontario Bank, they asked to be inconvenienced in a similar way, and that the examination be not taken until a late hour in the afternoon. We could not follow the examination with the Ontario Bank until after

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we have the examination with the Standard Bank.

The Chancellor: Is it the same point there of looking at the accounts?

Mr. Blake: The solicitor stated that they have now got all the material ready for us, and at a convenient time they would have their officers here, but we did not want to go into that question until after we had examined the Standard Bank, my Lord. This memorandum has just been received this moment from the Ontario Bank, and they stated that they have just completed the searches and are now prepared.

The Chancellor: Then you prefer not to put in the Ontario Bank matters until you have examined the Standard Bank?

Mr. Blake: Yes, my Lord.

The Chancellor: You are entitled to that consideration. Failing that, have you any other witnesses now?

Mr. Blake: The only other witness we had was Mr. Grant. These are the three we thought of taking this afternoon. Yes, there is a short witness, Mr. Murray.

Mr. Johnston: In stating what I did to your Lordships about Mr. Grant, it was purely a personal matter.

The Chancellor: Just accounting for his absence, that is all.

Mr. Blake: I am accepting it, of course, my Lords, and not blaming him. That could not be foreseen.

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Benjamin William Murray, sworn. Examined by Mr. McPherson.

Q.—What is your occupation? A.—I have charge of the Accountant's office in the Supreme Court.

Q.—You are an accountant, then? A.—Yes.

Q.—Do you produce some documents here in response to the summons? A.—I do.

Q.—What is this first one? A.—The first one is a praecipe that was left in the office for a direction to receive \$1,000 in re Manitoulin, Fraser vs. Gamey.

Q.—That was the election protest proceedings, was it? A.—It was.

The Chancellor: Against Mr. Gamey? A.—Yes, my Lord.

Mr. McPherson: What is the next, Mr. Murray? A.—That is the bank receipt.

Q.—I do not know that I need that. A.—The next is a cheque. I have not got the order because the order was only left with me for a short time for entry, but there is a copy of the order that was entered in our books. The date of the order is the 31st of October, 1902. It directed, "Upon the application of the petitioner, James M. Fraser, it is ordered that the \$1,000 now in court to the credit of this petition, together with any accrued interest there-

on, be paid out to Kerr, Davidson, Paterson & Grant.

Q.—In pursuance of that order was the payment of the thousand dollars made to Kerr, Davidson, Paterson & Grant? A.—This is the cheque that was drawn for that purpose.

Q.—The cheque is dated 31st of October, 1902, payable to their order and endorsed by them to the order of the Standard Bank of Canada, \$1,000 net amount. No interest.

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(The praecipe, copy of order and cheque are attached together and marked Exhibit 59.)

Mr. Johnston: Nothing.

Mr. Blake: The only time we can absolutely count upon the witnesses being here, my Lords, is at four o'clock, when they receive their pay.

The Chancellor: You have no other witnesses now, then?

Mr. Blake: No, my Lord. It is not our fault. They were subpoenaed and paid and told to be here.

The Chancellor: Have you any formal witnesses on the other side you want to examine and let them get away?

Mr. Johnston: No, my Lord.

Mr. McPherson: One man has got here, a former witness, to prove a signature in a hotel register.

George Armstrong, sworn. Examined by Mr. Ritchie:

Q.—You have the register of what hotel? A.—The Ocean House, Gore Bay.

Q.—Look up the date of 21st August last. On that day was Captain J. Sullivan registered from Ottawa? A.—Yes, sir.

The Chancellor: Is it registered that way?

Mr. Ritchie: Yes, my Lord, C-a-p-t. J. Sullivan. Is that his signature? A.—It is entered by the proprietor of the house.

The Chancellor: I did not think he would sign himself "Captain." That is the proprietor's writing?

Mr. Riddell: It is some one to charge that room to.

Mr. Ritchie: You know Captain Sullivan, do you? A.—I do.

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Q.—Was he there on that day? A.—He was.

Q.—In Gore Bay on the 21st of August, 1902? What is this, "mail tug," on the margin?

The Chancellor: Is that to show his captaincy? Is that what it means? A.—No, it is how he arrived.

Q.—Does it show when he came and went away? A.—Yes, he arrived late on that day, and he must have went

away on the 22nd, because another man came and took his room, Number 5.

Mr. Ritchie: Came in the mail tug; what time would that come in the evening? A.—It depends on the weather.

Q.—What is the usual time? A.—6.30.

The Chancellor: Came late and left early.

Mr. Ritchie: What do you call late, 6.30? A.—It would be after that.

Q.—What do you mean by late? A.—It would be after 6.30, because supper is on until 7.30, and it must have been after supper. If it had not been after supper it would have been marked "S".

Q.—At all events, he came late that day and went away next morning? A.—Yes

Q.—Can you tell whether he went away on that tug the next morning? A. No, I could not.

Q.—There is nothing in the book to show whether he was to be called for that or not? A.—Only because the other man got his room the next day.

Q.—Does the mail tug leave early in the morning? A.—8.30.

Q.—And it is due to arrive at 6.30 in the evening? A.—Yes.

Mr. Johnston: We have no questions.

The Chancellor: Then you have nothing else, Mr. Blake?

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Mr. Johnston: It has been suggested that I ask this witness this question because something may turn upon it.

Q.—Do you know how late the mail tug did, as a fact, arrive that night? A.—I do not.

The Chancellor: You have got him down "S" for supper? A.—No, sir, "L" for "late."

(Adjourned to Monday, 10 a.m., April 20th.)

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CAMEY CHARGES.

Monday, April 20th, 1903, 10 a.m.

SEVENTH DAY.

The Chancellor: Since the last meeting of this Commission the sad event which has been expected for some days has actually happened, and Sir Oliver Mowat is no longer a living man among us.

In what I say I speak for myself and my brother with me on this Commission.

He has passed away full of years, and crowned with well-deserved honors. As Lieutenant-Governor of Ontario, the chief Executive Officer of the Province, the representative of her Majesty, he was the leading man of his country.

He was also first in point of noble character, and genuine personal worth. He had profound convictions of principle in its deepest and highest aspect, and by virtue of this his course was shaped, whether at the Bar or on the Bench, whether in the field of active politics, or in the dignified quiet of his later years. He did his duty thoroughly. He served his country faithfully. He leaves the record of an upright life. No man need seek a better memorial.

He rests from his labors, and his works do follow him; nay, do they not also

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remain with us as a people, to stimulate to faithful service, and to recommend sincerity in public and private life.

In this man the ancient words of wisdom are again verified, "Though the righteous be prevented with death, yet shall he be in peace."

This Commission will now proceed with the business before it. But, in token of regard to his memory, the sittings will be suspended in whole or in part on Wednesday, that all who wish to do so may take part in the last kindly offices that may be rendered to the departed.

Mr. Blake: I have been asked, my Lords, by my brethren of the Bar present, to say to you how fully we concur in the tribute of affectionate respect that has been paid to Sir Oliver Mowat.

Every man feels that we have lost one marked for integrity of character, for splendid truthfulness, and indomitable perseverance, a man that was ever loyal to the truth, loyal to his country, and loyal to his God. Sorrowfully we part with him. He is a noble example to young and old of our land, and long may his memory rest green with us as a stimulus to truth and faithful work.

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The Chancellor: What do you propose to do now?

Mr. McPherson: We will call Mr. Crossin.

The Chancellor: Does the witness answer?

Mr. McPherson: He does not answer. We have sent a messenger for him.

Mr. Blake: He is quite close, my Lord.

After waiting for a short time the Chancellor said:

Mr. McPherson, cannot you call someone else? This gentleman ought to be here at 10 a.m. sharp.

Miss Cecilia O'Grady, sworn. Examined by Mr. McPherson:

Q.—What is your occupation? A.—Clerk of files.

Q.—Where do you work? A.—At the Public Works Department.

Q.—For the Province of Ontario? A.—Yes.

Q.—At the Parliament Buildings? A.—Yes, sir.

Q.—Who is the chief of your Department? A.—The Honorable Mr. Latchford.

Q.—The Honorable F. R. Latchford. And who is your superior officer in your Department? A.—Mr. William Edwards.

Q.—Were there some other clerks in the same Department beside yourself? A.—In the whole Department do you mean?

Q.—Yes, occupying, perhaps, the same room? A.—Yes, sir.

Q.—Who were they? A.—Mr. J. P. Edwards and Mr. Frank J. Sullivan.

Q.—What is the occupation of Mr. Edwards? A.—Which Mr. Edwards? Both Mr. Edwards' are in my office.

Q.—Mr. J. P. Edwards, the one who occupied the same room? A.—The accountant.

Q.—And Mr. F. J. Sullivan? A.—Assisting Mr. Edwards.

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Q.—The assistant accountant? A.—I don't know what you call him.

The Chancellor: He assisted in the office? A.—Yes.

Mr. McPherson: Were there any typewriters, or stenographers in that room? A.—There are no stenographers.

The Chancellor: Do you mean operators or machines?

Mr. McPherson: I meant operators? A.—There are no stenographers.

Q.—But there was a typewriting machine there? A.—Yes.

Q.—Who operated that machine? A.—I did.

Q.—Did any person else operate it besides you? A.—Not that I know of.

Q.—Not to your knowledge. What were your office hours? A.—Half-past nine to half-past four.

Q.—What were Mr. Frank Sullivan's office hours? A.—The same office hours, I suppose.

Q.—Half-past nine to half-past four. On occasions did you remain at your office after half-past four? A.—Yes.

Q.—Did any people use to go there to transact business with Mr. Frank Sullivan to your knowledge? A.—No, sir.

Q.—Did you ever see anybody there in communication with Mr. Frank Sullivan? A.—Not that I know of—not that I know of—not that I noticed anything.

Q.—Did you ever notice? A.—No.

Q.—What kind of a typewriting machine was it that you operated? A.—A Remington.

Q.—A Remington. Can you tell me what numbered Remington? A.—No, sir.

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Q.—Had you much experience in operating your machine? A.—More tabulating work. More figures.

Q.—How long have you been there as operating that typewriter? A.—Since some time in 1899.

Q.—The same machine all the time? A.—I think so.

Q.—Had you any typewriting experience before you went there? A.—No, sir.

Q.—Did anybody ever tutor you as a typewriter? A.—No, sir.

Q.—Did you just learn it yourself? A.—I just picked that up myself.

Q.—And you have no knowledge of shorthand at all? A.—I have none—no, sir.

Q.—And then did any person make a practice—when you were writing letters, of dictating them direct to you, and then you would write them on the typewriter? A.—No, sir.

Q.—They did not? A.—No, sir.

Q.—You say they did not. Did somebody just tell you what to write, and then you would write it yourself? A.—They generally drafted a letter for me.

Q.—And you would put it in typewriting? A.—Yes, sir.

Q.—And who did that? Whose duty was it to draft the letters? A.—I did very few letters.

Q.—Those that you did? A.—Principally Mr. Edwards.

Q.—And occasionally Mr. Frank J. Sullivan?

Mr. Johnston: Do not suggest.

Mr. Riddell: Do not lead.

Mr. McPherson: I am not suggesting. What do you say? A.—No, sir.

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Mr. Sullivan did not—not that I ever remember. He might have, but not that I ever remember.

Q.—Did he on occasions operate the machine himself? A.—I saw him once direct a letter.

Q.—Direct a letter. And on any other occasions besides that? A.—Not that I remember of.

Q.—To whom did he direct the letter? A.—I do not know.

Q.—When was it? A.—I have no idea.

Q.—Have you no idea at all? A.—No, sir.

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Q.—Did that impress itself upon your memory? A.—No, sir; only since I got the subpoena—just since I got the subpoena I thought of it. I thought

if he had ever used the machine, and I remembered that once.

Q.—Have you discussed it with anybody? A.—No, sir.

Q.—Have you told anybody you were subpoenaed here? A.—Every one in the office.

Q.—Who was in the office that knows? A.—Mr. Edwards.

Q.—Anybody else? A.—Both Mr. Edwards.

Q.—Anybody else? A.—I do not know. Not that I told; I do not think.

Q.—Not that you can remember of. Have you had any conversation with Mr. Frank Sullivan recently? A.—Since the Commission he has been in the office.

Q.—Since Saturday? A.—Not since Saturday.

Q.—On Saturday? A.—Yes, sir.

Q.—You had some on Saturday, after you were summoned? A.—I was summoned Friday.

Q.—And you had a conversation with him on Saturday. Will you tell the Commissioners what the conversation was? A.—He just came in the office and shook hands with us all. I said not to say anything. I did not want to know anything.

The Chancellor. To him? A.—Yes, sir. Not to say anything, that I did not want to know anything.

Mr. McPherson: What did you mean by that?

Mr. Riddell: Oh, no.

The Chancellor: You cannot ask that.

Mr. McPherson: Very well, my lord.

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Q.—How long since you have operated that particular typewriting machine, Miss O'Grady? A.—I do not know. Ever since it has been in the office.

Q.—Were you at your office on Saturday? A.—Yes, sir.

Q.—And were you doing any work on the machine then? A.—No, sir. I do not think I touched the machine Saturday. I do not think I touched the machine Saturday—I don't remember.

Q.—Did you on Friday? A.—I do not know. I might have been at office work. I do not know. I do more accountant's work.

Q.—Do you know Mr. Gamey to see him? A.—Yes, sir.

Q.—When did you first become acquainted with him? A.—The day before the House opened.

The Chief Justice: The day before the House opened? A.—Yes.

Mr. McPherson: Had you ever seen him before that? A.—No, sir.

Q.—And under what circumstances did you become acquainted with him? Where was it? A.—He came into our office.

Q.—Was Mr. Sullivan there? A.—Mr. Sullivan came in with him.

Q.—They came together? A.—Yes, sir.

Q.—Did they remain there? A.—No, sir, just came in and went out.

Q.—Both go out? A.—I think so.

Q.—Was that in the forenoon or afternoon? A.—In the morning.

Q.—Can you tell me about what time? A.—I think about not very long before noon—I should think so—it was before noon—that is

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all I am sure of.

Q.—Did they go into the office on an errand, of any kind evidently, or any thing that you remember about that? A.—I do not remember anything about it.

Q.—Did they just walk into the office together and immediately turn around and walk out again together? A.—Mr. Sullivan introduced them to Mr. Edwards and myself.

Q.—And anything else besides that? A.—No, they went out then. I am sure Mr. Gamey went out. I am not sure about Mr. Sullivan.

Q.—Are there any other typewriting machines in the Public Works Department where you work than the one you have been operating? A.—Do you mean in that room?

Q.—Yes? A.—No.

Q.—Well, in an adjoining room? A.—All the rooms adjoin, and there are typewriters all through the buildings.

Q.—In that department? A.—Yes.

Q.—Are there stenographers engaged there to? A.—Yes, sir.

Q.—Can you tell me the names of them? A.—There are a number of them.

Q.—Are they young lady stenographers? A.—Yes, sir. There is the Private Secretary and there are young lady stenographers, both.

Q.—Will you name the private secretary? A.—Mr. McNaughton.

Q.—Now, take, for instance, in his own office, what stenographer has he there? A.—He has a young lady.

Q.—Do you know her name? A.—Yes, sir.

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Q.—What is her name? A.—Miss Jerrett.

Q.—Jerrett, I think. A.—Yes, sir.

Q.—Do you know what her Christian name is? A.—“M.” I do not know whether “Minnie” or not.

Q.—And does she write shorthand ?
A.—Yes, sir.

Q.—And operate a typewriting machine, too ? A.—Yes, sir.

Q.—What kind of a machine does she use ? A.—A Remington, I think. I do not know much about her machine.

Q.—Who else is there ? A.—In the department ?

Q.—No, but a stenographer who operates a typewriting machine ? A.—There are a number all through the departments.

Q.—Who else besides Miss Jerrett ?
A.—Do you want all their names ?

Q.—Yes ? A.—There is Miss St. Charles.

Q.—Do you know her Christian name ?
A.—“M.” May, I think.

Q.—Miss May St. Charles ? A.—Yes.

Q.—And she writes shorthand ? A.—I do not know.

Q.—She operates a typewriting machine ? A.—Yes, sir.

Q.—What kind of a machine ? A.—I am not sure.

Q.—Is she in the same room with Miss St. Charles ? A.—Isn't it Miss St. Charles you were speaking about ?

Q.—I should have said Miss Jerrett ?
A.—No, sir.

Q.—She is not in the same room ?
A.—No, sir.

Q.—Is there any other young lady operator in the same room with Miss Jerrett ? A.—No.

Q.—And is Miss St. Charles in a room by herself ? A.—She is in another room with another man. There is a gentleman in her room.

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Q.—In the same room ? A.—With her.

Q.—Who is that ? A.—Mr. McLean.

Q.—Now, will you come to some other room where there are other typewriters ?
A.—There are branches of our department. Do you want the whole department ?

Q.—Give me the next one, and I will tell you ? A.—Those are the only ones mainly belonging to the Public Works, and then there are the branches.

Q.—What other branches do you speak of ? A.—There is the Fishery branch and the Bureau of Labor. That is all I know of.

Q.—The Fishery branch is under the Public Works Department, is it ? A.—So I believe, I do not know.

Q.—Who is the stenographer in the Fishery branch ? A.—I have never been there, but I think Miss Wallace. I think that is the name.

Q.—And does she write shorthand ?
A.—I do not know.

Q.—Does she operate a typewriter ?
A.—I think so. I do not know. I never was in the room.

Q.—Is there any other typewriter there besides Miss Wallace in the Fishery Department ? A.—Not that I know of. I never was in the branch.

Q.—Do you know whether any of the gentlemen in that Department operate typewriters ? A.—No, sir, I do not know.

Q.—Did you say there was a Bureau of Labor ? A.—Yes, sir.

Q.—Is there a typewriter there ? A.—Yes, sir.

Q.—Who is it ? A.—Mrs. Nolan.

Q.—And does she write shorthand ?
A.—I believe so.

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Q.—And operate a typewriter ? A.—Yes, sir.

Q.—Do you know what kind of a typewriter ? A.—I think an Underwood—I think so.

Q.—And what is Miss Nolan's Christian name, do you know ? A.—“M”—“Margaret.”

Q.—Is there any person else in the same Department with her who operates a machine ? A.—Not that I know of.

Q.—And what other departments are there besides those two connected with the Public Works Department ? A.—That is all I can think of now.

Q.—Have you given me then as far as you know a complete list of all the typewriter operators in the Public Works Department ? A.—Yes, sir, I think so.

Q.—Is Mr. Dougherty in the Public Works Department ? A.—He belongs to another branch.

Q.—What branch ? A.—The Good Roads.

Q.—M. P. Dougherty, I think, is the way they spell it. Is he a typewriter operator ? A.—No, sir.

Q.—Just a clerk ? A.—Yes, sir.

Q.—Who is in the office with him ?
A.—Mr. Bradshaw.

Q.—Anybody else ? A.—No, sir.

Q.—Is there any typewriter operator there ? A.—No, sir.

Q.—And do those two gentlemen occupy the same room ? A.—Yes, sir.

Q.—Have you ever done any work at all for Mr. Frank Sullivan on your typewriter ? A.—Not that I remember. I might have done something in connection with the office, but that is all.

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Q.—At any time ? Have you done any at all for him ? A.—Not that I ever remember, unless office work.

Q.—Have you done office work for him ? A.—I am not positive ; I do not remember, but I may have, in the course of office work.

Q.—Do you, on occasions when you are doing typewriting, use a carbon sheet to make a second impression of the work? A.—Yes, sir.

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Q.—Do you do that in your office work? A.—Yes, sir.

Q.—What is done with the impression copy—what they call the carbon copy? A.—It is generally kept in the office.

Q.—Well, it is filed away, do you mean? A.—Yes.

Q.—And what was done with the first copy? A.—Sent away to whoever it is addressed to.

Q.—And the carbon copy is kept. In your practice, is it essential to make more than one carbon copy? A.—Not unless in statements and reports that we give around to the Departments.

Q.—Occasionally you do make more than one carbon copy? A.—Yes, sir.

Q.—What colored carbon do you use? A.—Blue—kind of a purply-blue—I could not say whether purple or blue.

Q.—A kind of a purply-blue. Could you tell me if I showed you a piece of work; could you tell me whether it was like what was done on your machine? A.—I could not—positively.

Q.—Let me show it to you to see whether you can tell. Let me see Exhibit 30. I show you Exhibit 30. Does that look like the work done by your machine? A.—I could not say.

Q.—Why cannot you say?

Mr. Riddell: Surely, that is not fair to press her in that way.

Mr. Johnston: She is not an expert.

Mr. McPherson: Does it look like it or not? A.—I could not tell you.

Q.—Does it look like it or not? A.—I am not an expert enough to tell.

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Q.—Is it like the print, or larger, or smaller? A.—I could not say that.

Q.—You could not say that? A.—No, sir.

Q.—Did Frank Sullivan dictate a letter to you to Mr. Gamey? A.—No, sir.

The Chancellor: What do you say? A.—No, sir.

Mr. McPherson: Is that the kind of paper you use on your typewriting machine? A.—It looks like it.

Q.—It looks like it. Whose initials are those on the paper, F. J. S. Whose initials are they? A.—They would stand for Frank J. Sullivan.

Q.—Do you know his handwriting?

Mr. McEvoy: They would stand for that, she said.

Mr. McPherson: I heard what she said, Mr. McEvoy.

Mr. McPherson: You know his handwriting? A.—Yes, sir.

Q.—Is that his handwriting? A.—It does not look like it.

Q.—He writes that kind of a hand, doesn't he? A.—I do not know.

Q.—Could you tell his handwriting if you saw it? A.—I do not know.

Q.—I show you Exhibit 31. Just look at that? Do you see it? A.—Yes, sir.

Q.—Do you see how it is signed? A.—Yes, sir.

Q.—How is it signed? A.—Frank.

Q.—Whose handwriting is that? A.—I couldn't say.

Q.—Don't you know whose handwriting that is? A.—I would not swear to it.

Q.—What is your best belief on the subject as to whose handwriting that is?

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Mr. Riddell: I do not think that is right. I do not think the witness can be asked that.

The Chancellor: She is asked her best belief. Have you seen him write? A.—Yes, sir.

Mr. McPherson: What is your best belief as to whose handwriting that is? A.—Well, I would not like to say, sir.

Q.—Tell me, out and out. You believe it is Frank Sullivan's handwriting? A.—Well, I would not like to say.

Q.—Would you swear it was not? A.—No, sir.

Q.—Do you believe that to be Frank Sullivan's handwriting?

Mr. Riddell: I object to this method of examining this witness.

The Chancellor: She may answer it. It is not unreasonable.

Mr. Riddell: Your Lordship will see she has already answered twice.

Mr. McPherson: My learned friend should not interrupt in this way.

Mr. Riddell: She is your witness.

Mr. McPherson: Do you believe that is Frank Sullivan's handwriting? A.—I would not believe it; I would not state that it was.

Q.—You believe it, don't you? A.—No; I cannot say I do.

Q.—That is on Public Works letter-head paper, is it not? A.—Yes, sir.

Q.—The kind that you use in your Department? A.—We do not generally use that kind.

Q.—But you have that kind? A.—Yes.

Q.—That is from your Department, is it not? A.—I should think so.

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Q.—A good deal of your work is copying statements Mr. Frank Sullivan

makes out? A.—No, sir. Mr. Edwards principally.

Q.—But you have occasion to copy Frank Sullivan's handwriting, have you not? A.—Principally figures.

Q.—Do you see those figures there? A.—Yes.

Q.—Are those his figures?

Mr. Johnston: On what?

Mr. McPherson: Exhibit 31.

Witness: I could not swear to any-one's figures.

Q.—Do they look like it? A.—I do not know. If I were over—

Q.—What is your best belief as to that—as to those being his figures? A.—Well, I could not say.

Q.—Have you any belief on it at all? A.—No, sir.

Q.—You have not any? A.—No, sir.

Q.—Did you ever see Mr. Frank Sullivan's signature? A.—I think I must have.

Q.—Don't you think that is his signature?

Mr. Riddell: Surely that is very leading.

Witness: I cannot tell.

Mr. McPherson: Don't you believe that is his signature? Honestly, don't you believe that is his signature? A.—I do not believe anything about it.

Q.—You won't answer me, will you?

The Chancellor: She does not know anything about it to believe. She has her ideas, but not beliefs.

Mr. McPherson: Not look at this letter, the other part of exhibit 31. There are two parts to exhibit 31. Do

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you see the signature to that? A.—Yes, sir.

Q.—Whose signature is that? A.—I do not know anything more than the other one.

Q.—What is the signature to that? A.—“Frank.”

Q.—“Frank.” Don't you know whose handwriting that letter is in? A.—I think that is different from that one, by just looking at it.

Q.—Just look at that one in lead pencil, and the other in ink. Just look at the two “Franks.” Do you think those two “Franks” are different? A.—“F” is different, and that is all I can say. The rest of it looks alike.

Q.—Now, having seen that and looked at it a little more carefully, can you say whose handwriting it is? A.—No, sir.

The Chancellor: Any questions, Mr. Johnston?

Mr. Riddell: No questions.

Mr. Johnston: Nothing, my Lord.

Mr. Crossin is now called, but does not answer.

The Chief Justice: Has Mr. Crossin been regularly subpoenaed?

Mr. McPherson: Yes, my Lord.

The Chief Justice: He is not treating the Commission with great respect.

Mr. McPherson: He was here on Friday.

The Chancellor: But he is not in court when he is wanted. The other day it was the same thing, he was not here.

Mr. Blake: Then we will call Mr. Grant.

Mr. McPherson: We will call R. A. Grant.

Mr. Johnston: I will ask my learned friends to have Mr. Crossin here im-

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mediately after Mr. Grant's examination. I desire to cross-examine him about some matters.

The Chancellor: There seems to be no effort to keep him here. We will issue a Bench warrant if he is not here.

Mr. Blake: The answer we got was that he had left at 8.30 this morning to go to court—left the office.

The Chancellor: 8.30? Then he must have got astray on the journey.

Mr. Blake: Or else our time is wrong, my Lord.

Robert Alexander Grant, sworn. Examined by Mr. Blake:

Q.—You are a practicing barrister and solicitor in the city? A.—Yes, sir.

Q.—And you were the solicitor of the Liberal Association? A.—Yes, sir.

Q.—And how long have you occupied that position?

The Chancellor: That is for the country, or the Province, or the city, or what? A.—It is called the Ontario Liberal Association.

Q.—Covers the whole country?

Mr. Blake: The Ontario Reform Association.

The Chancellor: It covers the whole country—the whole Province.

Mr. Blake: Does that only cover the Province of Ontario, or the whole of the Dominion? A.—Just Ontario. At least, we have never had any business outside of Ontario to do for it.

Q.—But still it is large enough to cover the whole Dominion in its terms? A.—No, sir. I think it has a charter.

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The Chancellor: The Ontario Reform Association? A.—Yes.

Mr. Blake: Very well, my Lord.

Q.—Then I was asking you how long you had held that position? A.—Well, we have been acting for them in the matter of election cases, which is all the work we have to do, for ten or twelve, or more years.

Q.—And your work was chiefly looking after and attending to election peti-

tions, election matters, and so on? A.—Yes, sir.

Q.—Looking up the evidence necessary in them, and all work pertaining to them? A.—Where we were solicitors. That is, in cases where we were solicitors.

Q.—When you say you were solicitors, whom do you cover by the "solicitors"? A.—My firm.

Q.—Your present firm? A.—Yes.

Q.—Then you were the solicitors in the majority of the election petitions for some years past? A.—We were either solicitors, or agents for out-of-town solicitors.

Q.—And one may say almost all of them? A.—Practically all; some cases we were not.

Q.—Practically all, either as agents or solicitors. Were you solicitor or agent in the Gamey election petition? A.—We were agent in that case.

Q.—And who was the solicitor? A.—Mr. Murray, of Gore Bay—Mr. A. G. Murray.

Q.—Did you name him as solicitor, or did he name you as agent? A.—He named us as agent.

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Q.—He named you as agents. You have taken personally a great deal of interest in politics for some years past, Mr. Grant? A.—In that part of politics, at any rate. I was in that part of politics, at any rate.

Q.—And that was not your only sphere? It was not only a selfish interest in politics you took? A.—Oh, I have not blossomed out at all as a speaker or anything of that kind in an election.

Q.—But there is a good deal of work done without speaking? A.—Well, only in the city. I do not think I was ever in any other. Perhaps in one of the Yorks, where there might have been something of that kind done.

Q.—Near by? A.—Exactly.

Q.—Then, as to this petition which was filed, and served in July, have you got your papers that would show? A.—I put them all in last Monday—all that I have.

Q.—Then, that shows on the 14th July, 1902, and that is correct, I suppose? A.—I think that is about the date.

Q.—The deposit of \$1,000. Who paid that, Mr. Grant? A.—I paid that, sir.

Q.—Out of what funds was that paid? A.—That was given to me by Mr. Conmee.

Q.—But out of what funds? A.—I do not know. He just gave me a deposit and I paid it into court.

Q.—Was there a general fund for the payment of these deposits? A.—Not that I know of, sir.

Q.—Was there any general election fund? A.—Not that I am aware of.

Q.—Who was it attended to that branch of the business? A.—Well, I

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can scarcely tell you. These deposits came to us in many different ways. In a good many cases local parties who put up the petition put up their own deposits, and in other cases, where they were not able to do that, they were raised by subscription, wherever they could get any money.

Q.—Who kept track of these subscriptions? What was the hand that received the subscriptions and paid them out? A.—Well, I think I can tell you all that came in, and I think they all came to myself, as far as I can remember at this time.

Q.—How many of them came to yourself? A.—I think, sir, seventeen deposits—that is \$17,000.

Q.—That is a large sum? A.—Well, that is the number of petitions that were presented, and, of course, we had to raise that much money.

Q.—And they were paid to you then as the agent or solicitor of the—? A.—Of the petitioners.

Q.—Were there just the seventeen petitions filed? A.—I think there were seventeen petitions, and I think there were three or four cross-petitions.

Q.—So that in all these petitions, and on this occasion you acted for the Government supporters? A.—No, sir; there were some, I think, where we were not solicitors.

Q.—But I thought you said in seventeen the money came to you? A.—That is right, sir, but that is seventeen petitions and cross-petitions. I think there were five where we did not act—four or five.

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Q.—But the large majority of them you did act in, and have you got an account showing the receipt of these monies that were paid in for the deposits? A.—I have not anything, sir, but my own book.

Q.—But didn't you keep any account of that? A.—No, sir, I did not. It just balanced exactly in the bank book, and that was all.

Q.—But you must have had some entry before there was a balance? Where are the entries that you made as you received these monies? Didn't you open any account? A.—No, sir; I just put it to my own private account in the bank.

Q.—That is the seventeen? A.—Yes, sir.

Q.—Did you not make any memorandum showing the source from which

it came? A.—No; no memorandum at all.

Q.—Did you consider that was business-like? A.—Well, perhaps it was not, but I have a very good memory, and I think I can remember practically every one.

Q.—You trusted to your memory? A.—Yes, sir.

Q.—But with regard to your general dealing with clients, you do put who you get monies from? A.—Yes, sir. In the firm's books, that is entered in that way. I am not as careful, perhaps, as I should be in this.

Q.—But, possibly in your own books? A.—I have not a scrap of a book of any kind.

Q.—Not a scrap of any kind? A.—For any business matter of my own.

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Q.—That is very safe? A.—Well, it is very careless, too, perhaps.

Q.—Careless, but safe. Well, have you got there a memorandum showing the cases in which you received the money from persons other than the individual members? A.—No, sir.

Q.—You have not? A.—No, sir. I think I could tell you, perhaps, from memory.

Q.—You think you could possibly tell me from memory? Where each came from? A.—Yes, sir.

Q.—Well, I will come back to that again in a moment. Was there any treasurer, or did Mr. Alexander Smith look after that? Was there any treasurer? A.—Not that I ever knew of, sir.

Q.—What was the office of Mr. Alexander Smith? A.—Well, he is styled as secretary of that association—a sort of manager, or general organizer, I think, for political matters.

Q.—Then, what was his function in regard to funds? A.—Well, none that I know of.

Q.—Did he never disburse any money? A.—Never to my knowledge.

Q.—Nor receive any, if he did not disburse? A.—Not in any way that I ever knew of, or came in contact with.

Q.—Well, can you tell me what was the hand that received and paid out—I am not saying any improper moneys, but moneys generally for election purposes? A.—I do not know, sir.

Q.—You do not know? A.—I do not know.

Q.—They did not trust you with that information? A.—No, sir, I did not have it.

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Q.—And whom do you think I could probably get it from? A.—Well, I do not know.

Q.—Is that such a dead secret it is impenetrable? A.—No, sir, but at the last election I had a serious illness in my family, and I was not away from Toronto at all, and the only thing I did was to scrutineer on election day for Mr. Richardson. Outside of that I took no part in the last election.

Q.—Your memory being so good, you will be able to tell me as to this. How was it that you came to meet in the Walker House in the month of August? A.—Mr. Frank Sullivan came to my office.

Q.—When do you remember was that? A.—About half an hour or three-quarters before the interview at the Walker House took place.

Q.—Were you in the city then? A.—That day I was—yes, sir.

Q.—Had been absent for your vacation, I believe? A.—No, sir. I was not away for any lengthened vacation. I just took a few days now and again, as I could.

Q.—Then am I right in saying that your vacation, being broken up about that time, you were now and again absent, taking a little vacation? A.—That is right.

Q.—And then you were away and came back, and do I understand that you came back the day that you met in the Walker House? A.—No, sir, I think I was here the two days—the day before and that day.

Q.—And then did you leave? A.—Yes, sir, left.

Q.—And how long were you away the second time? A.—Well, I could not tell

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you. I came back to go to London on the 26th or 27th—the East Middlesex examination—either the 27th or 28th.

Q.—You were only a short time away? A.—Perhaps I was back within that time.

Q.—I am not particular for a day or two? I wish to see whether it was a prolonged absence or not.

The Chancellor: Do you fix the date beyond any question? A.—I think the 12th is right, my Lord.

Mr. Blake: Then you were in the city on the 11th, then, according to your memory? A.—That is my recollection.

Q.—And Mr. Frank Sullivan saw you and asked you to go to the Walker House, did he? A.—Well, he came to my office, and he said he and Mr. Gamey wanted to see me.

Q.—And what else passed? A.—I asked him what it was about, and he said they were considering a timber transaction.

Q.—What else? A.—I told him I was going away that afternoon, I was very busy, and I did not think I could see

them. So he asked me if I could see them for a few minutes on my way to the station, if that would be convenient. I said that it would if I had a few minutes to spare, that I would drop in and see them.

Q.—And did you? A.—I did sir—yes, sir.

Q.—And where did you see them? A.—I met Sullivan in the reading room, or the office—that outside room.

Q.—And meeting him there, what passed between you? A.—I said where is your man, or where is Mr. Gamey? He looked around for him, and he said he did not see him.

Q.—Up to that time, had you known anything of Mr. Gamey, further than I

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suppose as a politician you would have known that he was a Conservative member, against whom the Reform candidate had presented a petition? A.—That was all I knew of him.

Q.—And at that time, had you made any examination at all in the locality for evidence, and the like? A.—No, sir.

Q.—They were done after that? A.—Oh, I beg your pardon. They were going on at that time. They started at the end of July.

Q.—I thought you must have been mistaken, from the matter I had here. And you had sent some person up there? A.—Mr. Stanton of Hamilton, J. P. Stanton.

The Chief Justice: You had sent someone up to look up evidence? A.—Yes, my Lord.

Mr. Blake: Do you remember when you had sent him up? A.—It would be towards the end of July—between the 25th and the end of July, I think.

Q.—Your docket would show, would it not? A.—The docket is produced. I do not know whether it does or not.

Q.—Is that docket here? A.—I took the pages out of it.

Q.—Thank you. And is the docket here, Mr. Grant? A.—No, sir, I did not bring it. I had it the other day. I cut all the pages out. They are the originals.

The Chancellor: You cut out the original pages? A.—Yes, sir. I cut out the originals, my Lord.

Mr. Blake: Then what was the date that you sent Mr. Stanton up? Have you got the docket? A.—There is apparently no entry in the suit. I was going to tell you from a cheque which I gave him.

Q.—Kindly let me look at what your first entry was. I am not in the least

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degree doubting you? A.—There is where the proceedings started, 5th July.

Mr. Blake: 5th July.

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Mr. McPherson: May I look at your bank book? A.—I do not know, except so far as it is produced. I have no objection to your looking at it.

Mr. Blake: Then I see you have here, "Preparing and revising and engrossing." That is the petition. You did that? Solicitor work? A.—I did not do that. That was a general entry we made in every case. We got out a printed form.

Q.—But as a matter of fact you say you have made a charge of \$20 on the 5th July? A.—Yes, sir.

Q.—Is that a correct entry there? A.—It is not correct in so far as it says that we prepared this particular petition, because Mr. Murray did prepare this. We gave him blank forms.

Q.—You have here: "Fee on conference, as to petition and telegram, etc., preparing and revising, and engrossing, and instructions." A.—Yes, sir.

Q.—As to filing and so on, \$20. You made that charge on the 5th July, or about it? A.—Yes, sir.

Q.—Is it a correct charge? A.—The charge, I consider, is correct. Perhaps the wording is not strictly accurate.

Q.—You did send up a form of petition as you thought it should be? A.—A blank prepared.

Q.—A printed form of petition you sent up? A.—Yes, sir.

Q.—And you gave instructions as to the filing. Who is Mr. Vance? A.—Assistant to Mr. Smith in the employ of the Association I have referred to.

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Q.—What is his Christian name? A.—James.

Q.—And what is the work he generally does? A.—I think he is just assistant to Mr. Smith.

The Chancellor: Mr. Alexander Smith? A.—Yes, my Lord.

Mr. Blake: A man may be assistant, and may have one class of work and another class of work to do. What was the class of work that Mr. Vance was to do as assistant? A.—Well, I do not know, sir. I do not belong to the Association. I never was at a meeting or it, and I had nothing to do with employing either of them.

The Chancellor: What Association are you referring to now? A.—Ontario Liberal Association.

Q.—Are you a member of it? A.—No, sir.

Q.—Just solicitor? A.—Yes, sir.

Q.—You do not attend the meetings? A.—No, my Lord, I never was at one.

Q.—And you say the petition was given to Vance? A.—Yes, sir, I gave him blank forms.

Q.—That is the blank petition? A.—Yes, my Lord.

Mr. Blake, resuming:

Q.—And you gave him instructions as to the filing of it and so on? A.—Yes, sir.

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Mr. Blake: And you gave instructions as to the typewriting of it? A.—Yes, sir.

Q.—Now you say: "Received letter from agent of respondents." Who was your agent from whom you received that instruction? A.—Mr. Murray, I have no doubt.

Q.—Mr. Murray was your agent. You must have been, then, the principal in it? A.—Well, I—

Q.—Just look at that. You will tell me fairly and honestly and I am going to treat you as one that will do that. Your entry says that you received from your agent, and your agent was Mr. Murray? A.—Yes, sir.

Q.—That is correct, no doubt. It was made at the time? A.—I do not quarrel with that.

Q.—You do not quarrel with that? I thought you would not. Then you received notice of motion to set aside the petition for irregularity. I am not going into the details of that. I suppose that was argued, and I suppose it was discharged? A.—It was abandoned before it was argued.

Q.—Then this? A.—That is another suit, sir.

Q.—Oh, I beg your pardon. Then I was looking here to see, but apparently that was not entered. I am not quarrelling with that. As to the date that you sent Mr. Stanton up? A.—No, sir; there is no date there.

Q.—Then do not bother about that for a moment. Did you not send Mr. Vance up there for the purpose of making investigations as to the evidence? A.—No, sir; I do not think so. I have no recollection of that.

Q.—How long did he stay up there?

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A.—He went to the Sault and to the Algoma constituency and to Manitoulin—arranging in each case for the filing.

Q.—But do you know how long he remained up in Manitoulin? A.—Oh, I do not think more than a couple of days.

Q.—Well, then, was Mr. Stanton the agent that acted for you in looking up the evidence, and not Mr. Vance? A. Oh, yes, Mr. Stanton only.

Q.—And now I will ask you when Mr. Stanton went up? A.—Well, I gave him a cheque on the 19th of July for \$100 for expenses. It would be shortly after that date.

Q.—It might have been on that date? A.—Well, the cheque, I think, was cashed I think in Hamilton—it might be on that day.

Q.—On or about the day? A.—On or about that day.

Q.—And do you remember when you first heard from him as to his work up in Manitoulin? A.—I think his letters are here. I will give them to you.

Q.—Yes. I was only going to ask you that one question in the meantime. I have no objection to your refreshing your memory? A.—I had one or two letters from him at odd times until he came back.

Q.—I will ask you then to look. I just want to go back for a moment. Mr. Vance, you say, went up to the Sault, and went up to Manitoulin, and went up to Algoma. That was on the same mission? You were filing petitions in each of these constituencies? A.—Yes. We were not in the other two, but I understand he went there.

Q.—In the same way? A.—Yes, sir.

Q.—As representing the same interests for the Liberal party? A.—Yes, sir.

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Q.—I need scarcely ask you the question. Mr. Gamey, on being returned, was put in the list as a Conservative, and Mr. Fraser as the defeated Liberal candidate? A.—I do not understand what lists.

Q.—The lists were returned, and the parties take stock, and make up how they stand, and Mr. Gamey was put in the Conservative list in the newspapers at the date, and Mr. Fraser as the defeated Liberal candidate? A.—I understand so.

Q.—There was no doubt of that. And because of that you filed a petition to try and get what you considered to be your own, that Manitoulin constituency from Mr. Gamey? A.—That was the object of it.

Q.—Yes. Then, I would ask you kindly to look at the letter. I do not know whether I have a copy of it here to assist you in that. I do not want to go into the details of it. No, I do not find that I have. The date I wanted was the letter from Mr. Stanton, the first letter giving a return? A.—29th July seems to be the first.

The Chancellor: That is from Manitoulin?

Mr. Blake: That is from Manitoulin? A.—Yes, your lordship.

Mr. Blake: I do not care to go into the details of it. I do not know that it is material. But, you can just tell us that that was the return of certain of his work done there? 29th July, is it not? A.—That is the first letter—29th July.

Q.—Giving you an account of some of his work done.

The Chancellor: Does he speak generally of his work? A.—He says: "I

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shall report details to you in a few days."

Mr. Blake: Then please let me know what was the date of the letter that gave you the details? Have you got that? That is the next letter? A.—The next letter from him was 5th August.

Q.—And was that the one that gave you the details? A.—Not the full details that I got from him, but some details it was.

Q.—That would be received here, I suppose? A.—In the course of a week, or perhaps a little less.

Q.—That is to you? A.—Yes.

Q.—It would come in a week? A.—Yes.

Mr. Blake: You very probably as a matter of memory—people not making entries, of course, exercise their memory and they become very good—you can very probably say whether you received that letter before this interview at the Walker House? Can you, as a matter of memory, say? A.—I could not say so.

Q.—You could not say as a matter of memory? Then, matters being in that position, and having had the interview with Mr. Frank Sullivan, you went to the hotel, and met him, and asked him where his man was? A.—Or where Mr. Gamey was, I don't remember the words.

Q.—Had you ever seen Mr. Gamey up to that time? A.—No, sir; I had never seen him.

Q.—Your only knowledge of him was what you have given me? A.—That is all.

Q.—Were you present when Mr. Gamey was examined and spoke about that interview? A.—No, sir; I was not.

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Q.—Read it, I suppose, in the paper? A.—No, sir; I did not read it.

Q.—Did not even see it? A.—Glanced hurriedly over the reports, but I did not read it.

Q.—What we have had here several times, "casually?" A.—Yes, sir.

Q.—And do you agree with the statement that he made as to that interview?

Mr. Riddell: I do not think that is the proper way to ask the witness this question.

The Chancellor: The witness can protect himself, Mr. Riddell.

Mr. Riddell: Yes; but I do not think it is fair that the witness should be asked such a question as that.

The Chancellor: I cannot say whether it is fair or not. That depends upon the witness. If he has read this through in such a way that he remembers, he can say whether he agrees with it or not, or if, when he read it it struck him with shock of surprise. He is only asked, generally.

Mr. Blake: As to the unfairness of the question, it seems absurd to make such a charge.

The Chancellor: I do not think it is unfair. He is not a witness who does not understand.

Mr. Blake: And you, Mr. Grant, will understand I do not want to take you in in any way. If you know sufficient of it to be able to say that that fairly represents it, you will give it to me, and if you cannot you will say so. Then what do you say as to that? A.—Well, Mr. Gamey is mistaken in one or two respects, at least.

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Q.—Then, I think that I will have to trouble you to give me, please, the portions in which you think that he is mistaken? A.—My remark to him when he was introduced was—I said, "Mr. Gamey, I understand you and Sullivan are considering a timber transaction." I think he said "stock."

Q.—Mr. Gamey said "stock?" A.—I think Mr. Gamey in his evidence said "stock."

Q.—When Mr. Frank Sullivan spoke to you about a timber transaction, was there a twinkle in his eye? A.—No, sir; there was not.

Q.—And you think he said something about "stock." Would you kindly give your best memory then? A.—No, no.

Q.—I misunderstood you. Then, just put that so that there would be no question about it. What was said then? A.—I said to him, Mr. Gamey, Sullivan tells me that you and he are considering a timber transaction. He said yes, we are.

The Chancellor: I thought you said Gamey said "stock?" A.—No, I was referring to Mr. Gamey's evidence, as correcting that.

Q.—And Gamey said "yes?" A.—Yes.

Mr. Blake: Then I might follow that. What further was said? A.—And I said, Sullivan tells me that you want some one to take an interest or go in with you, who can put some money in it, and he said yes. I asked him how much, and he said about \$4,000 or \$5,000. Well, I said, is your proposition in shape, and they said no, it was not quite in shape, or some words to that effect.

And I said, well, when you have it in shape, if it is all right. I can probably

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manage it for you.

Q.—And what were you to manage for them? A.—I was to secure a client, as I understood it, who would take an interest in their venture to the extent of \$4,000 or \$5,000.

Q.—Was anything said as to when the money was to be paid? A.—No, there was nothing more than what I have told you.

Q.—You don't mean to say that it was all done in that couple of minutes? A.—It did not take two minutes, Mr. Blake, three at the outside.

Q.—When did you next see Mr. Sullivan? A.—I have never seen him since, I may have seen him on the street, but not to speak.

The Chief Justice: Do you mean Sullivan or Gamey? A.—Neither one. I have never seen either one of them.

Mr. Blake: You have never seen either one of them since. Was there anything that took place there in the least to arise any suspicion on your part? A.—No, sir; nothing occurred to me at all.

Q.—Do you remember the room that you went to? A.—Not by number. I know its location.

Q.—In whose room was it? A.—Well, I cannot tell you, I do not know.

Q.—Did you ever mention to any one what had taken place at that meeting? A.—No, sir; I did not.

Q.—Up to to-day? A.—No, sir. I mentioned to the counsel. They asked me. Counsel in this case.

Q.—Who, I suppose, must be somebody? A.—Then, I beg your pardon, Mr. Blake. It did not occur to me that that is what you are asking.

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Q.—That he was anybody?

Mr. Riddell: He did not say that.

Mr. Blake: Well, when did you first mention it? A.—I really cannot tell you. It was within two weeks.

Q.—That is a couple of weeks? A.—Yes.

Q.—That is quite near enough. You never did mention it until then? A.—No, sir.

Q.—Then, how long before that had you known Frank Sullivan? A.—Oh, I had known him through his father, and known his father for quite a number of years.

The Chancellor: That is Sullivan? A.—Yes, sir. I had known him, perhaps, for a couple of years, and known his father; and known his through his father for a good many more years—perhaps, eight or ten years.

Mr. Blake: What employment had he ever in election matters? A.—Who is that, sir?

Q.—Either the one or the other? A.—I do not know of any.

Q.—Frank Sullivan? A.—No, sir; I did not know of any employment in election matters he ever had.

Q.—Do you know of his ever being in any constituency? A.—No. I never heard of it—never knew of it.

Q.—You never knew? A.—No.

Q.—There was a person who was said to have gone up to one of the constituencies by the name of Sutherland? A.—Yes.

Q.—And it was said that you had to do with that? A.—He was in my firm's employ at that time.

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The Chancellor: That is another man? A.—Yes.

Mr. Blake: Was that another man? A.—Another man altogether.

Q.—Then, an interest has been taken by Capt. Sullivan for very many years in the election matters, to your knowledge? A.—Yes. I have run across him on election cases, which he has been involved in a little bit.

Q.—Why do you smile? A.—Well, you know it as well as I do, probably.

Q.—What? A.—You know the answer to the question as well as I do.

Q.—I thought that West Huron was written over your face as you smiled, but I may be mistaken. Why did you smile? A.—Well, that was all, sir; that it was well known he had been in that case.

Q.—That he had been there? A.—Yes, sir.

Q.—Working very hard in the Reform, and very wrongly, I believe, in the Reform cause? A.—Well, all I knew of it was at the trial. I had the case.

(1029)

Q.—Therefore you should have known all about it. He was reported for bribery, was he not? A.—I think so, sir.

Q.—Do you remember what year that was? A.—I think that would be in 1899. Perhaps in the end of 1898. I would not be sure which.

Q.—I think it was 1898. A.—It followed the general elections, or one of the bye-elections.

Q.—The end of 1898. That was my recollection. You appealed to me in that way, and that was my recollection. The end of 1898. A kind of hanger-on of the Government? A.—Well, I cannot say yes or no to that. I do not know.

Q.—What position did he occupy; that undefined position? Parasite?

Give some name to it? Whatever you think appropriate? A.—Well, in that particular case he was found to have been very drunk. Nobody knew or could account for his being there at all. That is as much of the evidence as I can remember of that charge.

Q.—But the judges did not report him for bribery simply because he was drunk? A.—Oh, no; he was very drunk, and was there on a spree for some days.

Q.—Were you surprised at that? A.—I—

Mr. Johnston: Are we trying Captain Sullivan's character here just now?

Mr. Blake: Oh, no.

Mr. Johnston: He was sent up for trial, and they could not produce any evidence against him, and he was discharged.

Mr. Blake: I do not know whether that was so or not.

Mr. Johnston: That is so.

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Mr. Blake: The question is not whether they could not, or did not. At all events, what was his position to your knowledge? You knew him in '98 or '99, and you have known him since, have you not? A.—Yes.

Q.—You knew he was in the employ of the Government?

A.—No, I did not know that he was, Mr. Blake.

Q.—Not in the Timber Department as ranger? A.—No, I did not know that.

Q.—That is the Captain? A.—That must have been years ago. I have not known of that for years.

Q.—Not known that at the very period you are speaking of he was receiving money from the Government? A.—No, I was not aware of that.

Q.—Then what was your knowledge of him for the last ten or twelve years? A.—It was some business matters that I transacted for him at odd times during that time.

Q.—Anything in the shape of getting a limit? A.—No, sir; it was in timber transactions.

Q.—I will have to ask you what the transactions were, or what the principal transaction was? A.—I think there were three or four.

Q.—What years do you remember? A.—They would be within the last three or four years, I think.

Q.—So I am told. A.—Yes.

Q.—Matters they were getting from the Department? A.—No, sir; not from the Department.

Q.—Where? A.—Buying from one lumberman and selling to another.

Q.—What was the name of the lumberman? A.—The first transaction was a purchase by him from Tew Brothers, of Midland, and a

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sale by him to the Munro Lumber Company, of Pembroke. I think that was perhaps the first one I had anything to do with.

Q.—Had you anything to do with the transaction in which a man by the name of Shannon was engaged? A.—Yes.

Q.—When was that? A.—In 1901.

Q.—What was the nature of that transaction? A.—The nature of that transaction was this. He came to me in—

The Chancellor: Sullivan came to you? A.—Yes, sir. It was a business matter, my Lord. It has nothing to do with this.

Mr. Riddell: This cannot by any possibility be connected with anything we are enquiring into here.

Mr. Blake: Certainly it can.

The Chancellor: We will assume Mr. Blake is not asking aimlessly and needlessly in this matter. You see the last charge of Gamey in the House, which is remitted to us for consideration, is conspiracy with certain persons named, and it includes Captain Sullivan. I cannot say at present that this may not be relevant. Mr. Blake will connect it. If he does not, it will drop. I do not see that we can stop it.

Mr. Riddell: This is 1901, more than a year before any of these transactions can possibly have taken place.

The Chancellor: At present I do not see that we can say it is irrelevant. It may come to nothing. Go on. Mr. Grant does not object.

Witness: I do object, unless your Lordships order it.

The Chancellor: I think in this matter you ought to tell what you know.

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Witness: Very well, my Lord. Then what was your question, Mr. Blake?

Mr. Blake: It was 1901, and a transaction which you were about to tell me, and his Lordship had asked whether Mr. Sullivan, or Captain Sullivan, had come to see you about it? A.—Yes.

Q.—And is your answer to that that he did? A.—He did.

The Chancellor: You said he came. I asked whether Sullivan or Shannon? A.—Sullivan came.

Mr. Blake: And what was it he wanted you to do? A.—He told me

there were a couple of lots in the township of Rutherford. I presume that is what you are referring to.

Q.—I think so. A.—In the north part of the township which he thought could be bought, or which Shannon he thought would buy.

The Chancellor: Crown lots? A.—It was not the lots; it was the timber on the lots.

Mr. Blake: The timber on them? A.—He told me about some history about the lots, not material perhaps on this enquiry. I asked him what he thought it was worth. He said he thought they could pay about \$250 for it. I said I will write the Department and make an application for the purchase of the timber on those lots. I think it is unsurveyed, but it is described by metes and bounds.

Q.—A timber berth? A.—No, I think a mile square. I wrote the Department in November, 1901, and made an offer of \$250 for the timber on the lot. The matter stood in that shape until about New Years, or shortly

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afterwards when Mr. Shannon was in to see me on other business. He said he had made enquiry about the lots, and he would not take them. He said that they were not worth anything to him, and the timber was rough and so on, and he would not go on with the application.

Mr. Blake: Did that end that transaction? A.—No, sir, it did not.

Q.—I thought it continued on to July, 1902? A.—It does, sir. Then Shannon told Sullivan that if he wanted to take his place on that application and pay the law costs he could do it. And the matter then stood in that shape until April, I think, when the Department replied to my letter of November previous, and stated that they had considered it and accepted the offer of \$250.

Mr. Johnston: That is Shannon's offer? A.—The offer I made for Shannon—yes. And I think in April, probably just at the same time I received that letter I wrote a letter enclosing a cheque for \$250.

The Chancellor: For whom? A.—It still stood in Shannon's name, but Sullivan was the beneficial owner.

Mr. Blake: It stood in his name, and the license or patent from the Department issued in his name? A.—Licenses issued to Shannon.

Q.—And Shannon's name was used on? A.—It was just continued on in Shannon's name—yes, sir.

Q.—Then do you know anything more of the history of that? What became of it? A.—The only thing I know after that was in July, I think, when I drew a transfer from Shannon to the Traders' Bank. In fact, the transfer was drawn in May, I think, but was not used until July. It stayed in my hands in the

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meantime, and it was completed in July. I witnessed it, and wrote a letter to the Department enclosing the transfer. I think that was about the 24th, or along there—along in that part of July.

Q.—To whom was that sold? A.—I understand to Mr. John Charlton. All I had to do with it was to draw the transfer to the Traders' Bank.

Q.—What was the consideration? A.—I do not know. It did not pass through my hands.

Q.—Were you aware of the fact that that was sold almost immediately afterwards for \$9,000 to J. & T. Charlton? A.—No, sir, I was not aware of any transaction, except I thought Mr. Charlton bought it, because he asked me if I had filed the transfer, but I knew nothing of the purchase money.

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Q.—And had you nothing to do with the transaction from that onwards? A.—Nothing whatever.

Q.—You have told all that you know? A.—Everything that transpired. I received my fee for acting, that is all.

Q.—Did you know what Frank Sullivan's position was with the Government the last two years? A.—Only hearsay.

Q.—As seeing him about the buildings, I presume? A.—I have no recollection of ever seeing him there.

Q.—Then did you hear anything more of any application on the part of Mr. Gamey or Mr. Frank Sullivan in connection with that from this interview on the 12th August? A.—No, nothing more.

Q.—Heard nothing of the application to Mr. Aylesworth? A.—No, I never heard of that.

Q.—Then when was it that you first received, and from whom, any instructions as to the dismissal of the petition and how did that come about? A.—It came to me through an interview between Mr. Bristol and myself.

Q.—What was the date of the first interview with Mr. Bristol? A.—It was the second last Friday in September, as I remember. I cannot tell you what date it was.

Q.—The second last Friday. Do you mean the one before the last? A.—The one before the last—yes, sir.

Mr. Johnston: Let us fix the date.

Mr. Blake: Perhaps you can fix the date. We may be able to fix it from the entries? A.—Yes, I think I can.

Q.—You may have them there before you? A.—It was the 19th or the 26th, I think, Mr. Blake.

Mr. Johnston: Of September? A.—

(1036)

Those are the two last Fridays.

Mr. Riddell: 26th would not be the last but one.

Witness: We had several meetings. We met every Friday, in fact.

Mr. Blake: I would like you to fix that, if you could, Mr. Grant, a little bit nearer. Would you look? A.—I have not anything here, sir.

Q.—You did not note any interview? A.—No, I did not make any entry of any of those.

Q.—Or do you think that you would have any letter that you might have written to Mr. Bristol? A.—No, we did not write any letters about those matters. I do not think there is any letter. I am sure there is not, Mr. Blake.

Q.—Well, before you saw Mr. Bristol about that, whom had you seen in order to give you instructions as to what to do? A.—I had gone over the case with Mr. Stanton.

Q.—He gave you a pretty strong case? A.—No, very discouraging.

Q.—Have you got his report? A.—It is produced here, I think, sir. He gave me a verbal report and followed up with his letter.

Q.—This is the report, is it? A.—Yes, sir. That reached me on the 17th September.

Q.—Yes, but there is a letter. I want the letter? A.—The letter accompanying that?

Q.—Yes? A. Yes, sir.

Mr. Johnston: What is the date?

Witness: The letter is dated 16th September.

(1037)

Mr. Blake: Where is the other letter? A longer letter?

Mr. Johnston: Here are two that I was just looking at. Mr. Riddell was just looking at them. (Two letters handed to Mr. Blake.)

Mr. Blake: Did you receive any letter—you did, I think—later than the 5th August? A.—Oh, yes. There is one of the 17th and I think there is still another one.

The Chancellor: Are you putting those in, Mr. Blake?

Mr. Blake: I am just going to read them. I want to see what is in them and what is the information.

Witness: They were all produced.

Mr. Blake: It appears Mr. Stanton is ill. He lives in Hamilton.

Mr. Johnston: He is just recovering.

Mr. Blake: We were just suggesting making it as convenient as possible for him. We will do so.

Mr. Blake: That is a letter of the 29th July, but that comments on the workers there, and I do not want to produce it unless it may be necessary.

The Chancellor: He gave you the 29th of July and the 5th of August. He has given some details.

Mr. Blake: Here is one Mr. Grant gave me of the 29th July.

The Chancellor: Are there two of that date?

Witness: No, my Lord.

The Chancellor: That is the first letter from the Island promising details.

Mr. Blake: I do not want to put that in, because there are comments upon workers there. You can see it, Mr. Johnston. It does not do any good.

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Q.—Then on the 5th August, here is the letter: (Read by counsel and marked Exhibit 60), being letter from Stanton to R. A. Grant.

The Chief Justice: That is going in, is it?

Mr. Blake: Yes, my Lord.

(Marked Exhibit No. 60).

Q.—Then kindly give me the particulars. These are the particulars? A.—Yes, sir, enclosed in one of those letters.

Q.—In which letter was that enclosed? A.—September 16th.

The Chancellor: That is a report, I suppose?

Mr. Blake: It is a report on Mani-toulin Island election case.

Q.—Now you see he says here: "I shall send a confidential report to the Organizer through your hands. If you consider it impertinent, stifle it." Is that the report that he refers to? Glance at that. I am reading the letter of the 16th September from Stanton. I do not know whether there were two reports, my Lord.

Witness: I do not remember of getting only the one. I did not stifle any, at any rate.

Q.—Oh, no, I am not accusing you of that, but you will see what I want to get at. You produce a report which you say was sent to you? A.—Yes, sir.

Q.—At the end of this letter, they say: "I send a confidential report to the organizer through your hands. If you consider it impertinent—" and so on.

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Now, was there another report sent to be communicated to the organizer? A.—No, not that I know of.

Q.—Who was the organizer? A.—I presume that meant Mr. Smith. I pre-

sume he thought perhaps I should report to Mr. Smith instead of himself, if the report was to be made.

Q.—Alexander Smith? A.—Yes, sir.

Q.—Then do you remember upon how many charges Mr. Stanton reported? A.—I could not tell you from memory. I have not looked at that since I got it. I remember the general run of the charges.

Q.—Adam Trotter seems to be a case he thought there was something in? A.—There were some cases there was something in, but the weakness in the case was that we could not find any systematic or organized mode of campaign, and the majority was very large.

Q.—The majority was large and you could not find any organization? A.—Or systematic plan of campaign.

Q.—Which you thought would have prevented the curative clause having effect? A.—Yes.

Q.—I understand you. A.—Outside of that, there was only one personal charge, and that was capable of explanation, or might have been.

Q.—Then I will glance through these while I want you to find me the date of your seeing Mr. Bristol in connection with the dismissal of the petition, if you will kindly look through your papers and let me know? A.—Well, I saw him on both those dates—both the last Saturday and the Saturday before.

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Q.—Was the 19th the earliest?

Mr. McEvoy: Friday or Saturday? A.—Friday.

Mr. Blake: Was the 19th the earliest day that you saw him? A.—Yes, I am quite sure in saying that the 19th was the earliest.

Mr. Riddell: Is this September or October? A.—September.

Mr. Blake: Then he says here that "Collins stated that Gamey had given him \$50 to expend in Gamey's interest." Had you investigated that charge to see whether it was correct or not? A.—No, sir, but it is too suspicious on its face.

Q.—Did you ever go over these and canvass the probability of success? A.—Not that list, but the list he had in his pocket. He saw me before that came; he verbally went over them all.

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Q.—Whom did you see in order to receive instructions as to what you should do in the way of the dismissal of the petition, and so on? A.—I did not see anybody except Mr. Stanton.

Q.—Did the Government give you full power to deal with that matter? A.—I think they left practically everything in my hands.

Q.—They practically left everything in your hands? A.—In election cases.

Q.—And therefore you did not consider it necessary to consult with the Government? A.—No.

Q.—In these matters? A.—Not in any matter such as I discussed with Mr. Bristol.

Q.—Well, what members of the Government met when you discussed these questions of the petitions and the dismissal? A.—Well, there was only one election meeting that I ever had, where any members of the Government met.

Q.—Which members of the Government were present then? A.—Well, there were two meetings really—I was not at the first one—at the first one I understood there was Mr.—

Mr. Riddell: Perhaps you had better not state what you understand.

Mr. Blake: You understand from your memory? A.—I was not there, sir.

Q.—Then, I beg your pardon.

The Chancellor: Then another meeting at which you were present? A.—Held on the evening of the same day, in which I was called in to consult; there were two representatives of both sides present.

Q.—What members of the Government were present? A.—Mr. Harcourt and

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Mr. Stratton.

Q.—They were present?

The Chief Justice: Do you say both sides of the House? A.—Both sides of the House.

Mr. Johnston: Who else in that connection, Mr. Blake?

Mr. Blake: Mr. Harcourt, Mr. Stratton and who else Mr. Johnston asks? A.—Myself on the Liberal side. There was Mr. Bristol, Mr. Foy and Dr. Beattie-Nesbitt.

Q.—Was the question of the Manitoulin protest brought up there? A.—No, sir, it was not.

Q.—Had it been decided before that? A.—Oh, no; that was before it was even filed, Mr. Blake—the meeting was.

Q.—I thought it was at a later date? A.—Oh, no, it was back just when they were commencing to file these cases.

Q.—And what was the object of that preliminary meeting? A.—To limit the number that might be filed.

Q.—On both sides? A.—Yes.

Q.—I see.

Mr. Ritchie: Then it was not a meeting to consider withdrawal of petitions? A.—Oh, no, I did not understand that.

The Chancellor: It was before they were filed? A.—Yes.

Mr. Blake: Then, was there any meeting to consider the withdrawal of petitions that you are aware of that took place subsequent to that? A.—No, sir, not that I am aware of.

The Chancellor: You said to Mr. Blake, let me understand why you said

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it—he asked you about your power. I understood you to say “that full power was left in my hands by the Government to deal with these petitions,” that is as to the dismissal. How is it you say that? Let me understand? A.—It was more by their not having intervened that I meant that.

Q.—It was in your hands to go on, and there was no intervention from any source? A.—That is what I mean.

Mr. Blake: Then it was left to you to go on, but did you never report to any person before you withdrew a petition? A.—I have no recollection of reporting to anybody.

Q.—Did you do this simply as the agent or solicitor of the Government on your own motion without consultation, or did you do it with consultation? A.—Well, I have no recollection of consulting anybody, except on one occasion I spoke to Mr. Bowman, who was a member of the House—I think, whip—

The Chancellor: You are speaking of your own general practice? A.—General practice.

Mr. Blake: Your general practice? Then, in this case have you any recollection of speaking to any member of the Government, or any member of the Government speaking to you? A.—No, sir, I have not.

Q.—You did not consult, then, Mr. Fraser? A.—No, sir.

Q.—You did it without consultation with him? A.—No, sir, did not say a word to him, or write.

Q.—That is, the petitioner? The petitioner was the member? A.—The defeated candidate.

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Q.—The defeated candidate, I beg your pardon. Then you considered that this had been a petition filed by the Government, and that, therefore, without intervening with Mr. Fraser, you might deal with it as you thought to be for the best? A.—I thought so.

Q.—And you did it? A.—I did it—yes, sir.

Q.—Then you got back the thousand dollars? A.—Yes, sir.

Q.—And what did you do with that? A.—My firm has it, except what was paid out of it as productions here show.

Q.—That is the Stanton expenses, and some other things? A.—Paid Mr. Stanton, paid Mr. Murray, the local solicitor, and paid Mr. Fraser, and the balance is still on hand.

Q.—That would be according to your undertaking when you got the money

out of court, that you were to pay? A.—I felt the deposit should pay the expenses.

Q.—You gave an undertaking to do that? A.—I did, to Mr. Murray, I think.

Mr. Blake: To the accountant? A.—Oh, I beg your pardon—yes, sir.

Q.—And how much money is that you have taken out of the \$1,000? A.—Mr. Stanton \$150, Mr. A. G. Murray \$100 and Mr. Fraser \$100. The balance is still in my firm's hands. Mr. A. G. Murray is the solicitor in the case at Gore Bay.

Q.—The one mentioned earlier. Then tell me why you paid the \$100 to Mr. Fraser? A.—He came to my office in November, the 10th November, and told me he had given a good deal of time, and was at a good deal of expense going around with Mr. Stanton helping him work up the evidence, and he thought some allowance should be made to recompense him.

(1045)

Q.—Kind of consolation stakes? A.—Yes. He wanted more than that, and I compromised, and gave him a cheque for that amount.

Q.—And that is all Mr. Fraser got out of the election? A.—So far as I know.

Q.—Then you say you saw Mr. Bristol about the 19th. Did you make any report to any person of what you had done, or do you make reports? A.—Well, I did not that I know of. I have no recollection.

Q.—Pardon me for saying so. You do not keep matters in that loose way for your clients—matters of very considerable moment? A.—I made no report to anybody that I know of. Mr. Blake, about any of these negotiations.

Q.—How do any person become aware of the fact that this petition had been dismissed unless by looking at the newspapers? How did the Government become aware of that? A.—Well, it was stated in court.

Q.—I see. They might get it through the newspapers, but do you not usually make returns to your clients of what may be the result of applications, and the like? A.—No, I do not think so. I do not think there is any report I ever made.

Q.—It saves a good deal of trouble if we all followed it, but most clients would not like it. Would you copy a letter of that kind which you sent? A.—I think I would, if I sent such a letter.

Q.—You think that you would, and have you looked in your letter book to see whether you have such a letter? A.—Yes, sir; I have looked carefully for every letter.

Q.—And under what names or directions have you looked to see whether

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such a letter was sent? A.—Well, I looked—followed out the line of subpoena.

Q.—But you see, your letter book would be indexed according to the person that you wrote the letter to. Under what names did you look to see? I want to see whether you have covered all the names that would be reasonable? A.—Well, I looked first in regard to Mr. Murray, at Gore Bay. Then I looked in regard to Mr. Fraser. Then the subpoena called for the members of the Government. I looked in regard to each one of them.

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Q.—And you could find no letter? A.—No.

Q.—And no information? A.—No, sir.

Q.—Is your memory so clear that you would now say that you did not verbally tell either directly or indirectly to the Government the result of that application? A.—No, I would not go that far. I may have informed Mr. Ross. He was the only one if I did inform anybody. I may have told him, because there were other cases involved in the same negotiation.

The Chief Justice: Did you look for a letter to Mr. Alexander Smith? A.—Yes, my lord. There is no letter in my book at all.

Mr. Blake: Had you reported to Mr. Ross, that is, the Premier. I presume you mean—had you reported as to other election petitions and other matters of that class? A.—No, this was the first negotiation Mr. Bristol and I had.

Q.—And do you know how it was that you got instructions what you were to do in this matter? A.—Well, I remember just what I did do, and how it was done.

Q.—Do you remember whether you got any instructions? You did not get any from Mr. Fraser, you have told us? A.—No, sir; I did not.

Q.—None from Mr. Murray? A.—No, sir.

Q.—Whom did you get them from? A.—Well, I tell you, I am sure I did not discuss it with anybody or get any instructions from anybody unless possibly I mentioned it to Mr. Ross. Outside of him I did not discuss with anybody any of these matters.

The Chancellor: Do you remember that? A.—No. It is possible I did,

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for I saw him very frequently, but I

do not remember discussing it, but I may have, with him.

Mr. Blake: Would that have been before the dismissal, or subsequent to it? A.—Well, it probably would be before the dismissal, but after Mr. Bristol and I had the interview.

Q.—It would be possibly before the dismissal. Do you remember as a matter of fact when the dismissal took place? A.—The formal dismissal was, I think on the 25th October—I think so.

Q.—That is correct. And what time between the 19th September and the 25th October do you think that you think that you might have seen Mr. Ross and discussed it? A.—Well, it could not occur in that way, Mr. Blake, because the courts were informed on the 4th October that the case was settled.

Q.—I did not know that they were told it was settled? A.—Yes.

Q.—But I thought they were asked for an appointment? A.—For a trial in Toronto; that was understood.

Q.—That was understood. That was the way? A.—Yes, sir.

Q.—They were asked for a trial in Toronto, were they not? —A.—Yes, sir.

Q.—But you did not say anything more. They drew the inference that if there was a trial in Toronto, evidence would not be given? A.—Oh, yes, Mr. Bristol and I knew what it meant.

Q.—But the court did not know it until the 25th October? A.—Perhaps not.

Q.—And now, would you give the date between the 19th September and

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the 25th October that you informed Mr. Ross? A.—I could not tell you at all, sir.

Q.—You could not say? A.—I could not say.

Q.—Could you say whether it was before or after the 4th October? A.—I could not say that, either.

Q.—Had you seen any, we may get the date by that—any interview in the newspapers that would have called your attention to something in connection with this seat? A.—No, I do not remember that.

Q.—You remember seeing that? A.—You mean an interview with Mr. Gamey?

The Chancellor: The Globe interview, it was called.

Witness: You mean two or three months ago?

Mr. Blake: No, earlier than that. Something that took place at Ottawa. Information given by Capt. John Sullivan? A.—I don't remember of seeing that.

Q.—Your attention probably would have been called to it if you had seen it? A.—Yes, if I had seen it I would have remembered seeing it, I think.

Q.—But do you remember any incident that took place between the 19th September and the 25th October, other than what you have mentioned in connection with the dismissal of the petition? A.—Nothing more than my interview with Mr. Briston, and possibly one with Mr. Ross. That is all I remember, or that I know of.

Q.—And then, in that matter of the dismissal, for whom did you act? A.—For the petitioner.

Q.—You acted for the petitioner? A.—Do you mean for whom I appeared in court?

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Q.—Yes? A.—For the petitioner.

Q.—And Mr. Bristol? A.—For the respondent.

Q.—And in the settling of the matter, for whom did you appear? A.—You mean as between our two selves?

Q.—Yes? A.—In the same way.

Q.—You had a meeting about the end of September when you and Mr. Bristol had a discussion? A.—We arranged to meet every Friday between ourselves.

Q.—It would be one of the Fridays you have given to us? A.—Yes, sir.

Q.—And then that consummated by an arrangement on the 4th of October? A.—That was when we informed the court.

Q.—That the trial would be at Toronto? A.—Yes.

Q.—And then on the 25th October there was the trial in Toronto which was a virtual dismissal of it? A.—Yes, sir.

Q.—These are the dates as you remember? A.—Yes.

Q.—Could you show me the entry there of the \$1,000 that was given to you for this deposit? A.—The entry which way? There would be the two entries, in and out?

Q.—Yes? A.—I will give you the cheque to start with, which you might want to put in. A \$1,000 paid into court as the deposit.

Q.—This is the payment out? A.—No, sir, that is the payment to the Bank of Commerce.

Q.—The payment of money out from you? A.—Oh, yes. You mean from my account?

Q.—Then where is the cheque which gave it to you? A.—The cheque which gave it to me would not be now with me. Mr. Conmee gave me the money to pay into court.

(1051.)

Q.—And this is the cheque which pays it in from you to the court.

The Chief Justice: Mr. Conmee's cheque would be returned to him.

Mr. Blake: Was it a cheque or in money that you received the \$1,000? A.—I could not tell you, Mr. Blake.

Q.—You have no memory? A.—I have no memory.

Q.—Would your bank book show that? A.—There trouble is there is not a deposit for that single one thing. It is part of a larger deposit which you will see here. Either the 8th or 11th. Either in the 5,000 or 3,000.

Q.—That one is, 8th July, \$5,000 deposited, then on the 11th July \$3,000 deposited. You do not know, therefore, whether you received it before the—

The Chancellor: What is the date of that cheque? A.—11th.

The Chancellor: It might have been the 5th or 11th? A.—It is either part of the \$5,000 deposited on the 8th or part of the \$3,000 deposited on the 11th. This is the entry where it was paid into the bank.

Mr. Blake: What is that?

A.—I am marking the entry where the \$1,000 was charged to my account.

Q.—It might be that \$1,000? A.—That corresponds on each side, that is all. You could not say which was which.

Q.—And then you have no means of tracing that. Would your cash book show that? A.—No, sir, I have no cash book. The only possible way would be the deposit slip at the bank might show it. Unless that does I cannot show it in any way.

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Q.—You have no cash book? A.—No.

Q.—And you state that you would have no means at all? A.—No means at all.

Q.—Of ascertaining that? A.—No.

The Chancellor: The Conmee cheque is 8th July?

Mr. Blake: Oh, no, my lord.

The Chancellor: You have not the Conmee cheque?

Mr. Blake: No, my lord.

Witness: This is the cheque paid into court.

Mr. Blake: You drew it out? A.—I had the cheque marked.

Q.—But the only way we could ascertain this fact would be by looking at the deposit slips of these dates, and finding out? A.—Yes, sir, whether it was a cheque of Mr. Conmee's or money.

Q.—And these large sums, the \$5,000 and the \$3,000, and the two single thousands, and the three thousand, were these thousand dollar deposits? A.—I will show you the items that were. The \$3,000 were deposits, and then there was \$240. The five thousand was for deposits. That small \$500 was private.

The \$240 was private. Then this was for a deposit, and that was private, and this was for a deposit. That thousand dollars was received for a deposit, but was not used, and was sent back to the man who put it in. He was not petitioned against, so that we did not require the money.

Q.—That was for a cross-petition? A.—Yes, sir. Then that other thousand dollars was a duplicate. North Perth was paid in wrong the first time, and I got it back and deposited the' couri cheque.

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Q.—You re-deposited it? A.—Yes.

Q.—Re-deposited it. Then I wish you would try and remember whether you were not called back to the city at this date in August by a telephone message? A.—Which date would that be?

Q.—The 11th of August? A.—Oh, 10, sir, there was no telephone message.

Q.—Are you sure? A.—I am quite sure of it, sir.

Q.—I was told that was the case. Where were you? A.—In Orillia. My wife and family were there for the summer.

Q.—In the town? A.—Yes.

Q.—Try and think over and let me know why it was that you returned on the 11th, if you can? A.—Well, I came back for two or three days every week.

Q.—I want to know if you have got any special reason for stating that you came back on this particular day—the 11th? A.—No, I know of no special occurrence that brought me back except the general business of the office that I was looking after.

Q.—Do you remember what time you arrived in the city? A.—On the 11th.

Q.—Yes. A.—No, I do not. I am reasonably sure, but I could not say.

Q.—Do you recollect whether you saw Frank Sullivan on the 11th? A.—No. I did not see him at all on the 11th.

Q.—You are sure of that? A.—Quite sure.

Q.—Was it by a telephone message or a personal interview on the 12th that he got hold of you? A.—A personal interview. He came to my office.

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Q.—Had he been frequently there? Did he know your office? A.—Oh, I had done some business for him some little time before.

Q.—And, therefore, he knew? A.—Oh, yes, he knew where my office was.

Q.—And he knew your position as solicitor for the Government in these election petitions, and the like? A.—Well, I do not know. I presume most people did. I do not know whether he did.

Q.—There is nothing from which you could pledge your oath that he knew it? A.—No.

Q.—Excepting that it was generally known throughout Ontario, at all events? A.—Yes.

Q.—You mentioned what passed between you and Frank Sullivan and Mr. Gamey on the 12th? A.—Yes.

Q.—Did that differ from what Frank Sullivan told you at the meeting in your office? A.—No, I think that I just repeated the words he used when I asked Mr. Gamey the questions. I did the talking at the Walker House, practically all of it, and Mr. Gamey said yes.

Q.—You did the talking, and he said yes. Then tell me now, because I think there was one matter which you omitted. What did Frank Sullivan say to you at the interview at the office? A.—He asked me when he and Mr. Gamey could see me, or that they wanted to see me. I asked him what it was about, and he told me as I have told you about their discussing a timber transaction.

Q.—That is what he told you, but didn't he give you any of the details of that at all? A.—Not a word. I think he mentioned the figures. Perhaps they

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were mentioned both times, as to the amount that would be required to go into it.

Q.—I thought you had omitted it? A.—Yes, sir.

Q.—And what was the amount he mentioned at that interview? A.—Four or five thousand dollars.

Q.—A timber deal and \$4,000 or \$5,000 was wanted? A.—No, they did not come to me for the deal. They appeared to be arranging that and wanted someone to take an interest in it to that extent.

Q.—They wanted somebody that would take such an interest in it that they would get the \$4,000 or \$5,000? A.—No, someone who would put that much money into the deal.

Q.—Anything at all said about Mr. Gamey and his petition? A.—No, not a word.

Q.—Nothing whatever? A.—No.

Q.—Are you perfectly clear about that? A.—Perfectly clear.

Q.—Just merely put in that way, that much money wanted, and a timber deal, and so on? A.—Yes, sir.

Q.—Then when you came over you did the talking? A.—I beg you pardon?

Q.—You did the talking? A.—I just said to Mr. Gamey, Mr. Sullivan tells me so and so, and he said yes, I have given you already what occurred.

Q.—Do you remember about the hour? A.—Yes, sir, it was between one and half-past one, I think.

Q.—And then did you leave? A.—I left at once.

Q.—And did they go out together?
A.—No, sir, I left them tiking there. Do you want these cheques put in, Mr.

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Blake?

Mr. Blake: I do not think they will be necessary. We can have copies of them.

Witness: Certainly.

The Chancellor: Any cross-examination?

Mr. Riddell: Permit me a moment, my Lord. We may shorten it.

Cross-examined by Mr. Riddell:

Q.—You had been acting as solicitor for Frank Sullivan in at least one matter? A.—Yes, sir.

Q.—And you had acted for his father in a number of matters? A.—Yes, sir.

Q.—Timber transactions and so on? A.—Yes sir.

Q.—And what was it you had been acting for Frank for? A.—He had a sub-contract for some cribwork at the eastern entrance to Toronto harbor.

Q.—And was he in that along with his father? A.—I do not think so. That is my recollection.

Q.—Have they been acting together, do you know? A.—Well, I do not know whether they were together or not.

Q.—You cannot say as to that? A.—No.

Q.—Then the first that you knew about them, you have told us was on the 11th August, or the 12th August? A.—12th August.

Q.—At what time in the day did Frank come to you? A.—Pretty close to one o'clock.

Q.—And you were going out, I understand you, to Orillia? A.—Yes, sir.

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Q.—He wanted to see if you could get a client to put some money into this timber transaction? A.—Yes, sir.

Q.—And you said you could not see him that day, because you were in a great hurry, and then he asked you to go down and see Mr. Gamey at the hotel? A.—Yes, sir.

Q.—Then where did you go to when you went to the hotel? A.—I met Sullivan in the ante-room or office.

Q.—Was Gamey there at that time? A.—I did not know him, and Sullivan looked around for him, and said he could not find him.

Q.—And then what did you do? A.—He said come upstairs, I think he looked in the dining-room first, and he said come upstairs, and we will see if he is in his room.

Q.—Do you know what room you went to—whose room? A.—No.

Q.—Who was there when you got up? A.—Nobody there.

Q.—Whereabouts was this room? A.—It was a room that faces on York street.

Q.—On what floor? The third floor?

The Chancellor: A bedroom? A.—Yes, my Lord. I could not tell whether the second or third floor. We went up the elevator.

Mr. Riddell: Q.—Do you know whose room it was? A.—I do not know whose room.

Q.—When did you see Mr. Gamey? A.—He was not in, and Sullivan said sit down a minute, and I will see if I can find him. He went out and came back in two or three minutes and introduced us.

Q.—You had not known Mr. Gamey before this? A.—No, sir, never saw him before.

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Q.—Then you have told us what took place. You repeated what Frank Sullivan had stated to you. Was anything said about a stock transaction at that time? A.—No, there was no mention about stock at all.

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Q.—Mr. Gamey says that you said you understood that Frank and he had spoken of a stock company, in which he could make \$3,000 in cash in six weeks, and \$2,000 towards spring. Is that true? A.—No, sir; I have already corrected that.

Q.—Then, was there anything more than what you have told us said? A.—Absolutely nothing.

Q.—Did you say you could arrange the matter if their deal was correct? A.—I said if you get your proposal in shape, and it is all right, I think I can probably manage it for you, or arrange it for you.

Q.—Then, you never heard of the transaction again. I understand? A.—It dropped there, and that was the last of it.

Q.—When did you first hear of what has been called the Aylesworth letter? A.—Well, I never heard of that until one day, Mr. Aylesworth met me at Webb's, after the statement was made in the House.

Q.—It was after the statement was made in the House? A.—Yes.

Q.—Then, let us see the position you were occupying in respect to these petitions. You have told my learned friend, Mr. Blake, that Mr. Murray might be your agent in this petition. Will you kindly explain that? I understand you have a printed form of petition? A.—Yes, sir.

Q.—The usual printed form of petition which is furnished solicitors who desire to file a petition? A.—Yes, sir.

Q.—And is that what was done in this case? A.—Yes, though they did not use them.

Q.—And this petition was sent up to—? A.—Mr. Murray.

Q.—And subsequently you acted as his agent in the matter? A.—Yes, sir.

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Q.—And why did you tell my learned friend that Mr. Murray may have been your agent? A.—Well, there was not very much difference between our positions—our relative positions.

Q.—You were acting practically as solicitors, the same as he? A.—The same as he.

Q.—Practically. Then you have been once or twice spoken of as the solicitor for the Government. Is that the case? A.—No, I have no retainer of any kind from them.

Q.—Have anything to do with the Government in any way? A.—No, sir.

Q.—It was the Ontario Liberal Association, you told us.

The Chancellor: You were asked about your clients, reporting to your clients. Who are your clients? A.—Well, my Lord, in the great bulk of these cases—

Q.—But in this case, who were your clients? A.—I considered Mr. Fraser as much as anybody. Perhaps he and the Association jointly were the clients in the case.

Q.—And not the Government? A.—No, my Lord. I did not consider that they were my clients.

Mr. Riddell: No charge made against the Government or anything of that kind? A.—No, I have no charges.

Q.—or have the Government paid you anything? A.—No.

Q.—And then, having filed the petition, or before you filed the petition, you have told us about an interview that took place between certain members of the Government and yourself, representing one party, and certain members of the Opposition, with Mr. Bristol, representing the other party? A.—Yes, sir.

Q.—Had that anything to do with this petition at all? A.—No, sir; never discussed.

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Q.—Then, upon your first interview with Mr. Bristol on the 19th, had you then received this report which I suppose has been put in. My learned friend was putting in the report and letters, I understood.

The Chancellor: I thought the report was in. I do not know whether it is in or not.

Mr. Riddell: I had understood my learned friend was putting in the report.

Witness: That is the letter enclosing the report.

The Chancellor: Do you wish to put in the report?

Mr. Riddell: Yes, my Lord, I will do so. I will put in the letter of the 16th September, and the report included therein. (Marked Exhibit No. 61.)

Mr. Riddell: That will be one Exhibit.

Q.—Then, you had a verbal report you told my learned friend, also? A.—Yes, sir.

Q.—From whom was that? A.—From Mr. Stanton.

Q.—And where was that? A.—In my office.

Q.—Was that before or was it after you received this written report? A.—About two days before.

Q.—And what was the conclusion you arrived at upon consultation with Mr. Stanton as regards the probability of success? A.—The conclusion we arrived at was that the case was not strong. The majority was large and a very risky experiment.

Q.—Then, had you had that conversation with Mr. Stanton before you saw Mr. Bristol? A.—Yes, sir.

Q.—Did you arrange with Mr. Bristol upon the 19th as to dropping certain

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petitions? A.—Well, we started to make a list on either side, and the list was made out, and we both were sparing a little bit to get something else that each side wanted in, and while the list was written out the agreement to abide by that list was not reached at the first interview.

Q.—When was the agreement reached to abide by the list? A.—I could not tell you.

Q.—Would that be on or before the 26th? A.—If it was at all, it was on the 26th; it would not be sooner, because that was the next Friday when we had the next meeting.

Q.—Then, what was the list? Give me, generally, the list. Those that he was willing to drop, and those that you were willing to drop on that consideration? A.—Well, the list started in this way. Mr. Bristol asked if I could drop West Hamilton.

Mr. Blake: Was the memorandum in writing which you made?

Witness: Between us—no, sir.

Mr. Riddell: These things were upon honor, of course. A.—And I said, well, what will go against that, and he said, how will South Bruce do you. I said all right, put that down on the list. Then he explained to me that he had promised

Mr. Carscallen that he would go along with Mr. Hendrie.

Q.—That is, if Hendrie was let out, he would be let out? A.—Yes, sir; and so that made East Hamilton the next one on the list. Well, I had made a promise regarding East Hamilton to

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one of my clients, so I had to put down South Norfolk opposite East Hamilton. Then I had to look after John Dickenson in South Wentworth.

Q.—Then you suggested South Wentworth? A.—I told him I had helped him out, if the two Hamilton cases went out, so I put that down as the next one on that side of the page.

Mr. Blake: This is what they call gerrymandering.

Mr. Riddell: Oh, no, you have forgotten your dictionary.

Witness: Then I said what are you going to put against South Wentworth. He looked over the list and said, well, why not put in Manitoulin. Mr. Gamey is a friend of mine, or a client of mine, and I would like to get him out. Mr. Bristol said that. So I said all right, put down Manitoulin, and we went on that way through the list.

Q.—We need not go through the rest of the list. Then Manitoulin was sawed off as against South Wentworth? A.—Yes, sir.

Q.—Then had this Aylesworth letter—had the letter signed in the presence of Mr. Aylesworth anything to do with this at all? A.—I never heard of it, or knew nothing of it, or Mr. Aylesworth, either.

Q.—Had you received any instructions from anybody? A.—No, that was the first and last regarding the saw-off of the Manitoulin election case.

Q.—That was either the 19th or the 26th September? A.—Yes.

Q.—I understand you had no communication with any member of the Government about it at all? A.—No, I had not.

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Q.—Any instructions from any member of the Government? A.—No.

Q.—Or from Mr. Smith? A.—No, none at all.

Q.—Just look at this and see if that will help you to remember at all as to when you got the thousand dollars. That is a telegram from yourself to Mr. Murray? A.—Yes, that is the same date, the 11th.

Q.—Does that help you as to the time you got the money? A.—No, that is only the deposit in the court.

Q.—That is what that means? A.—Yes, sir (referring to a telegram which is not put in).

Re-direct examination by Mr. Blake:

Q.—I do not understand that you have got charges in your book in this matter against anyone? A.—Yes, sir, I produce the item.

Q.—Against whom? A.—Against the Ontario Reform Association, of \$100.

Q.—Of \$100? A.—Yes.

Q.—Well, is the account headed the "Ontario Reform Association?" A.—Yes, sir, I have another copy of it here. I will be glad to give it to you.

Q.—I did not know that you had put any name at the head of it? A.—Yes, sir. You will find it on the head of the one I put in.

Q.—There is nothing there. "Copy of all entries in ledger referring to Manitoulin Election Petition"? A.—You will find I have put in it, probably you handed it back to me when you gave me these two other papers. Ledger account, "Ontario Reform Association, pages 122 and 123, entries: November 6th, By Cash, re Manitoulin, \$1,000; To cheque, re ditto, A. G. Murray, \$100;

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To charges, re ditto and cross-petition, \$100."

Q.—And you did charge then, that \$100 for the expenses in the Manitoulin matter? A.—Yes. Will I put those in?

Q.—Oh, no, thank you. I did not see that paper? A.—I handed it in a week ago.

The Chancellor: So far, I understand you to say in your dealing with Mr. Bristol, in this matter, at all events, he representing one side and you the other, that there was no exceptional treatment in regard to the Manitoulin election; it was dealt with as sawed-off, or cut-off, whatever you call it, in the same way as you and he were dealing with all the others? A.—Precisely the same, my Lord.

The Chancellor: Now, is Mr. Crossin here?

Mr. Ritchie: I have sent a special messenger after Mr. Crossin. He came back and said he had seen his foreman, and that Mr. Crossin was to be there to relieve him at 1 o'clock.

The Chancellor: He has not been on his way since 8.30 has he? He is said to have started at 8.30 this morning.

Mr. Ritchie: So somebody else said. Frank J. Glackmeyer, sworn. Examined by Mr. Ritchie:

Q.—You are Sergeant-at-arms at the Legislative Assembly? A.—Yes.

Q.—Have you anything to do with the arrangement of the seats for the members? A.—No, none whatever.

Q.—Who has to do with that? A.—The Clerk of the House. The Government arrange for one side, and Mr. Whitney the other. I think Mr. Whit-

ney has the privilege of arranging the other.

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Q.—Then you did not see Frank Sullivan in connection with the arrangement of a seat for Mr. Gamey? A.—No.

Q.—Did you see them both together? A.—They came up to my office.

Q.—When? A.—The day before the opening.

Q.—That is Frank Sullivan and Mr. Gamey? A.—Yes, sir.

Q.—And what was the object of their visit? A.—To get tickets for the opening of the House.

Q.—Not in connection with the seats? A.—No.

Mr. Johnston: And many people came, I suppose? A.—Oh, yes, a great many.

Mr. Ritchie: Do you get a report as to the allotment of the seats? A.—No, sir.

Q.—You have nothing to do with that? A.—Nothing whatever.

Q.—So that you would not know what seat Mr. Gamey occupied while he was there? A.—No.

Q.—Or what seat he was to occupy? A.—No.

Mr. Johnston: Nothing more; that is all.

Mr. Ritchie: We have a witness from Rochester whose evidence will probably take some time.

The Chancellor: You had better start. We can break in.

Mr. Ritchie: I do not think my learned friend will probably want to start with him if Mr. Crossin is to come at the adjournment.

The Chancellor: We can break off with this witness. Mr. Crossin is one of these fugitive witnesses. We had better secure him when we can get him and not wait for him. You

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had better get on with the expert now. We will suspend his examination while Mr. Crossin is being examined, if he comes. That will save so much time.

Mr. McPherson: He will just get his material.* It is outside in the next room.

Albert S. Osborne, sworn. Examined by Mr. McPherson:

Q.—What is your occupation? A.—I am one of the proprietors and member of the Rochester Business Institute and Commercial School at Rochester, N.Y. I am also an examiner of questioned documents.

Q.—Of what kind of questioned documents, when you speak of questioned documents? A.—Handwriting. That is, the examination of questioned handwriting.

ing. Handwriting expert work. Also I have given considerable attention to the question of typewriting.

Q.—What experience have you had as an expert? What length of time? A.—I have been giving special attention to the subject of questioned handwritten documents for about fifteen years. My special attention to typewriting has covered a period of perhaps four years—four or five years.

Q.—Have you been concerned as an expert in cases of celebrity? A.—I have, yes, sir.

Q.—In connection with typewriting, for instance, will you say what cases you have been connected with? A.—The question of typewriting entered into the Rice-Patriek murder trial, and the Rice will case in New York, heard last year and the year before to a considerable extent. The matter, however,

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was not a part of the examination in court on account of the fact that one of the parties confessed before the hearing. I made a very exhaustive study, however, of the question in that connection.

Q.—Have you testified in Canadian courts as an expert? A.—I have many times.

Q.—Can you tell the Commissioners what expert testimony you have given in Canadian courts? A.—I testified in the Sifton case at London and the Sifton will case, a civil case. I also testified in the Middleton-Wilkinson case at Sarnia, before his Lordship, the Chancellor.

Q.—Before his Lordship Chancellor Boyd? Speaking about expert examination of typewriting. On what is the art based? A.—It is based upon a comparison of the characteristics as shown by the typewritten result—the characteristics of the different machines that produce different results under different conditions or circumstances.

Q.—What are the ways—the various ways, according to your experience, in which individualities manifest themselves in typewriting?

Mr. Riddell: Individualities of what?

Mr. McPherson: Machine work.

A.—Individualities are manifested in five or six distinct ways. One class of characteristics is due to defects in the type themselves. That is, injurious defacements, bruises or scars upon the faces of the type. These occur through the ordinary operation of the machine, or careless operation, or they may be a part of the machine as originally constructed.

(1069)

that is, imperfectly made originally, not properly inspected. These occur in numberless ways. Any type

character may be injured at any point of its face. This injury is, as a rule, the result of an interference of two types in operation.

Q.—Now, have you a sample of the type here—one of the type faces? A.—Yes, sir.

Q.—Let me see it, if you please. Now, will you explain the method of construction of a machine whereby that becomes a component part of the machine, that is a type face? A.—That is an upper and lower case type. The written impression in typewriting is produced by bringing a letter into contact with the paper at a common printing point by some impulse given to it, and the paper is moved out of position, and then a succeeding letter prints at the same point in the machine, that is a common point, but at a different place on the paper. In order that the second letter may print, the first one, of course, must get out of the way, as the printing point is a common point for all of the characters, and in rapid operation, or in careless operation, the type come in contact, and the succeeding or following type will hit the preceding one, the face of it striking it, and through this means injury arises so that, after a time, it becomes necessary to renew the type, and in the old machines the type are sometimes renewed entirely, that is, new type put upon the machine, to replace that which is worn. Of course, there is a gradual change in the type faces through the ordinary wear and tear on a machine, but most of these injuries are due, I think, to these conflicts in the type.

(1070)

Q.—Collisions? A.—Collisions which injure the type face.

The Chancellor: That depends upon the operation, then? A.—Yes, it depends upon the rapidity and care of the operation.

Mr. McPherson: Then, when a letter on its swinging bar is being used to make an impression on the paper, and that is being returned to its place in the machine, if that comes, on its return trip, in collision with another on its up-trip, that might deface the upcoming type? A.—Yes, sir; the up-coming type face would strike some part of the printing arm of the other letter, and the two metals would come incontact, and, naturally, the narrow printing edge of the letter would be injured—injured in many instances.

Q.—Then do I understand there is a normal machine—a carefully-inspected machine, sent out? A.—Yes.

Q.—As they leave the factory they are sent out and carefully inspected, and supposed to turn out first-class work without any defects? A.—Yes, sir.

The normally constructed machine is carefully aligned and arranged so that these letters will as nearly as possible print at the same point.

(Adjournment 1 until 2 p.m.)

(1075)

AFTERNOON SESSION.

Monday, 20-4-03.

Mr. Crossin re-called.

Mr. Ritchie: Have you got all your books with you? A.—I have got the books that Mr. McEvoy requested me to bring. After looking over the books he said I would require to bring the bank books and cheques for Saturday.

Q.—They have seen the others, have they? A.—Yes; they saw those.

Cross-examined by Mr. Johnston.

Q.—The measurements that you gave us of the room, are they the present measurements, or the measurements that were prepared on the 10th or 11th day of March? A.—I took the measurements on Thursday or Friday, the day I was up here before, they are the same as they would be then, there has been no alteration.

Q.—That is, the room has been shortened, has it? A.—No, sir; we have the floor measurements, not the wall.

Q.—Was there any change in the partition at the end during the past three or four months? A.—None whatever; not the last year.

Q.—Now, on the third day of April this year, did you give Mr. Gamey any money, or the second? A.—That is something I cannot tell. Mr. McEvoy looked over the books, and he said all I needed to fetch here was the cheque book, and the cheques for March and April. I know there was money given to him along about that date, but I cannot tell the exact date.

Q.—\$350.00 about the beginning of April? A.—No, there was no \$350.00, at least it would not be in one cheque if it was.

(1076)

Q.—I am not asking you that? A.—Well, I could not tell you the amount.

Q.—Was there a considerable amount? A.—There was one cheque of \$200, another of \$65, and, I think, another of \$100; I am not sure, but there were different cheques at different times.

Q.—Are those all? A.—That is all I recollect. Latterly.

Q.—What books would show the payment to Mr. Gamey of any more money than that? A.—Well, the ledger would show.

Q.—Then we will have the ledger, please? A.—The ledger is not here.

Mr. McEvoy looked over all the books and said, as a matter of fact, if those were all the books I had he did not wish to see them further. We could have brought all the books up here. I had them here the other day, and I could have brought them again as easy.

Q.—You had a talk with Mr. McEvoy about the deposit you made on the 11th day of September, 1902? A.—He just saw the amount in the bank book here.

Q.—How much was it? A.—\$900.

The Chancellor: Was it you or the company deposited it? A.—The company deposited it to the credit of the company, \$900.

Mr. Johnston: Received, as you told him, from Mr. Gamey? A.—Yes.

Q.—Received when? A.—Well, as a matter of fact, Mr. Gamey paid it in himself, he made the deposit.

Q.—When was it made? A.—The bank book shows here it was on the 11th of September.

(1077)

Q.—Did you tell Mr. McEvoy that you got that on the 10th? A.—I don't remember saying anything about that.

Q.—Will you say you did not tell him that? A.—In fact, as a matter of fact, I did not know the date. I said it was got on the 10th or 11th.

Q.—I will recall it to your mind. Will you say you told him you knew it was the 10th because you had carried it around over night? A.—Not that amount. This \$900 is what you are referring to?

Q.—I am referring to the amount you carried in your pocket? A.—I couldn't say from this bank book. I would have to refer to the other book.

Q.—Then you had better get your book? A.—It is not very likely that I would carry \$900 in my pocket over night.

The Chancellor: Mr. McEvoy relieved the witness from bringing books, I understand.

The Witness: Did I not understand that I need not bring any books except the bank books?

Mr. McEvoy: Yes, the bank book for April and March.

The Chancellor: The witness can go for them now. Is there anything else that you want than the ledger?

Mr. Johnston: Anything that will show the money on the 10th that you got, and that was deposited either on the 10th or 11th.

The Chancellor: You will return as quickly as possible, Mr. Crossin. We have waited for you on two or three occasions, you are laying a foundation to do something with this witness, Mr. Osborne. What is it you wish by

(1078)

him? We will apprehend it better if you tell us the precise point of attack.

Mr. McPherson: The identification of some of the exhibits that have been filed, in series. Exhibit 17 is one.

The Chancellor: Are they those purporting to come from Frank Sullivan?

Mr. McPherson: Not in the first series. That will be in a series by itself.

The Chancellor: Are the documents all in?

Mr. McPherson: They are all in, my Lord. The first is The Globe interview, that is one of the documents in the first series. The first series consists of three documents; the first is The Globe interview, Exhibit 17, the second document in that series is the typewritten enclosure, part of Exhibit 29.

The Chancellor: That purports to come from Sullivan?

Mr. McPherson: It is in the X. Y. Z. letter, either from Stratton or Sullivan.

The Chancellor: I thought Gamey answered Sullivan. He did not suggest it came from Mr. Stratton, and I think he answered Sullivan, and I thought he had written an answer to it.

The Chief Justice: No, he said no one he knew of but Stratton or Sullivan could have written such a letter.

Mr. McPherson: Then the first one is 17, the second is the typewritten enclosure in 29, and the third is exhibit 13. That is the letter sent down from Gore Bay addressed to the Premier, dated 27th October. Your Lordship

(1079.)

will remember that he said he was supplied with a typewritten copy of the letter written in Mr. Aylesworth's office to take home and sign and send down.

The Chancellor: The letter from Gore Bay is not the one signed by Mr. Gamey's son, is it?

Mr. McPherson: Yes, my Lord.

The Chancellor: Then what do you want to prove about these?

Mr. McPherson: To prove that they are all written on the same machine. Then the second series is 4 and 30, and the X. Y. Z. letter. If your Lordship sees them he will apprehend the point. 30 has F. J. S., initials signed to it. The X. Y. Z. letter is part of exhibit 29. Then the third series is Exhibits 8, 9, 11 and 3; 3 is the first letter that was signed in Mr. Aylesworth's office.

The Chancellor: Your object is to prove the identity of origin of all these?

Mr. McPherson: Yes, my Lord.

The Chancellor: Then Mr. Osborne had better go on.

Mr. Osborne recalled.

Q.—When you left the box, Mr. Osborne, we were speaking about a normal typewriting machine, starting out with the assumption of a normal typewriting machine, a standard? A.—Yes, sir.

Q.—Will you tell the Commissioners relating to possible deviations or divergencies from a possible standard typewriting machine? A.—I have already outlined one class of such deviations, that is those due to interferences or accidents in the type bars striking on each other or the type striking against any

(1080.)

other part of the machine or any foreign substance that would injure the type face.

Q.—A scar or something of the kind on the type face? A.—Yes. These injuries are of all classes and of different characters. They may affect any part of the type face. As a rule such injuries due to ordinary wear, are the rounding off of extremities, the wearing away of extensions of letters and parts of letters that project out from the body and the bruising of a line at any point, making the letter print light at that point or preventing it from printing at all by being too low. That is, I have made here illustrations of two letters "b" and "e" with two extensions broken off. These are not illustrations from the exhibits, but simply illustrations of the manner in which such accidents occur. That is the breaking off of an extension in the letters. This same accident may occur by a sharp blow across any part of the letter which would bend down a surface or break it off and thus prevent it printing afterwards at that point.

Q.—Leaving a void there? A.—Yes.

The Chief Justice: Breaking the continuity?

A.—Of the line, yes, sir. That is the first point or particular regarding the development of characteristics that I wish to refer to. The second one is the relation of the letter to the printing point. It is apparent that a type bar or a type fastened at the end of a type bar may deviate slightly in either direction in the printing position, that is as illustrated here in these two "O's"? It may print to the left or to the right.

(1081.)

Q.—Those dotted red lines you have there, if I understand correctly represent the space within which the type as it strikes the paper should come, that is, the printing point? A.—That is the imaginary point, of course, the printing point, the normal point at which all of the letters are designed to print, but these

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same accidents that I have referred to may bend the type bars in such a way that they will print either side of the normal position.

Q.—That is either side from true?

A.—Yes, sir. That is it may print horizontally either way or vertically either way out of position, so that there are four deviations in a general way.

Q.—Take this case we have here, those two O's, describe what has been done from normal in a case where the print will show as you have it there? A.—In the example on the right the letter, through a bending of the type bar or some abnormal condition, that particular letter in relation to the other letters prints at a different position, that is, its printing point is not identical with the other printing points. And the one on the left is just the opposite. This may be in either direction.

The Chancellor: Out of line?

A.—Out of line with the rest of the characters. One character alone would not indicate this at all, it is simply by comparison with the others that are designed to print at one common point.

Mr. McPherson: The illustrations you have before you are of characters printing out of alignment? A.—Yes. Thus

(1082.)

lateral alignment, the position from left to right is also due to the condition of the carriage, that is what is called the machine carriage that carries the paper from right to left. If the carriage moves sluggishly or slowly the printing character may reach the printing point before the carriage had reached the position for the next character, so that this is affected by that condition. Also in extremely rapid operation the operator may strike the letter before the carriage reaches that point, and a conclusion upon these characteristics would necessarily be based upon more than one example, that is, it must be based on what is the normal printing position of that letter on the machine by examination of a number of letters. The next characteristic is the relation of the character in vertical position to the base line. Any letter, particularly the long letters, in which it is more conspicuous, may bend from left to right. May be in its proper printing position, but may be bent from left to right so that it stands at an angle either to the left or the right of a normal position.

Q.—That is it is out of true on its type bar? A.—It is turned on its axis, but prints in the normal position? The next is the lack of uniformity in the impression on the paper. This is due to what is called, a letter getting off its feet, that is, it does not print uniformly

throughout the character, the right side or left side or the top or the bottom strikes the paper first. And in a series of impressions

(1083)

this is apparent, that is that the type is so placed that it may print in position and it may print in alignment, it may print in perpendicular position, but it may be turned so that one side prints heavier than the other, or the top or the bottom, it strikes so that it strikes the paper at that place first. Of course that also, as in the matter of alignment must be determined by an examination of a number of impressions. A very hard impression, in which the whole surface of the character is impressed upon the paper might not show this, because a very hard impression would print the character all over its face, but an ordinary impression or a light impression shows distinctly which part of the character strikes the paper first and individualized the machine to that extent. Another particular in which these characters become individualized is in parts of the characters becoming filled with ink, dried ink, so that it becomes a part of the character itself, as far as the printing is concerned. This is usually true of portions of letters that are enclosed like the top of the "e" or "o," or the enclosure between angles of strokes that cross each other and this portion of the type becomes filled with ink which becomes dry and is essentially a part of the character as far as the impression is concerned. Those are the six points I have.

Mr. Riddell: Five so far you have given us.

Mr. McPherson: He has illustrated six.

(1084)

Q.—How many different characters does the ordinary typewriting machine produce? A.—The machines in most common use at the present time have 76 characters.

Q.—Take, for instance, the Remington? A.—The Remington No. 6 and No. 7 have 76. That is the ordinary machine.

Q.—Then the divergences of those in relation to each other may run into very large numbers. I presume? A.—Yes.

Q.—What would you state about that as the result of your experience and examination? A.—In all these letters any of them may diverge in any of the particulars mentioned, and, particularly the point of injuries may occur at any point of any letter and, of course, an injury of one letter may combine with an injury of any other letter so that in a combination of the possible divergences

ences the combination would reach into the hundreds of millions.

The Chancellor: Perhaps we had better take Mr. Crossin now. I see that he has returned.

Mr. Crossin recalled. Cross-examined by Mr. Johnston:

Q.—Will you look at your ledger, please? A.—This is the book that would show any cash deposited. As a matter of fact that leaf should have come right in there, but I cannot find it, it was not there.

Q.—What leaf? A.—There is a leaf out of there.

Q.—A leaf covering this period, is it? A.—That is the last I can find there.

Q.—The leaf covering the period? A.—Yes, it would have appeared in there. As a matter of fact I will show you over here if you will permit me.

(1085)

Q.—The leaf covering the transactions of Sept. 10th and 11th is missing? A.—Apparently. I cannot see it there.

Q.—When did you discover it to be missing? A.—I did not discover it until Saturday afternoon.

The Chancellor: What book is that, what do you call it? A.—Cash book.

Mr. Johnston: The Crossin Piano Company cash book. Then the next entry that you find in this book after the leaf containing the transaction that I am enquiring about is what? A.—Now that that is gone it is pretty difficult for me to tell. There is April 1st, 1902.

Q.—That brings it down to July 19th, 1902.

The Chancellor: Is the gap after July 19th? A.—Yes, my Lord.

Q.—Up to what date?

Mr. Johnston: I am not troubled about February, 1903. A.—Well, that comes the next.

Q.—Here is a loose leaf and the other leaf has been torn out covering the September items? A.—Yes.

Q.—Who has charge of this book? A.—Well, I have charge of the office, of course. Mr. Gamey has a key to the office.

Q.—You did not tear it out? A.—No, sir, I know nothing about it whatever.

Q.—And nobody so far as you know excepting you and Mr. Gamey has access to this book? A.—Not that I am aware of. We are the only two that have a key.

Q.—And the entry after the leaf that is torn out is March 26th. What date would that be?

(1086)

The Chancellor: I thought he had one in February? A.—It is February back here, 1903, I guess that is.

Q.—The gap is after July 19th up to February, 1903, is it? A.—Yes, my Lord. There may be more than one leaf out.

Mr. Johnston: When did you last see this book? A.—Well, I used it right along.

The Chancellor: It is a book in current use? A.—Yes, in current use.

Mr. Johnston: In which you keep your daily entry of cash receipts? A.—Yes.

Q.—And in that book you have entered all your cash entries from last spring until the present time? A.—Yes.

Q.—And do you mean to say, sir, that you did not know the leaves were missing out of this book until to-day? A.—Until Saturday afternoon, the first knowledge I had of it.

Q.—Prior to Saturday were there any loose leaves in the book? A.—I think there have been.

Q.—You would know whether there were or not? A.—Yes, they were loose but they were all there.

Q.—Have you any bookkeeping, a record of the cash transactions of the Crossin Piano Company excepting this book? A.—No, there really is not at the present time.

Q.—Then this is the only book you have connected with the cash business of the Crossin Piano Company? A.—Yes, up to the present. We intended getting new books.

Q.—You showed Mr. McEvoy the entry on Saturday in this book? A.—Entry of which?

(1088)

Q.—Of the \$900? A.—Well, it was not there. I did not see it.

Q.—You showed him the entry of the \$900 on Saturday in this book? A.—Not in that book. It is in this book.

Q.—You swear that you did not show it to him? A.—Yes; I did not see it at the time Mr. McEvoy was there. It was the bank book.

Q.—Never mind the bank book. Confine yourself to this. On Saturday, what occasion had you for seeing that the leaves were gone? A.—I was looking over the books for different items.

Q.—What were you looking over it for: what different items? A.—More as a matter of business. It had not anything to do with this at all.

Q.—I am asking you what occasion you had to look over for business matters. I don't want the details of business matters? A.—Well, I was looking over just in a general way.

Q.—Did you ever look over in a general way before? A.—Many a time.

Q.—Did you notice the leaves gone the last time you looked over prior

to that time? A.—No, I did not, sir.

Q.—When did you look over prior to Saturday? A.—I have not the faintest idea.

Q.—Give me an idea within three months? A.—I might have looked over the day before, for all I know.

Q.—And if you did, you did not lose the leaves out of it? A.—I don't think I did. I think I would have seen them.

Q.—Then, I may take it that on the Friday, if the leaves had been there, you would have seen them? A.—I think so.

(1089)

Q.—And you think the leaves were there on Friday? A.—I think they were. I have every reason to suppose they were.

Q.—And if they were destroyed or stolen out of the books it was some time on Saturday? A.—I will not say I saw the book on Friday; I can recall that those leaves were in the book the early part of the week; I cannot say what day.

Q.—They would be in there as late as Wednesday, to the best of your knowledge? A.—Well, to the best of my knowledge, I suppose they were Tuesday or Wednesday.

Q.—Would you go so far as to say they were there on Thursday? A.—No, I would not. I cannot swear.

Q.—Or to say they were there on Friday? A.—No; I could not say.

Q.—And if Mr. McEvoy saw the September entries on Friday in this book you could not contradict him? A.—I could not.

Q.—If he says he saw these entries of September, 1902, in this book on Friday when he was at your place, you could not contradict him? A.—No; I could not contradict him.

Q.—Then, you have, on one side, the cash, and, on the other, the payments? A.—Yes; there is another book, of course, besides that.

Q.—But I am only speaking of the general way in which it is kept? A.—Yes, of course, this is a continuation of all payments.

Q.—I am not troubling about that, nor do I want to trouble you about that? A.—There are some more entries of cash received here.

(1090)

Q.—Then, on the item ending January 27th, 1903, and for nine pages prior to that, you have the consecutive leaves running of payments out? A.—Yes, they appear to be all intact.

Q.—Now, confining yourself entirely to Mr. Gamey's matters. On March 20, 1903, what is that, received or paid out? A.—It is cash received.

Q.—On April 3rd, cash for marked cheque, \$200? A.—Yes.

The Chancellor: Is that cash received?

Mr. Johnston: 11th April, \$55 cash received, and 17th April, \$50? A.—Yes.

Q.—Now, these are the Gamey transactions in your receipts? A.—Yes.

Q.—April 3rd, 11th and 17th, 1903. March 28th also you received from him? A.—Yes, a cheque.

Q.—Then, in addition to that, you told me that you would be able to show me the moneys you had paid him, have you got your book? A.—Yes; I can show you that; there has been a certain amount paid in stock.

Q.—I do not care about that? A.—There is one cheque to Mr. Gamey, \$100, on March 28th.

The Chancellor: That is paid Gamey? A.—Yes, my Lord.

Mr. Johnston: And that is the day on which he paid you \$50? A.—Yes.

Q.—The next entry is apparently there? A.—\$200, marked cheque.

Q.—Marked cheque of whom? A.—The firm, the company's.

Q.—Cheque to Mr. Gamey re marked cheque? A.—Yes.

Q.—What does that mean? A.—Took it to the bank, and had it marked, and gave it to him.

(1091)

Q.—You paid him back the \$200 that day also?

The Chancellor: He got \$200, and paid \$200? A.—Yes, sir.

Mr. Johnston: What was the object of that? A.—He gave me the \$200, and asked me if I would kindly get him a marked cheque for it, as he wished to transmit it somewhere, I presume.

Q.—Are those all the payments? A.—No; there is more.

Q.—What else did you pay him, \$65 on the 31st day of March? A.—Yes.

Q.—Let me look at your bank-book, just at these items; will you pick out the cheques? A.—There is the \$200. The \$65. What date is that \$100? It must be in the old bundle of cheques. I know Mr. McEvoy saw it.

Q.—The other \$100 is among the old cheques? A.—Yes.

Q.—We do not care anything about that particularly, and we are not much interested in the cheques beyond that. Now, on the 11th day of September, a deposit goes to your credit of \$900? A.—Yes, to the credit of the company.

Q.—I am speaking about the company when I say your credit? A.—It is the same.

Q.—When did you see that deposit slip again? A.—The deposit slip depositing this \$900?

Q.—Yes? A.—I don't know that I ever saw it. I don't recollect of ever having seen it.

The Chancellor: You said that was deposited by Gamey himself? A.—Yes, my Lord.

Mr. Johnston: Is it, or was it, in your handwriting? A.—No, sir.

Q.—Was any deposit slip in your handwriting of that date, 11th of September? A.—I could not swear to that.

(1092)

Q.—Did you make any other deposit on the 11th day of September? A.—There is no record here in the bank book for it, that is all I know.

Q.—Did you know about this deposit being made? A.—About the \$900?

Q.—Yes? A.—Oh, yes, certainly.

Q.—You were at the bank with him? A.—Yes, as a matter of fact, I was.

Q.—Did you have any moneys in your possession that you carried over from the 10th? A.—Yes, I had.

Q.—How much? A.—Somewheres in the neighborhood of a couple of hundred.

Q.—Did you deposit that? A.—No, cash payments were made, distributed around different things.

Q.—Look at your book and tell me, your cash payments made on 11th of September that you speak of, accounting for your \$200? A.—I cannot tell you that without the vouchers.

Q.—I am taking your cash book, which is true and correct. I suppose? A.—Yes, it is as far as I know.

Q.—Here is September? A.—Well, I could not tell you that without having the vouchers.

Q.—Do you enter in your cash book the cash you pay out? A.—Only those that have not vouchers, items that have not vouchers.

Q.—And that is all? A.—Yes.

Q.—That you enter in your cash book? A.—No, not all that we enter in the cash book.

Q.—What do you enter in your cash book as payments out? A.—Well, sometimes I enter them and sometimes Mr. Gamey enters them. As a matter of fact, those are Mr. Gamey's entries,

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they are not my entries at all.

Q.—I do not care whose entries. What items do you enter in your cash book as moneys paid out? A.—Well, this book will show. (Refers to diary.) That is September, 1902?

Q.—Yes? A.—Here it commences.

The Chancellor: What is this you are reading from? A.—Diary practically, my lord.

Mr. Johnston: This is not kept in consecutive order at all, it is a cash book? A.—Yes, well I have nothing to do with that item. This is my writing here, not that.

Q.—The top part of it is yours, and the other part Mr. Gamey's? A.—Yes.

Q.—From August 1st down? A.—Part of it, from here.

Q.—I am just taking this page. I do not want to go beyond September? A.—That is all right. Those are not my entries.

Q.—The items in September are Mr. Gamey's handwriting? A.—Yes, taken from vouchers, receipts.

Q.—Then, I ask you what items do you put in your cash book? A.—Well, that is the same thing.

Q.—Items without vouchers? A.—Sometimes. Then they would all be put into that book and this as well. As a matter of fact, this book has not been balanced for over six weeks.

Q.—Are your items put into your cash book cash received and cash paid out? A.—Yes.

Q.—Look at your bank book for the date 21st September, and we will see if your entries are made properly? A.—I do not say they are kept properly. We have not adopted a regular system

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of book-keeping.

Q.—That does not show us anything? A.—Nothing at all.

Q.—Then you balance your cash book, because I see "to balance on hand," so much? A.—Yes.

Q.—In your cash book you have "items without vouchers, \$125.50"? A.—Yes, those would be in here.

Q.—Do not confuse the books. Take your cash book. You have "Vokes Hardware Company," that would be a voucher? A.—Yes.

Q.—And the next? A.—Yes, all those are vouchers.

Q.—And on that page you have items without vouchers that you lump at \$125.50? A.—Yes, sir.

Q.—And that is the way you kept your books? A.—Yes, that is really the system.

Q.—Now, was Mr. Gamey at your place on Saturday? A.—This last Saturday? He was there Saturday morning.

Q.—He was there in your office? A.—Yes, sir.

Q.—And was there for some considerable time? A.—I cannot tell. He was there when I arrived back at the factory.

Q.—Was he there more than once on Saturday? A.—Yes.

Q.—Two or three times? A.—Yes, he was there twice to my knowledge.

Q.—And the first time you noticed the mutilation of the books was on Saturday afternoon. A.—Yes. Late.

Q.—Then did you see Mr. Gamey since Saturday afternoon? A.—No, sir; I have not seen him since.

Q.—Do you know where he is? A.—I have not the slightest idea. I have not seen him or had any communication.

Q.—You do not know? A.—No. The Chancellor: He is not in court, is he?

(1095)

Mr. Johnston: No, my Lord.

Q.—Now, with reference to that deposit slip, of which we will hear more later, perhaps, you knew that a deposit was going to be made on the 11th? A.—That is the \$900 you are referring to, yes.

Q.—Was that in one hundred dollar bills? A.—I don't know what the denomination of the bills was. Could not say for that.

Q.—You told me you were present at the time it was made? A.—The deposit was made?

Q.—In the bank? A.—I was.

Q.—And you saw him making the deposit? A.—Yes.

Q.—And you saw him writing out the deposit slip? A.—Yes.

Q.—And you know that it was in his handwriting? A.—Yes.

Q.—According to your story? A.—Yes, according to my story.

Q.—According to your recollection, I do not mean it offensively, and you say you don't know that there was nine one hundred bills in that deposit? A.—No, I couldn't say. I don't know. I don't know what the denominations were at all.

Q.—You don't remember? A.—No.

Q.—You knew at the time if you had been asked? A.—No, we went into the bank and he pulled the money out of his pocket and wrote out the slip himself and turned and handed it in.

Q.—How did you notice the other deposit he was making? A.—Which other? The \$900, do you mean?

Q.—The large deposit that you swore to the other day that you saw him make? A.—The \$1,500, or supposed \$1,500, that was under very different circumstances.

(1096)

Q.—Were they made at the same time? A.—No, that was in the afternoon.

Q.—When was the other deposit made? A.—The deposit of the \$900 was made in the afternoon, before lunch. The Chancellor: Was it the same day? A.—The same day.

Mr. Johnston: You have never seen that deposit slip since? A.—No, sir.

Q.—On Saturday you had a messenger from the bank at your office enquiring about the loss of that deposit slip? A.—I had a messenger come and ask for Mr. Gamey.

Q.—Saw him in your presence? A.—Called Mr. Gamey into the office.

Q.—Saw him in your presence? A.—For a few minutes.

Q.—Asked him about the deposit slip? A.—Something said about that.

Q.—What did Mr. Gamey say to him?

A.—I did not hear that conversation? I stepped to one side.

Q.—You did not hear anything of the conversation? A.—I heard a few remarks, something about the slip.

Q.—Tell me what you heard? A.—The messenger came into the office. I was in the office. Mr. Gamey was in the work-room, or one of the work-rooms. He said, "Is Mr. Gamey here?" I said, "Yes." He said, "I would like to see him," so I called Mr. Gamey in.

The Chancellor: This was Saturday? A.—Yes, my lord, Saturday morning about 10 o'clock or a little after. Mr. Gamey came in. The messenger produced a piece of paper which I observed was a deposit slip; I just saw the heading of it; and said something about that that was not the slip.

Mr. Johnston: That was not the slip, what? A.—I don't know. I walked

(1097)

away.

Q.—What did Mr. Gamey say in reply to that? A.—I did not hear that. I walked back out into the work-room.

Q.—Is that all the conversation? A.—That is all I heard.

Q.—You have not forgotten any of it? A.—No, I have not forgotten any of it at all.

Q.—Then did you go down to the bank? A.—Yes, sir.

Q.—What time did you go to the bank? A.—It would be about ten minutes after the messenger, in fact, the messenger went down stairs with us.

Q.—Did anybody else come up to see you or Mr. Gamey about that deposit slip on Saturday? A.—We went to the bank. No one came up to see me.

Q.—Come up to see Mr. Gamey? A.—Come with Mr. Gamey.

Q.—After you had been at the bank? A.—He came back with us.

Q.—You went down to the bank about what hour on Saturday? A.—We went right with the messenger, it would be, I suppose, about 10.15, I would imagine.

Q.—About 10.15 you came out of the bank? A.—Yes.

Q.—Who came up with you then? A.—It is the receiving teller or one of them.

Q.—What is the name of the receiving teller? A.—Howarth? A.—I think Howarth, of Oakville.

Q.—What is the name of the messenger, Barton? A.—I couldn't tell you. I

recognize him when I see him, but I don't know his name.

Q.—You have done business there for a long time? A.—Oh, yes, but I don't know his name.

Q.—What did you come up to the office for? A.—There was no explanation

(1098)

given to me.

Q.—Did you ask for any? A.—No, I did not.

Q.—Did you hear what took place at the office when they came up? A.—No, Mr. Gamey and the messenger were in the office alone.

Q.—So that you do not know anything about what took place then? A.—No.

Q.—Did Mr. Howarth show you any thing? A.—No.

Q.—Did you see anything in his hand? A.—I saw a deposit slip.

Q.—Then did you have any further conversation with Mr. Gamey with reference to that official? A.—None whatever.

Q.—You have told us all that took place? A.—Exactly.

Q.—So that we may eliminate you from what may transpire hereafter? A.—If you will permit me to make one explanation. Mr. Howarth and Mr. Gamey were in the office together. I was in the work-room. They remained there possibly 10 or 15 minutes. Mr. Howarth came out alone, bade me good-morning and was followed two or three minutes after by Mr. Gamey. I have not seen him since.

Mr. Riddell: 15 or 20 minutes, did you say, they were together? A.—Yes, I would judge so. Not more than 15, I would say.

Mr. Johnston: Was Mr. Gamey alone in the office during this time? A.—With Mr. Howarth?

Q.—Was he alone in the office on that occasion without Mr. Howarth? A.—Yes, he had been in the office previous to Mr. Howarth's coming, alone.

Q.—He had been in the office before Mr. Howarth came at all. A.—Yes, during my absence.

(1099)

Q.—Was he in the office after Mr. Howarth left? A.—Yes.

Q.—Alone? A.—Yes.

The Chancellor: That is Gamey?

Mr. Johnston: Yes, my lord.

Q.—Did you write a deposit slip on Saturday? A.—No.

Q.—Did you write any part of a deposit slip on Saturday? A.—None, whatever.

Q.—Then I may take it, which I believe is the truth beyond any doubt, that we may eliminate you from any con-

nection with the deposit slip? A.—I know absolutely nothing about it.

Q.—And you have told us absolutely all that took place? A.—I think, so far as know, all I saw and all I heard.

The Chancellor: This is last Saturday you are speaking of? A.—Yes, sir.

Q.—Your recollection would be clear as to that?

Mr. Johnston: There is nothing that you are keeping back at all in any way? A.—On our way back from the bank, while, as I said previously, there was no explanation given to me, they seemed to be looking for a lost paper, both of them tracing back the route Mr. Gamey had gone from the bank up to the factory, that is all I know.

Q.—Looking for a lost paper? A.—Yes.

Q.—You knew that paper was a paper of the 11th day of September, 1902? A.—I surmised that it was. I was not told so.

Q.—You had reason to believe it was? A.—Yes. I was not told so, but I inferred it was.

Q.—You had reason to infer that? A.—I had.

Q.—And your inference was as you have told us? A.—Yes.

(1100)

The Chancellor: They made a search for that on the way to and from the bank? A.—The question was asked Mr. Gamey by Mr. Howarth which way he had gone, meaning what route he had taken from the time he had left the bank going back to our factory, and as I suppose we were taken over the same route back to the factory, that is all.

Mr. Johnston: Then did Mr. Gamey search his pockets or clothing in the office? A.—He did in the bank.

Q.—When you were down there? A.—Yes.

Q.—He searched in his pockets and clothing for this that you inferred to be the deposit slip? A.—Yes.

The Chancellor: Did you understand that Gamey had got some paper from the bank which he had lost? A.—Yes, my Lord. If I might be permitted to make a statement I understood that it was a deposit slip that he wished to show me.

Q.—That Gamey wished to show you? A.—Yes, a copy of a deposit slip that he wished to show me.

Mr. Johnston: Now from whom did you understand that? A.—From Mr. Gamey himself?

Q.—When did he tell you that? A.—Just in the presence of the messenger.

Q.—That was the excuse that was given, whether rightly or wrongly,

we are not concerned for the moment? A.—Yes, that was the only explanation given to me.

Q.—Now what object would there be in showing you a deposit slip of the 11th September? A.—I have not the faintest idea what his object was. There was no explanation.

Q.—Can you give any reason? A.—No, I cannot, unless it was for him to him to determine whether that slip was made out in my writing or

(1100½)

his. That is the only thing I could infer. He did not say that. He did not tell me that.

Q.—There was no business reason? A.—No, none whatever as far as I know.

(1101)

The Chancellor: You are speaking of last Saturday still, are you?

Mr. Johnston: Yes, my Lord: it is all on Saturday. The details will be given afterwards.

Q.—Gamey said to the bank that they must surely be mistaken? A.—I don't know that I heard that.

Q.—We have what we handed back. If that was not the original, then he must have lost the original. A.—Yes. I heard those words.

Q.—Now had you any transaction on Saturday in the bank? A.—Nothing beyond getting those cheques.

Q.—No, any bank transaction? A.—No, no money transaction.

Q.—No business to take you or Gamey there as far as business was concerned? A.—Not at that time; no.

Q.—Nor, at any time on Saturday? A.—No, I had been at the bank before that.

Q.—And you had got a cheque, I suppose, to pay your hands? A.—No, sir; I went to get this book made up, and to get those cheques.

Q.—Had you any transaction with the bank? A.—No; I had no transaction with the bank? You would not call this a transaction?

Q.—No. A.—Then I had no transaction.

Q.—I am speaking of a business or a banking transaction? A.—No, I had no transaction whatever beyond getting some money changed for the cashier.

Q.—And that you had got done at what hour in the morning? A.—It was shortly after nine, I got in by the side door.

Q.—You wanted it changed for business purposes? A.—Paying the staff.

Q.—I would like your Lordships to direct, and I am not at liberty to say

(1102)

what the line of action will be, but I should like your Lordships to say that this book should remain in custody of the court for a few days, sealed up. I have no desire whatever to deprive Mr. Crossin.

The Chancellor: Do you make any objection to that, Mr. Crossin? A.—Oh, it doesn't interfere with us very much, as far as that is concerned.

The Chancellor: Then it may be sealed up by the Registrar.

Mr. Ritchie: I want to see it in re-examination.

Mr. Johnston: Oh, yes; I mean after we are through with it.

Q.—Who generally makes out the deposit slips for the Crossin Company? A.—I generally do it, chieeny.

Q.—Will you tell me another case excepting the one you speak of on the 11th September in which Mr. Gamey made out the deposit slip? A.—Yes, there was one made out shortly after he came into the firm: about two years ago, I remember that.

Q.—Are those the only two cases of deposit slips being made out by Mr. Gamey that you can recall? A.—As near as I can recall they are the only two.

Q.—Did you know what the deposit of \$900 was for? A.—What it went into the business for?

Q.—Yes. A.—Oh, yes; it was due the business.

Q.—By whom? A.—From Mr. Gamey.

Q.—That was the exact amount, or was it on account? A.—That was the balance, the balance that completed what was due then.

Q.—Upon stock transactions? A.—Yes.

(1103)

Q.—He was paying up his stock? A.—Yes, it was a balance.

Q.—\$900 that he was paying at that time? A.—Yes, sir.

The Chancellor: Stock in the company? A.—Yes.

Mr. Ritchie: The capital he agreed to put in? A.—Yes, it was agreed upon some considerable time before, of course.

Mr. Johnston: Your company was incorporated, when? A.—We got the papers and took over the stock on the 13th day of January, this year.

Q.—So that the money he had agreed to put in as a part of his stock payment would be used in the business, of course? A.—Yes, sir.

Q.—In the ordinary way? A.—Yes.

Q.—I do not desire to refer to any balances or otherwise? A.—It was to

be stock and material, wages and everything.

Q.—I mean the balance would be very much less than \$900 sometimes, and sometimes very much more, the monthly balance? A.—Oh, yes.

Q.—Then, when you organized your company, he would receive in payment an equivalent amount in stock? A.—Yes.

Q.—And — is the largest stockholder in the company? A.—Yes, sir.

Q.—I think he holds \$2,500 worth in the company, 25 shares? A.—Yes, 55 shares.

Q.—At \$50 a share? A.—\$100 a share.

Q.—And the company was incorporated with what shares? A.—\$50,000 incorporation.

Q.—500 shares? A.—Yes, sir.

Q.—And he held 55 shares, which, as far as the stock outstanding is concerned, represents the majority of the company? A.—Yes.

(1104)

The balance is held by yourself and some others? A.—Yes.

The Chancellor: Did Mr. Crossin produce the ledger you were speaking about?

Mr. Johnston: The ledger you spoke of? A.—Well, that is really the book, the dairy; that is the only one we have at the present time. We have been deferring getting company books, that is why it has been kept in that way. As a matter of fact, we have not ordered the books yet.

Q.—This does not show any accounts between anybody? A.—No.

Q.—It is a mere running daily transaction? A.—Yes.

Q.—A running account from day to day? A.—Yes.

The Chancellor: The company has been going on without company books? A.—That is really the explanation, my Lord; we have not yet ordered company books. It has been deferred. I have neglected it. I work with the staff there mechanically.

Mr. Johnston: You just go on from day to day making these entries? A.—Yes, sir. Referring to the shares, I was speaking of the amount at the time that the company was taken over.

Q.—On your stock register, the record, Mr. Gamey still appears as the holder of all these shares? A.—Yes, sir.

Q.—There has been no transfer made? A.—None. Well, none that I am aware of, only by hearsay.

Q.—Do not let us bother with hearsay? A.—I don't know of any, no other certificate has been issued except what is there.

Q.—Excepting what appears in your stock book? A.—Yes.

(1105)

Q.—And you have no notice of any assignment or transfer of any of those shares? A.—No notice whatever.

Q.—What position do you hold in the company? A.—Secretary-treasurer and general business manager.

Q.—And you are the gentleman whose duty it would be to enter the stock? A.—Yes, sir.

Q.—And to enter the transfer of stock if any were made? A.—Yes, it would not be valid without my signature.

Q.—And these are all the shareholders in the stock book? A.—Yes.

Mr. Riddell: Have you not a list of shareholders? A.—No; that is all there are.

Q.—A list of shareholders, with their addresses? A.—They are all there, the names are there.

Mr. Johnston: You do not keep a separate stock register? A.—Not as yet. That was to have been ordered with the company's books when the new set was ordered.

Q.—The only names then appearing are: Mr. Gamey, Mr. Crossin and Mr. Levesconte? A.—Yes.

Q.—And a nominal share in the name of a wife of one of them? A.—Yes.

Q.—That was to make up the five incorporators? A.—Yes.

Q.—Then, let me ask you again if there was any transfer of stock made at all, it would have to come through you? A.—Yes, sir.

Q.—And be entered in the book somewhere? A.—Yes.

Q.—And, you understand that as being necessary to its validity? A.—Yes, sir.

Q.—Have you by-laws in connection with the company? A.—On, yes; a full set.

(1106)

Q.—And one of the by-laws is that it must be recorded before it is valid? A.—Yes.

Q.—Referring to Exhibit 55, was there formerly a partition further back? A.—No.

Q.—Was there one further forward? A.—That is the front wall, a brick wall.

Q.—The one facing south, and the one facing the west, are brick walls? A.—Yes.

Q.—The one facing north is a partition? A.—Yes, a partition.

Q.—A wood partition, and the one facing east is a wood partition? A.—Yes, sir.

Q.—Is there a partition on one side, as it were, jutting out into the room? A.—Yes, that part there, it comes in narrower, of course. We had to have that in order to facilitate another thing outside the room.

Q.—Is there a partition standing from the northeast corner of the room out into the room? No; there is nothing like that.

Q.—The walls of this room? A.—This is perfectly straight. That is the north wall.

Q.—No projections either way? A.—No, none whatever. This I put as marking a ledge we have around in which we box the steam pipes.

Q.—The ledge on the west side is the ledge that covers the steam pipes? A.—Yes.

Q.—I do not know just what ruling your Lordships may make in regard to this question of the slip. I desire very much to clear that up at the present moment; the one of the 11th September.

(1107).

The Chancellor: That is the one that Mr. Gamey is said to have lost?

Mr. Johnston: Yes.

The Chancellor: I do not know at present. All we know we surmise that some paper was given to him by the bank, and has been lost. We do not know that it was given to him by the bank. This gentleman does not know. It is not clear yet about that. If you prove that it was given to him by the bank and lost that is another thing. We do not know enough to rule at present.

Mr. Johnston: I do not desire to disturb the order of the proceedings at the present moment, but if I go into the question of the loss of that slip I should like to be able to call all the evidence in regard to that at the present moment or to defer it to a later period. I trace the slip into the hands of the bank, and to the hands of Mr. Gamey, and no return of it.

The Chancellor: This is an episode that has occurred during the progress of the case, all occurred last Saturday?

Mr. Johnston: Yes, my Lord.

The Chief Justice: You do not desire to do that before you finish with Mr. Crossin?

Mr. Johnston: Perhaps I do.

The Chief Justice: If you do that is a very sufficient reason for giving your evidence on that branch now, although perhaps not in its strict order.

The Chancellor: There is no practical difficulty about it. Have you any objection to that, Mr. Blake?

Mr. Blake: My difficulty is that I personally have heard nothing of it.

(1108)

The Chancellor: No, it has all occurred since Saturday.

Mr. Blake: That is my difficulty, in answering something that has never been presented to us.

The Chancellor: It has arisen out of the examination of Mr. Crossin, so it is a surprise to both sides.

Mr. Blake: It does not strike me to be reasonable for my learned friend to go into this, of which we know nothing. I thought my learned friend wanted the clerk for the purpose of using this witness as he is here in connection with some paper.

The Chancellor: Mr. Crossin has been exhausted as to all he knows as I understand. Mr. Johnston may want to quicken his memory on some point by Mr. Howarth.

Mr. Blake: I thought that possibly if that paper was produced the memory might be refreshed, and that it was to be produced for that purpose.

The Chancellor: It is not desirable that Mr. Crossin should be recalled if possible.

Mr. Ritchie: I am quite willing to go on with my re-examination, subject to reopening it when Mr. Howarth comes.

Mr. Johnston: The difficulty is even greater than that. I want to trace this deposit slip.

The Chancellor: Your right to do that is reserved. That will be a collateral matter that will come perhaps as part of your case, if we ever get to it. We are going on very slowly now.

Mr. Ritchie: I do not suppose your evidence will disappear in the meantime.

Mr. Johnston: I think not. It is too grave a matter to have it disappear.

(1109)

The Chancellor: Then you had better not go into this slip business at present, keep that as part of your case.

Mr. Ritchie: I am quite willing that you should go on when he comes, stop my re-examination.

Re-examined by Mr. Ritchie:

Q.—What books have you got here. Mr. Crossin, just this cash book, and what you call your ledger, and your bank book? A.—That is all. More a day book.

Q.—These are the books that you had in connection with the partnership business? A.—Yes.

Q.—Carried on in the name of Crossin & Co.? A.—Yes.

Q.—When did Mr. Gamey and yourself enter into partnership? A.—The first of April, 1901.

Q.—He putting in a certain amount of cash for an interest in the business? A.—Yes.

Q.—Then a joint stock company was formed. I understand?

Mr. Riddell: We had all that in chief.

Mr. Ritchie: I wish my learned friend would not interrupt. I am quite aware of it. I am leading up to something else.

Q.—The joint stock company was formed when? A.—We obtained our charter along about the beginning of September, January, I should say. We had our first meeting, and took the business over on the 13th January, 1903.

Q.—Then these books you produce here were the books in connection with the partnership business? A.—Yes, as well as later on, it includes the company business.

Q.—Have you ordered a set of new books yet for the company? A.—No.

(1110)

they have not been ordered yet. We have discussed that and decided to do so.

Q.—But you have in the same books continued on the business, and from these books you will make entries in the stock company's books? A.—Yes, sir, later on, when they are obtained, that is the intention.

Q.—Have you produced for the inspection of the counsel for the defence all the books in your possession? A.—All the books that have ever been in my possession in connection with the business.

Q.—And they were produced to Mr. McEvoy, one of the counsel for the defence? A.—Yes, sir, in our office.

Q.—On Friday last? A.—Yes, sir.

Q.—Did you hand over all the books to him? A.—They were all there just the same as they are here.

Q.—And you say so far as you know at that time these books were intact? A.—Yes, as far as I know of, they were.

Q.—Although there have always been some loose leaves? A.—Oh, there were loose leaves, there has been that in it, I know.

Q.—Did that cash book, so far as you know, contain a true entry of all moneys received and paid out? A.—No, there has been cash received that was not in there. Mr. Gamey, for instance, had private memorandums of money he had sent down that I had not taken time to post up.

Q.—At all events, when the new company took over the business, I suppose you and Mr. Gamey had an adjusting of accounts? A.—Yes, we had taken stock.

Q.—And stock was apportioned to represent what your interest was in the partnership business? A.—Yes, there was no cash changed hands at all, the

(1111)

company took over the business.

Q.—And you got so many shares representing your interest and Mr. Gamey so many as representing his? A.—Yes.

Q.—And they were adjusted upon a statement made between you? A.—Yes.

Q.—Have you told my learned friend, given him a statement of all the moneys that have been paid out in respect of which he asked you and received in respect of Mr. Gamey during the period of time that he has been dealing with? A.—Yes, some of it is not here, of course. That is all that I have got, sir.

Q.—Then I think we understand it. You say the \$900 that was put in on the 11th day of September by Mr. Gamey was put in in pursuance of an arrangement that he should introduce further capital into the business? A.—Yes.

Q.—That was the first performance of his agreement? A.—Yes.

Q.—And when the joint stock company was formed he got the benefit of that advance to the business? A.—Yes.

Q.—By getting an extra number of shares of stock in the company? A.—Yes.

Q.—You said you were in the Ontario Bank on Saturday last? A.—Yes.

Q.—In the morning? A.—Yes.

Q.—And that the object of your visit was to get some change? A.—Yes, to get some change, as well as to get this bank book made up to Saturday, including Saturday.

Q.—So that you could produce it here in court? A.—Yes, in compliance with Mr. McEvoy's wish.

Q.—And you have produced your bank book and all your cheques? A.—Yes, it is there with the exception of one, and they have initialled that a small

(1112)

amount, \$32. and something, it is initialled "O. S." which means outstanding.

Q.—You say you did not hear what the conversation was that passed between the messenger from the bank and Mr. Gamey? A.—No, I just heard a couple of remarks and that is all. I walked out of the room and left them in the office.

Q.—You say that you are the Secretary-treasurer of the company? A.—Yes.

Q.—And that you have no assignment of stock or transfer of stock, of Gamey's stock? A.—None whatever.

Q.—Did you understand that there was an assignment made or sale made of some of this stock?

Mr. Johnston: That is not evidence.

A.—From hearsay.

Mr. Ritchie: He heard of it.

A.—I heard of it.

Mr. Johnston: That is not evidence. What he heard or understood.

The Chancellor: It does not prove the thing.

A.—I only heard so and so.

Mr. Ritchie: It does not prove it absolutely if the question was whether it was transferred or not. My learned friend says was there any transfer, actually made, and the witness says now that he heard, that he had sold some of his stock.

Mr. Riddell: That is not evidence, surely.

Mr. Ritchie: In an investigation of this kind it is evidence.

The Chancellor: It does not prove it, I suppose it does not hurt.

(1113)

Mr. Ritchie: It is, I presume, an attempt to attack Mr. Gamey's statement. Did Mr. Gamey tell you there was a transfer? A.—No, he did not tell me so.

Q.—So far as you know there may have been a transfer in existence? A.—There may have.

Q.—All you can say is that it has not been formally recorded in the books? A.—Nothing of that kind at all.

Q.—Was it Gamey's stock that you understood had been transferred? A.—Oh, yes, that is what it would be. It would not be anybody else's.

Q.—It was not any of your own? A.—No, sir.

Q.—You heard the amount? A.—Yes, sir.

Q.—And at the present time all you can say is—? A.—There is no record of it.

Q.—Have you any doubt that it was sold? A.—Well, I don't know.

Mr. Johnston: That is not evidence.

The Chancellor: Mr. Gamey can tell you that himself.

Mr. Ritchie: I suppose he has said that.

The Chancellor: Did you hear of this sale pending this enquiry, or was it some old sale you were speaking of? A.—Hearsay.

Q.—Was it during this enquiry? A.—Yes, my Lord, it was last Tuesday.

The Chancellor: You will have to get Mr. Crossin back if Mr. Howarth comes at a future date.

Mr. Johnston: It may not be necessary to get him back.

(1114)

Mr. Osborne, recalled. Examined by Mr. McPherson:

Q.—Perhaps if you will elaborate that other point that you were referring to? A.—There is one other point that should be considered in connection with the matter of identifying a particular type-writing as having been done on a parti-

cular machine, and that is that the designs of the letters should manifestly be the same in all the different specimens.

The Chancellor: I would like to know—we are going to embark in an immense and exhaustive enquiry about different things—I would like to know if the counsel in this case are instructed sufficiently to be able to throw any light on these questions. I would like to know what Mr. Johnston can say if he is instructed at all about this matter. If we can come to some explanation of this matter. Here is this letter, for instance, signed "F. J. S." Are you in a position to say whether Frank Sullivan did write that letter?

Mr. Riddell: He does not deny it at all.

The Chancellor: Then let us see what we can get to. You then say you admit, or, speaking for the witness, Sullivan, he admits that he signed the letter "F. J. S."?

Mr. Riddell: He tells me that is so.

The Chancellor: Then what about the letter signed X. Y. Z.?

Mr. Riddell: He also sent that.

The Chancellor: Then there is a letter September 16th, 1902, not signed.

Mr. Ritchie (interrupting): This is the book that was to be sealed up, not the diary.

The Chancellor: They want the other also.

Mr. Ritchie: Mr. Crossin says he wants that in his business.

(1115)

The Chancellor: You only said you wanted the one book. Mr. Johnston?

Mr. Johnston: I have no objection if Mr. Crossin will undertake to produce it again if we require him.

The Chancellor: On the understanding that the book remains intact in your hands to be forthcoming when called for, it will be restored to you.

Witness: It will be under lock and key, my Lord.

Mr. Riddell: That letter, of course, I do not know anything about.

The Chancellor: If Mr. Frank Sullivan is here you may ask him; he may stand up and say whether he admits that or not the F.J.S. is admitted and the X.Y.Z. is admitted as sent by Frank. If we can come down to it., perhaps Mr. Osborne can return home by the next train. I have quite a vivid recollection of the witness at Sarnia; I am trying to get out of it now.

Mr. Johnston: Mr. Sullivan tells me that he sent the unsigned letter. He says that he sent all these that are produced here as coming from him.

The Chancellor: The Globe interview?

Mr. Johnston: No, all the letters that purport to come from him.

The Chancellor: I am dealing with the second series now. The letters F.J.S. and X.Y.Z. and the unsigned letter, is that the registered group of letters?

Mr. McPherson: No, my Lord. The F.J.S. was registered and the X.Y.Z.

The Chancellor: He says he sent those and the letter of the 15th September,

(1116)

1902, which you have included in your second series, he admits the authorship of those?

Mr. Johnston: Yes.

The Chancellor: Then The Globe interview, it is said they wish to show that The Globe interview, that is the group. I understand, the typewritten script and the typewritten enclosure in X.Y.Z. and the Exhibit 13, letter from Gore Bay, that is the script of the letter from Gore Bay, which was got here and sent down to the Premier, were struck off on the same machine.

Mr. Riddell: There is no doubt about that.

The Chancellor: And the typewritten enclosure to X.Y.Z. Frank Sullivan admits he sent.

Mr. Johnston: Yes, my Lord, a sort of speech a long enclosure. Yes, that was sent by Frank Sullivan.

The Chancellor: It is admitted that those came from the same office?

Mr. Riddell: The same typewriter.

Mr. Johnston: Yes, and they were sent by Frank Sullivan. I do not know about the first series coming from the same typewriter.

Mr. McPherson: That admission must be explicit. The Globe interview is Number 17.

The Chancellor: The typewritten enclosure, X.Y.Z., Number 29 and Exhibit 13, letter from Gore Bay to the Premier, were those written on the same instrument as the second series?

Mr. Riddell: Those three were. These were all written on the same typewriter.

(1117)

The Chancellor: The first series, then, were all written on the same typewriter as the second series. Then, take the third series. Letters from Mr. Stratton, letters from Myers, and the first letter in Mr. Aylesworth's office.

Mr. Riddell: One moment, does your Lordship understand that the second series were written on the same typewriter as the first series?

The Chancellor: No, I have got them turned around. I have taken first the ones Frank Sullivan sent, or which have his initials. He admits signing or send-

ing them. Were those written on the same instrument as the first series?

Mr. Johnston: No, they were not.

The Chief Justice: Do you admit that they were all written on the same machine? I do not mean as between the first and second series, but all three papers of the first series are from the same machine?

Mr. Riddell: Oh, yes.

The Chancellor: But you do not admit that they are the same machine as the second series?

Mr. Riddell: No, my Lord, they cannot.

Mr. McPherson: That is not our contention. That is the reason I grouped them in series.

The Chancellor: What do you wish to prove by this gentleman about the first series?

Mr. McPherson: What my learned friend has admitted that they are all productions of the same machine.

The Chancellor: Then, take that down. The first three are from the same machine.

Mr. McPherson: My learned friend makes that explicit admission, and that is what I want to prove

(1118)

Mr. Riddell: Every admission is explicit.

The Chancellor: Then the second series, you want an admission that they came from Frank Sullivan's hands?

Mr. McPherson: That they came from a common machine.

The Chief Justice: What is the difference about their being from the same machine when Frank Sullivan admits the origin of them?

Mr. McPherson: That makes a good deal of difference. I did not know we were going to be blessed with that admission.

The Chancellor: The Globe interview and so on are from the same machine.

Mr. Riddell: That is a Remington machine?

The Witness: A pica type Remington machine.

Mr. McPherson: Would your Lordship ask him to let us know what machine it was, in what office. We may as well have that admission.

Mr. Riddell: No, if you are going to call him, call him.

The Chancellor: As to the third series, what is it you wish to prove?

Mr. McPherson: That they are from a common machine. Exhibits 8, 9, 11 and 3.

Mr. Johnston: Would your Lordship name the third series?

The Chancellor: The third is 8 and 9, letters from Mr. Stratton and letter from Mr. Myers, and number 3 is the

first letter in Mr. Aylesworth's office.

Mr. Johnston: Number 2. I should have asked your Lordship.

The Chancellor: The second series is letter of 16th September, 1902, unsigned, next to a letter with F. J. S. initials.

(1119)

the other is the X. Y. Z. letter. That is the second series, as Mr. McPherson put them.

Mr. Johnston: Well, then, the second series are, as I am instructed, not all written on the same machine.

Mr. Riddell: They do not ask that. They say sent by Mr. Sullivan.

Mr. McPherson: That they are sent by Mr. Sullivan and written on the same machine.

The Chancellor: You must distinguish there, they have separated 29 into two parts; there is first the typewritten enclosure with X. Y. Z., which is in the first series. The letters signed X. Y. Z. is in the second series.

Mr. Johnston: Then your Lordships will see whether I am right in what I state as the second series.

The Chancellor: Anything that will satisfy Mr. McPherson will satisfy us.

Mr. Johnston: I want to make the admission to the court, my Lord.

The Chancellor: Certainly, but unless Mr. McPherson accepts it.

Mr. Johnston: If he makes any objection it goes for nothing. The copy of the letter to the Premier—

Mr. McPherson: It is not a copy.

Mr. Johnston: Dated the 27th October, 1902, Exhibit No. 132.

The Chancellor: Wait a moment, unless there is some error it has been admitted, you may correct that if it is wrong, it has been admitted that those three, the ones you are mentioning, the typewritten enclosure X. Y. Z. and The Globe interview, are all from one machine, a Remington. That satisfies Mr. McPherson, so we close that series out.

(1120)

Mr. Johnston: I was mentioning that to see what progress we had made in admissions. That is Number 1. Then Number 2.

The Chancellor: Those are the Frank Sullivan letters.

Mr. Johnston: The X. Y. Z., the F. J. S. and the unsigned.

The Chancellor: Yes, Frank Sullivan says he sent those, but there is a question, Mr. McPherson wants to know whether those three are from the same machine.

Mr. Johnston: That I cannot say. I do not know whether that is the fact. I will ascertain if I can.

The Chancellor: You may ask Frank Sullivan, if he is here.

Mr. Johnston: Then, my Lords, the letter dated the 20th February, 1903, Exhibit 30, that is the F. J. S. letter; the letter dated 11th February, 1902, that is the X. Y. Z. letter, and the unsigned letter dated 16th September, 1902, Exhibit 4, were written, so Mr. Sullivan states to me, and we accept the admission, written by him on one machine.

The Chancellor: That is all they want. That satisfies the first and second series. Now the third series, you want to know if those were written on one machine, that is the letters Exhibit 8, 9 and 11. I hope you will agree on that, and then we may bid farewell to Mr. Osborne.

Mr. Johnston: Then, my Lord, Exhibit 3, being the 10th of September letter; Exhibit 8, being the letter of 2nd October; Exhibit 9, being the letter of the 2nd October, and Exhibit 11, being the letter dated October 10th, 1902, the Myers letter, were all written on the same machine, and were written in Mr. Stratton's office. Nobody disputes that.

The Chancellor: That covers the three series. Then do you want to ask Mr.

(1121)

Osborne any more questions?

Mr. McPherson: That establishes everything that I could hope to establish by Mr. Osborne.

Mr. Blake: Mr. Riddell wants to cross-examine him.

Mr. Riddell: No, and I do not think Mr. Osborne wants to be cross-examined.

The Chancellor: I should have thought that Mr. Riddell was quite satisfied with his cross-examination of Mr. Osborne some time ago. Then we will go on with the next most serious matter. If nothing further is ready, we will adjourn.

(Adjourned to 10 a.m. on Tuesday, 21st April, 1903.)

(1122)

EIGHTH DAY.

April 21st, 1903, 10 a.m.

GAMEY CHARGES.

The Chancellor: Now, who is the next witness?

Mr. Blake: My Lords, I was desirous of having Mrs. Sullivan, the wife of Mr. Frank Sullivan, here, and also the father-in-law.

The Chancellor: Who is he?

Mr. Blake: Mr. Wilson.

The Chief Justice: Father-in-law of Frank Sullivan?

Mr. Blake: Yes, my Lord. As to these two witnesses, my learned friend Mr. Johnston has said that he will have them here at 10 o'clock on Thursday. I had proposed that we should

examine a witness or two in order to show what efforts had been made to serve them with subpoenas, their whereabouts, and the like. The undertaking will be perfectly satisfactory, my Lords, and may save the trouble and time of having that examination.

The Chancellor: What is the name of the father-in-law?

Mr. Blake: Mr. Wilson, my Lord. George Wilson.

The Chancellor: You wish to examine those two, and Mr. Johnston undertakes to have them here at 10 o'clock when?

Mr. Blake: Thursday. Subject to this. It is stated that Mr. Wilson is absent in Rochester, and that he is not in very good health. If possible, he is to be here. Of course, I am not holding my learned friend absolutely to that undertaking.

(1123)

The Chief Justice: And what is the name of the lady?

Mr. Blake: Mrs. Sullivan.

The Chief Justice: Wife of Frank.

The Chancellor: Well, subject to the production of those witnesses, have you any other evidence?

Mr. Blake: Then, my Lords, I desire to mention a difficulty in which my learned friends, who are with me, and myself, feel placed.

My notice, at all events, was not called to the fact of the absence of Mr. Gamey until yesterday. It is an unaccounted absence up to the present. It may be accounted for. I can give no information to the Commission upon that subject.

If this were simply a matter as between Mr. Gamey and the defendants, and the client absenting himself without any information, it might be a fair reason for our withdrawing from the case. But, I have two difficulties in the way. In the first place, the absence of Mr. Gamey at present is unaccounted for. He is a member of Parliament. The examination would affect very greatly his character, and I cannot feel satisfied unless he chooses it, with notice given to him, that these proceedings should be taken in his absence, my Lords.

Another matter is this. Supposing he be not present here on Thursday, my learned friends and myself would feel very much inclined to drop out of the proceedings; but we feel from what your Lordships have said, and generally from the class of matter, that it is not a question as between Mr. Gamey and others, but it is an investigation in the

(1124)

interest of the public generally, and my learned friends and myself would

desire to place ourselves entirely in the hands of your Lordships in that respect. It being a client we would say that would end the matter, but there being the large body to be represented, if your Lordships thought it was our duty, and fit and proper, on Thursday, if Mr. Gamey be not present still to endeavor to aid the Commission by the presentation and examination of witnesses, that we shall do. If, on the contrary, your Lordships think it is only a matter of Mr. Gamey, and we are not thus bound by other considerations, we shall withdraw.

The Chancellor: My brother and myself think that the aspect of the case is as presented by Mr. Blake. It is not a private enquiry. It is not a private prosecution in respect of a criminal offence. But, this is, as is stated in the statute under which we act, and under the Commission which is issued, a matter which pertains to the good government of the country, which is a matter of public moment. The Commission, and the authorities have seen fit to direct that in this case counsel should be retained, and should have the opportunity of presenting the case to the best advantage to assist the Commissioners in arriving at a result. Counsel hitherto have conducted the case in such a way as to assist very materially in the elucidation of the facts, whether for or against.

It would be a misfortune, I think, if, on account of this present absence of the person whom we may call the prosecutor—the prosecutor in form certainly, perhaps in substance—it would be unfortunate, if, on account of his unexplained absence at present, which may

(1125)

be repaired later, if Mr. Blake and his colleagues were now to withdraw from the case. It would leave us, the Commissioners, in this difficulty, with counsel representing only one side, and we ourselves, as in the old practice of the court, would have to be counsel for the absent party. That, of course, would be an undesirable position. If Mr. Blake and his colleagues were to retire we would almost feel constrained to ask some counsel to take the matter up for the purpose of examining witnesses, and so on, and conducting the case. It would be a great loss, in that regard, if the present counsel were to disappear and drop out. You and your colleagues are seized of the case, and can conduct the matter with more efficiency, and more promptitude, which is of some consequence in this case, owing to the meeting of the Legislature. You are in a position to do that much better than any new counsel coming in.

Therefore, our wish is that you should continue in the discharge of your duties until the very end, in order that all avenues of enquiry which are properly open may be thoroughly investigated, so that all honest people may be satisfied that all has been done in the interests of truth and justice in this case, which can be done by the most skilled hands—by the most skilled counsel.

I would then ask this question, whether, subject to the production and examination of these witnesses, your case will be closed, because if you say that you have no further evidence, except to examine these two, that would enable counsel for the other side to get ready to proceed promptly with their case next Thursday, and the time may be utilized advantageously.

(1126)

Mr. Blake: Yes, my Lord. I was going merely to add: That being the view of your Lordships, as to whether, we arranging to sit on Saturday, your Lordships would not allow the matter to stand until Thursday at 10, in order principally that the fullest opportunity may be given to Mr. Gamey to consider his course, and to be present here if he desires it. We have those two witnesses, and one other witness that I do not think will take very long. And then, simply an investigation of the bank books, my Lord. Upon that being done the case would be closed.

The Chancellor: Of course, Mr. Johnston, I suppose, is interested in that bank books?

Mr. Blake: No, my Lord, we desire it, but we have a difficulty, and I am not blaming the bank—

The Chancellor: That is common ground, you both want to examine the bank books?

Mr. Blake: We both want to examine the bank books.

Mr. Johnston: I may say, although further discussion is perhaps unnecessary, what I have to say on behalf of the parties charged, and on behalf of the Government, and by learned friends who are with me. I quite appreciate the difficulty in which my learned friend, Mr. Blake and his colleagues are placed. I think it is not unreasonable to take the position which he is taking at the present moment. I may say that we are very glad indeed that your Lordships have taken the view which your Lordships have expressed with reference to the position which Mr. Blake should assume towards the further investigation of this matter. We feel

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that this case ought to be investigated.

We desire that it should be investigated to the fullest extent. Such being the case, we are ready and willing to facilitate in every possible way, not only my learned friends, but whenever necessary, your Lordships, in regard to the time, the witnesses, or otherwise.

As I say, I think it not unreasonable that Mr. Blake should ask for an adjournment until Thursday, and we will so arrange matters that the court will not lose any time by the adjournment over to-day and to-morrow. Anything that we can do will be very gladly done. I did not know until this moment that Mr. Blake required the two witnesses whom he mentions. Having been notified of it, I promptly undertook, on consultation with the parties, to see that I could so undertake, their production on Thursday morning, if within the bounds of possibility.

The Chancellor: That relieves us then from any further difficulty on the score of enlargement, and the conduct of the case.

Mr. Blake: Yes, my Lord. I only say, that I am obliged to my learned friend for giving the usual consideration which he ever does in these matters, my Lord.

The Chief Justice: We were rather expecting that at the close of what we might call the case for the prosecution, that the defence might want some reasonable time before going on with their evidence. But, in view of the intimation Mr. Blake has given of the nature of what is left for him to call, perhaps the defence would be able to go on as soon as the case is closed.

(1128)

Mr. Riddell: Oh, yes, my Lord.

Mr. Johnston: Within a very short time. Within perhaps a half an hour, or an hour at least.

The Chancellor: Then we will adjourn until 10 o'clock on Thursday morning.

(Adjourned at 10.40 a.m., until Thursday next, 23rd April, 1903, 10 a.m.)

(1129)

NINTH DAY.

Thursday, April 23, 1903, 10 a.m.

The Chancellor: We are ready to proceed with the evidence.

Mr. Blake: Very well, my Lord.

George B. Wilson, sworn. Examined by Mr. Blake:—

Q.—Mr. Wilson, you are the father-in-law of Mr. Frank Sullivan? A.—I am.

Q.—Where is Mrs. Wilson? A.—She is at her home out on Yonge street near Newmarket.

Q.—Whereabouts up Yonge street? A.—Within a mile and a half of the village of Newmarket.

Q.—When did you part from her?

Mr. Blake: We have been trying to serve Mrs. Wilson, my Lords, and have been unable. I will not proceed with this further, if you can undertake to have her here?

Mr. Johnston: Well, this is the first I have heard of it.

The Chief Justice: Was she not one of the witnesses named the other day?

Mr. Johnston: No, Mrs. Sullivan.

Mr. Blake: I mentioned Mrs. Wilson also, but my learned friend—

The Chief Justice: I thought Mr. Blake mentioned Mrs. Wilson.

Mr. Blake: Certainly. I did not know that there would be any difficulty

(1130)

about subpoenaing her.

Mr. Riddell: That must be an error.

Mr. Blake: I certainly mentioned the name.

The Chief Justice: I thought so. I have no note of it.

The Chancellor: My note is that Mr. Blake states he wishes to get the wife of Frank Sullivan, and his father-in-law, George Wilson.

Mr. Blake: There are the two, my learned friend undertook. I did not know there would be any difficulty whatever.

The Chancellor: Well, if it is an oversight, or omission, what about undertaking to get her? If she is at Newmarket you can 'phone her, or telegraph her, or there is a trolley line.

Mr. Johnston: It is quite unexpected. I undertook to produce these two witnesses.

Mr. Blake: That is right.

Mr. Johnston: I was quite under a misapprehension as to Mrs. Wilson. I did not hear the name mentioned.

The Chancellor: It is only to shorten this enquiry, and as to whether she has been evading service. If he says she is at Newmarket she can be got.

Mr. Blake: That may be, my Lord. All I can say is, I am instructed by Mr. McPherson in this matter, that they have been endeavoring to serve her and have failed to serve her.

The Chancellor: Very well, go on with Mr. Wilson as you think best.

Mr. Blake: If my learned friend says he will telephone there and get her down.

The Chief Justice: Your only object in examining Mr. Wilson is to find out

(1131)

about her?

Mr. Blake: Oh, no, my Lord. But I did want to get that information from him so that we might follow up our exertions as to the subpoena.

Then you will do what you can, Mr. Johnston?

Mr. Johnston: Oh, yes; I will have a message sent at once.

Mr. Blake: Resuming:

Q.—Then, where have you returned from recently, and when did you return? A.—I returned last night from New York State, from my old birthplace.

Q.—What place in York State? A.—From Penfield.

Q.—When did you leave to go there? A.—It was a week ago to-night, I think.

Q.—I thought you left for Buffalo and Rochester some time before that? A.—I do not think so. I left for Buffalo on my way. I stopped at Buffalo on my way to Rochester, and from Rochester, seven miles east to Penfield.

Q.—And whom did you go with to Buffalo? A.—I went with my wife and Mrs. Sullivan.

Q.—And who else? A.—That is all.

Q.—How did you come to go there? Who drove you? A.—I was not feeling well, and I had made up my mind to go and see—

Q.—I am not asking you as to that. I am asking you as to who it was that got the buggy for you to drive to the Metropolitan Railway? A.—It was Mr. Somerville's buggy, in Newmarket.

Q.—Had you seen Mr. Lloyd? Do you know Mr. Lloyd, of Newmarket? A.—I do.

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Q.—Had you seen him the day before you left, or the day that you left? A.—I did not see him either of those days.

Q.—Did he accompany you to Buffalo? A.—He did not.

Q.—Did you see him in Buffalo? A.—I did not.

Q.—Did your wife go with you to Rochester? A.—She did not.

Q.—Where did she return from to Newmarket? A.—From Buffalo.

Q.—Why did she go back? A.—Well, she came back because she had no business any further than she just went that far with me for a little trip.

Q.—Did you see Captain Sullivan there? A.—I did not.

Q.—Was he there, to your knowledge? A.—Not to my knowledge.

Q.—She then came back, and did Mrs. Sullivan come back with her? A.—She did not.

Q.—Where did Mrs. Sullivan go? A.—She stopped at the hotel.

Q.—Where? A.—In Buffalo.

Q.—Did she go on to Rochester? A.—She did not.

Q.—What hotel in Buffalo did she stop at? A.—I cannot just remember the name of the hotel. Perhaps, I can describe it so that you will know it.

It is right across from the depot on the corner.

Q.—Would you call it the Mansion House? A.—No, sir.

Mr. McEvoy: The Arlington.

Mr. Blake: The Arlington? A.—That is it.

Q.—And how long did you remain there? A.—The train got in from here—I left here at 8 o'clock, and I could not exactly say.

Q.—Who went along with you from Penfield to Rochester? A.—I went alone.

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No person accompanied me.

Q.—How long did you remain in Rochester? A.—Five days—four or five.

Q.—Where did you stay there? A.—At the National Hotel.

Q.—Had you any friends in Rochester that you saw? A.—I had acquaintances. There was one, Mr. Downey.

Q.—Mr. Downey. Does he live in Rochester? A.—He does, I think.

Q.—Did you know that he was there? A.—I did not.

Q.—You just happened to meet him there? A.—Yes, sir.

Q.—But you have no relatives in Rochester that you are aware of? A.—No, not there.

Q.—Do you remember seeing a Mr. Davis and a Mr. Leavitt in Rochester? A.—I do not.

Q.—Do you remember seeing two persons there with whom you talked over these matters? A.—I never talked over those matters to any person in Rochester.

(1134)

Q.—Do you remember your son-in-law, Mr. Sullivan, going out to see you in the month of August? A.—I do.

Q.—Do you remember then having a conversation with him in reference to Mr. Stratton? A.—I do not. I never knew Mr. Stratton's name until I saw it in the paper.

Q.—You swear to that absolutely? A.—I swear to that.

Q.—Do you not remember saying to any person in Rochester that if you came here, you certainly would speak the truth? A.—Me? I never made use of that language in the city of Rochester.

Q.—Do you remember the period in August when your son-in-law came to see you? A.—I remember his being there in August.

Q.—What was the purpose of his visit? A.—Well, just for a summer trip, to spend his holidays.

Q.—How long was he with you? A.—I think it was two weeks—two weeks, I think.

Q.—From Newmarket where did he go? A.—He came back to Toronto.

Q.—Was he up with you in the month of April?

The Chancellor: 1902?

Mr. Blake: This present month of April? A. He was.

Q.—How long ago was that? What period in April? A.—Well, I am sure I could not tell you, to be honest, for I did not keep any recollection of the time he was up.

Q.—Just give us, as nearly as you can? A.—Probably it would be the first of April.

Q.—Would you be sure whether it was any date from the 1st to the 8th of April? A.—I could not.

(1135)

Q.—What was the object of that visit? A.—Well, he came up just to see me—just for a visit.

Q.—Did you know whether or not at that time a subpoena had been issued? A.—For me?

Q.—Yes? A.—I did not know. I did not know there was a subpoena out for me.

Q.—When did you first know that? A.—This is the first I have known there was a subpoena out for me.

Q.—This is the first you have known that there was a subpoena out for you? A.—Yes.

Q.—Who brought you back from Rochester? A.—Mr. Sullivan and the lawyer from Penfield. They did not bring me from Rochester.

Q.—They brought you from Penfield? A.—Yes, sir.

Q.—What is the distance from Penfield to Rochester? A.—Seven miles.

Q.—How long had you been at Penfield? A.—I went out last Sabbath.

Q.—Had you received a telegram from Mr. Sullivan? A.—None.

Q.—Never? A.—Never.

Q.—In Rochester? A.—In Rochester nor in Canada, Penfield nor no other town.

Q.—Did you receive a telephone message? A.—Well, I did.

Q.—When was that? A.—That was last week, when I telephoned to him for money. I had run a little short of money.

Q.—You telephoned him for money. When was that? A.—One day last

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week.

Q.—Does he usually supply you with money? A.—No. I supply myself with money.

Q.—Why did you at this time apply to him? A.—Well, I wanted him to send on up to my wife for to send me money.

Q.—But you had never done it before? A.—I had no occasion to do it before.

Q.—Did he send you money? A.—No, he did not.

Q.—But he came over with it? A.—No, he did not come over with it.

Q.—How did you get the money? A.—My wife sent it to me.

Q.—You do not know whether he gave her the money? A.—He did not give her the money for he was not there to give it to her.

Q.—He might have sent it to her? A.—Well, I do not think he did.

Q.—At all events there was a telephone message in respect of money?

The Chancellor: It was a telephone, as I understood, to Frank Sullivan to get this man's wife to send him money. That is what he said? A.—Yes.

Q.—He telephoned Frank Sullivan to get Frank Sullivan to have this man's wife send him money? A.—Yes.

Mr. Blake: And then was the money sent by your wife? A.—It was not sent at all.

The Chancellor: The money was not sent.

Mr. Blake: And then what did you do? A.—The hotelkeeper gave me money.

(1137)

Q.—Had he any instructions to give you money? A.—Not at all.

Q.—He gave it to you simply as a matter? A.—Of trust.

Q.—Of kindness. How much money was sent you? A.—A five-dollar bill. I borrowed it. It was not sent to me. I borrowed it.

Q.—But did not your wife send you any money? A.—She has never sent me one dollar.

Q.—And you never received any money? A.—I never received any money.

Q.—And then these two gentlemen paid your expenses home? A.—The lawyer there paid the expenses.

Q.—How long before this had you been in Rochester? A.—About four or five days, I think.

Q.—No, but before this visit, this month of April, how long was it since you had been in Rochester? A.—Before?

Q.—Yes? A.—Not since I was a boy.

Q.—You were not in the habit of visiting there. You have not been there for fifty years? A.—52 years. It is my old birthplace—Penfield.

Q.—Had not been there for fifty-two years. Did you not get a message signed "Hattie." Mr. Wilson? A.—I did not.

Q.—You swear absolutely to that? A.—Yes, sir, I swear I did not.

Q.—Did you get any telegraphic message when you were in Rochester? A.—I never received a telegram.

Q.—Did the keeper of the hotel receive one for you? A.—He did not.

Q.—Was or was not Mr. Frank Sullivan in Rochester on the last Saturday

(1138)

or Sunday? I am told that he occupied the next room in the hotel to you? A.—Mr. Sullivan never slept in the hotel that I slept in in Rochester, nor no other hotel.

Q.—Was he there? A.—He was there on Saturday night, but he did not stop but a few hours.

Q.—He was there on Saturday night? A.—Yes.

Q.—What was the object of his visit? A.—For me to come and give my evidence in this case if it was required.

Q.—Did anybody accompany him? A.—No person.

Q.—He came alone? A.—Yes.

The Chancellor: That is Frank Sullivan?

Mr. Blake: Yes, my Lord. Now, these two gentlemen that I speak of, Mr. Leavitt and Mr. Davis, of Rochester, state that you said, Mr. Wilson, that Mr. Sullivan had been out one evening in Newmarket and had stated, waited until it was late, and that there was nobody there—that Mr. Stratton had paid money to Mr. Gamey, and that he, Frank Sullivan, had received one-half of it. Did you say that to these gentlemen or not? A.—I never said it, on oath.

Q.—You never said it on oath. I did not ask you if you said it on oath? A.—Well, I never said it.

Q.—In any conversation did you say it? A.—No. Mr. Sullivan never mentioned such a thing to Mr. G. B. Wilson.

Q.—You never said it to them? You swear to that? A.—I swear to that.

Q.—And you do not know these men? A.—Never met them.

Q.—They will be here in a little while? A.—That is right.

Q.—And I will want you to look at them and see them. They

(1139)

were instructed to be here this morning, and I was in hopes that I would be able to confront you with them. Now, you say that you did not state that? A.—I did not.

Q.—And that you did not state that to anybody in Rochester? A.—Never.

Q.—And do you say that it did not take place? A.—It did not take place.

Q.—He never said that any money had been paid to him? A.—Mr. Sullivan never mentioned money to me, nor Mr. Gamey's name. I never heard Mr. Gamey's name until I saw it in the paper.

Q.—But he might have mentioned a Member of Parliament.

Mr. Johnston: My learned friend must not lead in that way.

Mr. Blake: Oh, I am not leading.

Mr. Johnston: What he might have done is another question. What did he do is the question.

Mr. Blake: That is what I am trying to get. Did he? A.—He never mentioned Mr. Stratton's name to me. I never knew Mr. Stratton or that there was such a man until I saw it in the paper.

Q.—But he might have mentioned a Member of Parliament? A.—Oh, never mentioned a Member of Parliament. Such a conversation never took place between Mr. Sullivan, and I about Members of Parliament.

Q.—Were you offered any money to remain away during this investigation? A.—I was not. I paid my own expenses.

Q.—You were not offered any? A.—I was not offered one cent, nor received one cent.

Q.—Nor were you promised any? A.—I was not promised any.

(1140)

Q.—You say that after an absence of 52 years, just at this juncture you thought you would go to Rochester? A.—I was not feeling well and I took a trip, not thinking I would be called on for a witness in this case. If I had thought so, I should have never left my home.

Q.—Did you go to Penfield after the visit of the 18th—of Mr. Sullivan's? A.—I went afterwards.

Q.—You went afterwards. Why did you go to Penfield where there was no telegraph?

Mr. Johnston: I do not know that that is so.

Mr. Blake: Is there a telegraph in Penfield? A.—There is.

Q.—Why did you go to Penfield? A.—I went to see as I have told you my old birth-place. I did not care for stopping in the city of Rochester.

Q.—I should have thought not. I wonder that you did go and stay there, but you did go and stay there, and then you went to your birth-place, Penfield, and how long did you remain there? A.—I was there four days.

Q.—And then what brought you back from Penfield? A.—They came for me yesterday—Mr. Sullivan.

Q.—You remained in Penfield? A.—I remained there.

Q.—How did they know you were in Penfield? A.—I had written home to my wife.

Q.—And she knew you were there? A.—Yes. I did not try to keep hid

away at all. I did not care who knew I was in Penfield.

Q.—Whom did you tell you were going away when you went away? A.—I told me wife.

(1141)

Q.—Anybody else? A.—No, sir; not to my recollection.

Q.—Who arranged for the vehicle to take you down to the street railway? A.—Mrs. Sullivan, my daughter came up the night before, and she told Mr. Summerville that after she went back she could drive up and drive her down to the trolley. I had a horse of my own. I had no one at home to drive it back, and I rode, and my wife.

Q.—And it was Mrs. Sullivan and Mrs. Wilson that arranged? A.—My wife had nothing to make any arrangements about.

Q.—It was Mrs. Sullivan? A.—Mrs. Sullivan.

Q.—Then as I understand you, your wife and Mrs. Sullivan were in Toronto, and they came up to Newmarket, and then they arranged? A.—My wife was not in Toronto. She was at home.

Q.—It was Mrs. Sullivan then? A. Mrs. Sullivan went up to see her mother.

Q.—Mrs. Sullivan came up, and it was Mrs. Sullivan that arranged for the vehicle to go and take you? A.—To bring her back to the trolley, and I had made my arrangements.

Q.—Did she go up by the trolley? A.—She went up by the trolley.

Q.—And this vehicle took her back to the trolley? A.—Drove her out to my home.

Q.—And then you were driven back to the trolley? A.—Yes.

Q.—And then the trolley took you where? A.—To Toronto.

Q.—And did you on the same day go to Buffalo? A.—I did not. I stopped with Mr. Sullivan over night.

Q.—Do you remember what day that was? A.—I do not.

(1142)

Q.—Then I must ask you to remain here, please, Mr. Wilson, until these two gentlemen come, to whom I have referred? A.—Certainly.

Q.—Do you remember Mr. Palmer in Rochester? A.—I do not. Never heard the name.

Q.—To him also. I asked you about a telegram coming from a person signing it "Hattie." Who would that be? Would that be the name of your wife or your daughter-in-law? A.—My daughter. Her name is Hattie.

Q.—Your daughter's name is Hattie? A.—My daughter.

van? A.—Yes.
Mr. Blake: Her name is Hattie?
A.—Yes, sir.

(1143)

Cross-examined by Mr. Johnston:

Q.—You had been ailing for a long time? A.—I had.

Q.—And some time ago you had to undergo an operation? A.—I did.

Q.—And you live on a little place out of Newmarket? A.—Exactly.

Q.—A few acres of land and a house, and you keep a horse? A.—I do.

Q.—And you do gardening, and earn your living in that way? A.—In that way.

Q.—And you know nothing of any political turmoil that was going on at all? A.—I did not.

Q.—Did not know anything about it at all. Now, had you been talking some considerable time before you went away about going away for a little trip? A.—I had.

Q.—And you had been making your arrangements accordingly, I understand? A.—Exactly.

Q.—For the last two or three months you have been talking about it? A.—Ever since New Years.

Q.—You have been talking about going away? Was there any other place to go to excepting the home of your birth that you knew of? A.—There were plenty of places, but none that I wished to go to excepting that.

Q.—And you knew, I suppose, about the old families that lived around about your birthplace? A.—I did.

Q.—And I suppose you had heard of them from time to time? A.—I had.

Q.—Heard news of them? Then how was your health getting on towards March and April of this year? Was it

(1144)

improved much? A.—Not much.

Q.—And you and your wife, I suppose, talked over—about your going away on many occasions? A.—Yes.

Q.—Then you, at any rate, your wife into your confidence, where you did go to? A.—Certainly. I did not keep it from any person. I did not care who knew.

Q.—No secret about it at all? A.—No, sir.

Q.—And at the time you went away you did not know anything about evidence, or Stratton, or Gamey, or anybody else, or what connection you would have with it? A.—Never expected to be called as a witness, or I would not have gone away.

Q.—And when you are through with this matter you propose to go back again? A.—That was the agreement.

The lawyer was to take me back, or send me back at least.

Q.—You were not to be put to any expense? A.—That is it.

Q.—You were willing to come here and give your testimony? A.—I was perfectly willing to come.

Q.—And you came, the lawyer promising to pay your expenses here and to pay your expenses back to Penfield? A.—Yes.

The Chancellor: We need not go into that, I suppose. That is for the taxing officer.

Mr. Johnston: I merely want to show that the position taken towards this witness is a very ungenerous one.

The Chancellor: Oh, he has had a very good trip here.

Mr. Blake: I do not think that is a very just observation for my learned friend to make.

Mr. Johnston: I am not blaming my learned friend, Mr. Blake, in the matter.

Q.—Do you keep a pony of your own? A.—I do.

(1145)

Q.—And you have explained why you did not drive out yourself? A.—Yes.

Q.—Now, before you went away, had people been bothering you around the place? A.—They had.

Q.—Bothering you about what? A.—About this affair.

Q.—And people coming to see you frequently about it? A.—Talked to me about it.

Q.—And then you arranged, I understand, between you and your wife that you did not want to mix up in it at all, and did not want to be bothered with them, and that you would take your visit then? A.—That is it.

Q.—That is the whole story? I suppose Mrs. Sullivan often visits your place? A.—Quite frequently.

Q.—Then about Frank being over to see you, or going to Rochester on Sunday, you say he was only there a few hours? A.—A few hours—just merely to see how I was.

Q.—Did he know that you had been in ill health? A.—He did.

Q.—And did he ask you if you felt able to come back? A.—He did.

The Chancellor: What is the value of this examination, about his conversation with Frank? It is not strictly evidence.

Mr. Johnston: The attack is that this man was taken away by us.

The Chancellor: They have not shown anything.

Mr. Johnston: Very well. Then you will sit down here, Mr. Wilson.

(1146)

The Chief Justice: I think that Mr. Blake, you and I were mistaken in our recollection that you mentioned Mrs. Wilson's name the other day. My recollection agreed with yours, but I think we were mistaken, upon reference to the stenographer's notes.

Mr. Blake: I am certainly not mistaken, because Mr. McPherson mentioned it to me, and my answer to him was, there are difficulties as to the others, but you can subpoena Mrs. Wilson, my Lord.

The Chief Justice: I am only speaking of what took place in open court. I thought you had mentioned it. It is only fair to the defence to say that I do not find the name mentioned in the stenographer's notes.

Mr. Blake: There is no doubt of this whatever, and I am not blaming in the slightest degree anybody, because they gave no undertaking whatever in regard to it.

Mr. Johnston: We did not know.

Mr. Blake: I turned around to Mr. McPherson, who asked me to embrace that, and I said why, you can subpoena her, because I thought there was no difficulty about getting her.

The Chief Justice: It is of no consequence, except that my recollection did agree with yours, but the stenographer's notes does not bear us out.

Mr. Blake: It is just in the way I have suggested; it may have been done possibly sotto voce, and did not find its way into the notes.

The Chancellor: My note agrees with the stenographer's, I find.

(1147)

Mr. Johnston: Then we will endeavor to have Mrs. Wilson here either this afternoon or to-morrow morning, or at the earliest possible moment. That is the most we can do.

Mr. Blake: That is all right.

Thomas Hiram Lloyd, sworn. Examined by Mr. McPherson:

Q.—What is your occupation? A.—Solicitor.

Q.—Where do you reside? A.—New-market.

Q.—Do you know the last witness? A.—I do.

Q.—Do you know his wife? A.—I do not know that I would know her for sure. I think I do though.

Q.—Did you ever converse with her? A.—I have not.

Q.—At any time? A.—At any time to my knowledge. At least if I did I did not know who it was.

Q.—In his society? A.—In his society or out of his society.

Q.—Neither in or out of his society?
A.—Neither in or out of his society.

Q.—Do you know his daughter, Mrs. Frank Sullivan? A.—I do not.

Q.—Did you ever converse with her?
A.—Not to my knowledge.

Q.—Either in or out of the presence of her father? A.—No.

Q.—When were you in Buffalo? A.—Two or three years ago. I have not been there since.

Q.—Have you been at Niagara Falls recently? A.—No. I was at Welland in the fall sometime. I have not been at Niagara Falls.

Q.—Have you been nearer Niagara Falls than Welland since last fall? A.—I have not. Have not been nearer than

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Toronto.

Q.—Have not been across the Suspension Bridge at all? A.—No.

Mr. Johnston: Are we dealing with Mr. Lloyd's travels in this commission, or what?

Mr. McPherson: Do you know Mr. Somerville at Newmarket? A.—The liveryman there? I do. I do quite well.

Q.—Did you have any conversation with Somerville before Wilson left Newmarket? A.—I did not.

Q.—Directly or indirectly? A.—Directly or indirectly.

Q.—Did you authorize anybody to arrange a rig at Somerville's—arrange for a rig at Somerville's—a livery rig? A.—I did not.

Q.—Do you know where the Arlington Hotel in Buffalo is? A.—I do not.

Q.—Have you ever been there? A.—I have not. I have only been there once—in Buffalo once.

Q.—You were going to name the hotel? A.—I was at the Iroquois at one time. The only time I was ever there. I was on my wedding trip. That is the reason. It was six or seven years ago.

Q.—Have you had any communication with Frank Sullivan? A.—I never saw Frank Sullivan until I saw him in the court-room here one day—the first day I was subpoenaed—the first day I ever saw him to my knowledge.

Q.—Have you had any communication with any person in connection with this investigation? A.—I have not.

Q.—In a business way? A.—No, sir.

Q.—Directly or indirectly? A.—No, sir.

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Q.—Either procuring witnesses or in any way? A.—Neither in procuring witnesses or having anything to do with.

Q.—Have you had any telephone communication in any way in connection

with the matter? A.—With this matter? No, sir, none at all from anybody.

The Chancellor: Then the next witness.

Francis Joseph Sullivan, sworn. Examined by Mr. Blake:—

Q.—What is your occupation? A.—I am a contractor. I have been working for contractors all my working days.

Q.—Then were you ever in the employ of the Ontario Government? A.—Yes, sir.

Q.—During what period was that? A.—I was in the employ of the Ontario Government, I think—the first time I was here for a session in '97, I think. I am not just positive about that date. I was just here for a session, and I was on again for another session, two years ago. That is two sessions ago. And then I was employed again a year ago last October by the Government, to do some work in Mr. Edward's office.

Q.—What was the nature of your earlier employment? A.—With the Government?

Q.—Yes. A.—As I say, as a sessional clerk in the office of Mr. Kemp in the Private Bills. The Private Bills that came before the House. I was in that office with Mr. Kemp doing some typewriting work, and attending to the files—the Private Bills that came before the House; assistant to Mr. Kemp.

(1150)

Q.—And then at the later period? A.—At the later period I was put in Mr. Edwards' office. Well, I was in with Mr. Wheeler for a little while, I do not know just how long, a couple of weeks I think, and they wanted some one in Mr. Edwards' office, some one who could do bookkeeping work, and accountants' work, and they canvassed the building, they tried three or four others at it, and I suited. I was capable of doing the work, and I was employed there through that session.

Q.—In Mr. Edwards' office? A.—Yes.

Q.—What office is that? A.—That is in the Public Works. Old Mr. Edwards, W. Edwards, a secretary of Public Works. Mr. J. P. Edwards is accountant. I was assistant to Mr. J. P. Edwards.

Q.—And you were about a year in that employment? A.—I was from October—No, the first time I was in there I was only about three months, just that session; I do not know how long the session was.

Q.—And the last employment—how long was that? A.—I went there in October—a year ago last October.

Q.—And you remained? A.—I remained there up to Christmas time or just previous to Christmas, and I was away at Christmas time. I took a trip away at Christmas time. I was eight or ten days, that I was not there, and when I came back I went right back. I was needed there, and went right back and had lots of work.

Q.—How long did you remain? A.—Then I remained up to the day of this explosion in the House. I resigned then.

Q.—You went up in the explosion then, did you? A.—I did. I am down

(1151)

again, I think.

Q.—Then your employment would be accountant and book-keeper? A.—Assistant to Mr. Edwards. When Mr. Edwards was out of the office, I tried to perform his duties.

Q.—And that was book-keeper's work, as I understand? A.—Book-keeper's work; checking over accounts and attending to filing away documents.

Q.—Where do you keep your bank account? A.—I have not any bank account. I have a small balance in the Bank of Hamilton, which has been there for a couple of years. When I first came to Toronto I opened an account in the Bank of Hamilton—three years ago, to carry on my contracting work here, and after the first year the contracting did not require a bank account.

The Chancellor: You had better not answer the question shortly. You kept no bank account?

Mr. Blake: I am asking now where you keep a bank account? A.—I have no bank account, except that little balance in the Bank of Hamilton, which is \$2 or \$3.

Q.—Have you any deposit account? A.—Not a deposit account.

Q.—Where do you keep any money that you may have? A.—In my pocket.

Q.—Allways? A.—Always.

Q.—You never had an account in the Ontario Bank? A.—Never.

Q.—Or Bank of Commerce? A.—Never.

Q.—Or Traders' Bank? A.—Never.

Q.—And never deposited money there? A.—Never.

(1152)

Q.—Or in any savings company? A.—Never.

Q.—It is always in your pocket. Then did you pay a visit to Newmarket in this month of April? A.—I did.

Q.—Have you got the date? Do you keep a diary? A.—No, I do not.

Q.—You do not keep a diary. What would be the date of that? A.—Well, I could not tell you.

The Chancellor: What is that?

Mr. Blake: A visit to Newmarket, my Lord, during this month of April.

Q.—Have you ever deposited money with Mrs. Sullivan, your wife, for safe keeping? A.—Oh, no. I give Mrs. Sullivan money in the ordinary way.

Q.—I am not asking you to get into a declamation. Do you or do you not? A.—I do not.

Q.—Then do you remember writing a letter to Mr. Gurney on the 16th September? A.—I remember writing a letter in September—three or four letters. I do not remember the dates.

Q.—I might ask you, can you type-write yourself? A.—Yes, sir.

Q.—You can? A.—Yes, sir.

Q.—You do? A.—Yes, sir. I am not an expert.

Q.—But still you do write letters on the machine? A.—I do.

Q.—And that, I suppose, is one that you did write yourself? A.—Yes, sir, to the best of my recollections, I think that is my letter. (Referring to Exhibit No. 4).

Q.—That is the 16th of September, my Lord, 1902. (Exhibit 4.) And you have no doubt that that was written by you? Why did you not sign it?

(1153)

A.—Well, up to that time, I had not written very many letters on the typewriter, and I wrote that—I sat down—.

Q.—You know all this has to be taken down, and somebody has got to pay for it. I think we will have to ask that you should be charged for some of it, unless you confine yourself to answering the questions. Why did you not sign this? A.—I have not any reason for not signing the letter—not a reason—.

Q.—Would I be right in stating that you generally do not sign letters that you write? A.—No, you would not.

Q.—I would not. Generally you do sign letters that you write? A.—Yes. I do.

Q.—Then can you give me any reason why you did not sign this? A.—Well, neglect, that is all. I took it out of the typewriter and put it in the envelope, and that is all.

Q.—You took care to say, "answer at once, to the care of the Walker House"? A.—Well, that is because—.

Q.—At all events, you did it. Now you say in this letter: "I had a talk with our man this morning." Who is that? A.—Well, that talk I had was with my father, in connection with a deal that I had been talking to Mr. Gurney about, and he had seen a gentleman who was going to furnish the necessary funds for that particular deal.

Q.—I see. You say: "I had a talk with our man," and on your oath you

say that was your father? A.—Well, yes, my father had talked with a man.

Q.—Was that the only man with whom you had a talk, to which this letter refers? A.—Yes.

(1154)

Q.—Do you swear to that? A.—Yes, sir, I do.

Q.—“And he wants me to try and put through other deals”? A.—Yes, sir.

Q.—What was the deal that had been put through, when you make use of the word “other deal”? A.—There had been no deal put through. We tried to put through a deal, and it did not go, and we had this other deal.

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Q.—What was the deal that had been put through when you make use of the words “other deal”? A.—There had been no deal put through. We tried to put through a deal and it did not go, and we had this other deal.

Q.—What was the deal that you had tried to put through? A.—The getting of McGregor Island from the Government.

Q.—That was the deal? A.—Yes, sir.

Q.—And what is meant by the expression, “He will pay all expenses in connection with the same, and will make it worth your while”? A.—Well, we had a certain agreement on the McGregor Island. We had a certain agreement. I had a certain agreement with Mr. Gamey for his share of what we could get out of McGregor Island, what would be gotten out of McGregor Island, but in this we had not talked any particular share, and I just added that to let him know we did not want him to do the thing and get nothing out of it.

Q.—What was the other deal, as you say? A.—It was what we call the Clemow deal. It was some timber back of Sudbury which Mr. Gamey—he furnished the information to me, and I found out that I could finance that deal, and went on and told him, for him to go and see Clemow and get the particulars, and let me know.

Q.—You kept a copy, I suppose, of that letter? A.—I don't think I did.

Q.—You don't think you did? A.—No.

Q.—What would be the date of it? A.—Well, I did not write Mr. Gamey. We talked that over when he was here in September, and this letter is only a continuation of that conversation. He left before the other deal, before I knew

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whether we could get the money for this one or not.

Q.—You know what Mr. Gamey says about, “Our man.” and the “other deal.” You read the papers, of course? A.—Yes, I have read the papers.

Q.—And you know what he says about that? A.—Yes, sir.

Q.—You do. Was the Clemow deal carried out? A.—No, sir, it was not.

Q.—What was the difficulty in the way of carrying out the Clemow deal? A.—Well, Mr. Gamey failed to furnish the information that I wanted at that time, and it dragged along, and every time he came here I asked him about it, and he said let it go until session time, we will fix that up.

Q.—That would be a long while, however, if you were going in for a deal, from September up to session time? A.—Well, but we did not know then it would be a long time. We did not know what time the session would be called.

Q.—You knew it would not be until January? A.—Well, we thought so. There were rumors it might be earlier than that.

Q.—At all events, that is your statement in regard to it? A.—That is my statement.

Q.—To let it go, and nothing came of the Clemow deal, and is there any letter or any paper between you that has any reference to a Clemow deal? A.—No, there was not.

Q.—Nothing whatever. And was there any reason why you should not refer to this as the Clemow deal? A.—No, I did not exactly—

Q.—Just answer the question. Was there any reason why you should not refer to it? A.—No, not a bit.

Q.—No reason whatever. And what was he to do in regard to the Clemow

(1158)

deal? A.—He was to see Clemow, find out the contents of the timber, or find out what was in this.

The Chancellor? The quantity of the timber? A.—The quantity of the timber, and let me know what arrangement we could make with Mr. Clemow, what amount of money we would have to pay Mr. Clemow for the information in connection with the deal, all papers and information.

Q.—Where did Clemow live? A.—At Sudbury, I think. I do not know the man.

Q.—Did he ever go to see him? A.—He told me he did.

Q.—Did he ever go? A.—I cannot swear to that.

Q.—This was a matter that you expected at once to get completed, didn't you? A.—I expected to get it under way. I did not say I expected to get it completed right away.

Q.—And you never wrote him again about it from that time onwards? A.—Yes, sir, I wrote him.

Q.—When? A.—I wrote him again.

Q.—What was the date? A.—I cannot say.

Q.—Was that one of the exhibits produced? A.—No, that is not one of the exhibits produced.

Q.—Have you any copy of that letter? A.—No, sir, I have not.

Q.—You know that he says that “our man” in that letter of September 16th was Mr. Stratton? A.—Yes, I think he stated that.

Q.—And that the “other deal” was that he was to go to see what he could do in Algoma or at the Soo? A.—Yes, I read that. I read his statement on that point.

Q.—And that “will make it worth your while if it goes through,” was that he

(1159)

should be paid for that work? A.—Yes.

Q.—“He will pay all expenses in connection with same and will make it worth your while.” That is for trying to carry out this work of arranging the “Soo” contingency and arranging the Algoma constituency? A.—Why, no.

Q.—But he says that I say? A.—Oh, well, that is all right, but I did not—The Chancellor: That is all wrong, not all right.

Witness: No, it is all wrong.

Mr. Blake: Then you say, “I will arrange to meet you and him at the Soo.” A.—Yes.

Q.—Did you arrange then? A.—No, I did not.

Q.—You did not go up.

The Chief Justice: Pardon me. Mr. Du Vernet, are you also counsel in this case?

Mr. Du Vernet: No, my lord, not just now.

Mr. Blake: Resuming:—

Q.—You had had some negotiation with Mr. Gamey before the 16th of September? A.—I had.

Q.—You had an interview with him on the 9th or 10th of September? A.—I had.

Q.—Do you remember where and when you saw him on either of these dates? A.—I met Mr. Gamey at the hotel at the Walker House on the 9th.

Q.—Were you then living at the Walker House? A.—No, I was not.

Q.—Where were you living? A.—I was living on Sherbourne street.

Q.—And I may just ask you that. When had you last lived

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at the Walker House? A.—Oh, three years ago.

Q.—Three years ago? A.—Three years ago.

Q.—That is, three years from this April? A.—Yes; three or four.

Q.—But you were at the Walker House on the 9th of September? A.—Yes, sir.

Q.—And what was the occasion of your visit there? A.—I went down to see my father at the Walker House, and to get my mail, if my father was not there, to get what mail would be there for us.

Q.—How do you mean “for us?” A.—My father’s, and my letters. Some of my business letters went to the Walker House—a great many of them.

Q.—At all events, you went there to see what mail there was for yourself and your father? A.—Yes, sir.

Q.—Does his mail always go to the Walker House? A.—Always.

Q.—And for what number of years has that been? A.—Oh, for four or five years.

Q.—And your mail, does that generally go to the Walker House? A.—Well, some of it. Some of my business letters go to the Walker House.

Q.—And you went down on the 9th. Did you know Mr. Gamey was in town? A.—Well, I could not say that I did.

Q.—Well, think that over? A.—I may have known he was there. I am not positive on that point.

Q.—Were you expecting him down? A.—No, I cannot say I was.

Q.—It is not whether you cannot say, but is it the fact? A.—Well, to the best

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of my ability, I do not think I was.

Q.—You do not think that you were? A.—No.

Q.—At all events, you went there, not certain whether you knew he was there or not. You went there and you met him? A.—Yes, sir; I think I met him there. I met him there.

Q.—Are you not certain? A.—Yes, sir; I met him there.

Q.—And, meeting him there, what was the subject of your conversation with him? A.—Well, we talked about this Clemow deal that day, I think. Any day I met him, we talked about that, and then he talked about wanting to be taken up to the Parliament Buildings and introduced to a Minister or some Member of Parliament.

(1162)

The Chancellor: Introduced to one of the Ministers or a Member of Parliament? A.—Yes, he spoke about a Minister. He spoke of a Minister.

Mr. Blake: Naturally you turned to the Minister in your Department? A.

No; I was not acquainted with the Minister in my Department. I knew him, but I did not know him very well, and that is why I did not turn to him, I guess.

The Chief Justice: Who was the Minister in your Department? A.—Mr. Latchford.

Mr. Blake: Then, which Minister did you know best? A.—I knew Mr. Stratton—the Hon. J. R. Stratton.

Q.—How did you come to know him better than Mr. Latchford? A.—Well, I met Mr. Stratton a number of years ago, and have met him everytime since—every time I have been at the sessions here, I met him. And I met Mr. Stratton in the Sault.

Q.—So that you knew him reasonably well? A.—I knew him reasonably well.

Q.—Then, did you go up with Mr. Gamey to the House? A.—No; I made arrangements to meet him up there. I told him what hour I would be there, and it he would go up I would meet him.

Q.—When did you first mention to Mr. Stratton the introduction that was going to take place? A.—After I met Mr. Gamey in the House.

Q.—Then what did you do? A.—I left Mr. Gamey outside in the hall, and I went in to see Mr. Stratton, and I told him that Mr. Gamey was outside and wished to be introduced to him—the Member from Manitoulin.

(1163)

Q.—Had you known in August when he was down that he was anxious to get his protest—there was a protest, I believe, against him. A.—All I knew about an anxiety in connection with the protest was, he came to me in the Walker House, and asked me if I would find out from my father or somebody what evidence they had against him at the Manitoulin Island.

Q.—Why did he refer to your father? A.—Well, I think he said that my father had spoken to him at Allandale a couple of days previous to this conversation.

Q.—That was previous to the conversation in August? A.—Yes.

Q.—And did he express about that that it was through the meeting with your father that he experienced some qualms about his election? A.—No, he did not. He said that he had learned up at the Island that they were pushing him very hard; that they had some evidence, and he said he had met my father at Allandale, and my father had mentioned something about it, and that his trip at that time to Toronto was expressly to see if he could find out anything about what evidence they had against him, that he left Manitoulin with that intention.

Q.—He wanted to try and see his position, and to get rid of this protest, I suppose, if he could? A.—Yes.

Q.—Then, you told Mr. Stratton of his being there and desiring to see him? A.—Yes, sir.

Q.—And what did you mention about the object of his visit down here? A.—I did not mention anything to Mr. Stratton about the object of his visit, any more than he wished me to introduce him, that was all.

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Q.—Were you present during the interview? A.—I was.

Q.—At that time was there any letter produced? A.—No, no letter produced.

Q.—Are you quite sure of that? A. Well, yes, I am sure, that I did not see any letter produced at that interview.

Q.—You are reasonably sure of that? A.—I am positive.

Q.—Well, now, you are so absolutely positive— A.—If necessary.

Q.—Do you remember at what time that interview took place? A.—Well, no, I cannot say the hour.

Q.—Could you say whether the forenoon or the afternoon? A.—No, I could not say that. I could not swear to that.

The Chancellor: What day of the month do you say it was?

Mr. Blake: I will get that in one moment.

The Chancellor: He has said already. He already said the day of the month. I just wished to ask him.

Mr. Blake: Very well, my lord. The day of the month his lordship wants to know? A.—It was Tuesday, the 9th September.

Mr. Blake: Tuesday, the 9th September. But, can you not tell me now whether on that day it was in the morning that Mr. Gamey saw you, and whether you went up in the morning to see Mr. Stratton, or whether it was in the afternoon? A.—I cannot say. I met Mr. Gamey at the Walker House.

Q.—Shall we call him "Gammy," and then we will have no difficulty. There is only one "m" in it? A.—It is his

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word I have for it. Most of those on the Island call him "Gammy."

The Chancellor: But he prefers to call it "Gamey" himself.

The Chief Justice: His own brother calls him "Gammy."

Mr. Blake resuming:

Q.—Mr. Sullivan, then I should like you to try and let me know whether it was in the morning Mr. Gamey saw you, and whether in the morning you

went up, or whether you cannot tell me? A.—I cannot tell you that.

Q.—And you cannot say whether, if you saw him in the morning, you went up in the afternoon, or whether you went up immediately after his asking to be introduced? A.—No, I cannot.

Q.—You do not know that? A.—No.

Q.—Then at all events you did go up and you went in and saw Mr. Stratton, and had some conversation with him? A.—Nothing more than—

Q.—I am not asking you more nor less? A.—A conversation—yes.

Q.—And then you went out and brought Mr. Gamey in and then what took place? A.—Introduced Mr. Gamey to Mr. Stratton.

Q.—And did you withdraw? A.—No. I took a chair, just a short distance from the desk.

Q.—Were you there to aid in the conference? A.—No.

Q.—What was your purpose in being there? A.—Well, I remained with Mr. Gamey. I went there with him. I thought it was my place to remain and escort him away again.

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Q.—Did you think it was so dangerous an office he would not get safely out of, or what was your reason? A.—Oh, no, not at all.

Q.—Well, what was the reason? A.—I had not any reason.

Q.—To safeguard him? A.—I had not any reason.

Q.—Then you being there, what took place? A.—Why, Mr. Stratton shook hands with him, glad to meet him, and so forth, and took some cigars, and passed them to Mr. Gamey and myself.

Q.—I see? A.—Then—

Q.—Do you smoke? A.—No, I do not.

Q.—Put it in your pocket? A.—I put it in my pocket. There was some general conversation in connection with Manitoulin Island, and several other things.

Q.—What about Manitoulin Island? A.—Oh, nothing, any more than Mr. Stratton just asked how—

Q.—How the protest was getting on? A.—No, he never mentioned protest.

Q.—Sure? A.—Positive.

Q.—Did Mr. Gamey mention it? A.—No, sir.

Q.—Why, it was that that was troubling him? A.—Well, I do not know whether it was troubling him then or not. It was August he was down with all the trouble?

Q.—It was August he was down with all the trouble. A.—Yes, that he was talking about the trouble with his protest.

Q.—But the trouble had not then been removed? A.—I do not know. I did not keep track of that.

Q.—But now listen. The trouble had not then been removed? A.—I

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do not know anything about that. I know nothing about the protest whatever, or his trouble.

Q.—But tell me. You have been here in court, and have read the papers?

A.—Yes, sir.

Q.—Do you mean to say that up to to-day you do not know anything about that? A.—Well, I did not know then.

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Q.—I see. You did not know then anything further than that there was a protest against him. You kept no track of it? A.—No track of it whatever.

Q.—No track of it further than that. And then what else was discussed between them? A.—Mr. Gamey began to talk about the position he would take in the House. He said that he had been elected as independent—practically an independent.

Q.—Are you sure he said, "an independent"? A.—Yes.

Q.—Or practically an independent? A.—Yes, sir, he said he had been elected to support the Government in power. Those were his words.

Q.—Was that the reason that they had protested his election—the Government? A.—I do not know anything about that.

Q.—Unusual to protest the election of a supporter, wouldn't it? A.—Well, I think so.

Q.—Well, however, you think that passed, and what did Mr. Stratton say? A.—When Mr. Gamey spoke about being elected to support the Government in power Mr. Stratton laughed at it and so did I.

Q.—Simply laughed at it. And so would everybody. You knew it was a straight election—Conservative against Reformer? Everybody knew that, didn't they? A.—Well, I do not know.

Q.—You did? A.—I thought Mr. Gamey was a Conservative until he told me he was not, that he did not run as a straight Conservative.

Q.—Everybody had thought that. It was in the newspapers, was it not? The lists were given there? A.—I think so.

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Q.—The division was there. The protest went against him, and everything, because of that, wasn't it? A.—I cannot say.

Q.—You cannot say. Well, at all events, after Mr. Stratton laughed at

this idea, what next took place? A.—Well, he spoke then about—that he did not think, under the circumstances—that the way he had been elected that they should protest him.

Q.—I see. That he did not think under the circumstances of the election that they should protest him.

The Chief Justice: You are still at the interview of the 9th September?

Mr. Blake: Yes, my Lord.

Q.—And what did Mr. Stratton say to that? A.—Oh, I did not pay any particular attention to that conversation. I sat there. I had a paper in my hands. I was looking at it. There was some conversation back and forth that I do not remember.

Q.—Well, but do you not remember anything more of what happened than what you have now told us? A.—Well, I think Mr. Stratton spoke about something—I think Mr. Stratton said something about him seeing Mr. Grant about his protest.

Q.—Was that in August? A.—No, that was in September—in this interview at Mr. Stratton's office.

Q.—Well, I might just go back. I will have to take you back again into this room, if you do not object? A.—No, sir.

Q.—We will go back for a moment to August, lest there should be any confu-

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sion in your mind between the two interviews. Was it not in August that Mr. Grant was to be seen? A.—That was an entirely different—

Q.—Just answer my question. Was it not?

Mr. Riddell: Surely he ought to be allowed to answer.

Mr. Blake: I am going to allow him to answer.

Witness: That was an entirely different thing.

Q.—Was it not in August that the statement was made that Mr. Grant was to be seen? A.—That was my own—that was not anything in connection with Mr. Stratton—that was my own proposition.

Q.—That was your own proposition? A.—Yes, sir.

Q.—Then we will go back again and see what more you remember about the interview of the 9th September. Do you remember, for instance, and you will answer me whether that is so or not—anything being said about a letter at that interview? A.—No, sir. I don't remember anything about a letter being mentioned at this interview.

Q.—Are you quite sure of that? A.—Well, I am reasonably sure of it—

Q.—How is your memory, Mr. Sullivan? A.—I think it is very good.

Q.—You think it is very good? A.—Yes.

Q.—Possibly you think everything about you is very good? A.—I do.

Q.—You do. Then you remember nothing about a letter, and do you remember the parting? A.—The parting?

Q.—Yes, at that interview? Were they to meet again? Who was to see Mr. Grant, or when was Mr. Stratton to see him, and so on? A.—My recollec-

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tion of that is as follows. Mr. Stratton said something about Mr. Gamey seeing Mr. Grant. Mr. Gamey refused to see Mr. Grant—

Q.—Pardon me there for a moment. Was it that Mr. Stratton said that Mr. Gamey would see Mr. Grant?

The Chancellor: Yes, that was it.

Mr. Blake: Was it?

The Chancellor: That is what he said before.

Witness: That is it. Mr. Stratton said, you can see Mr. Grant about that.

The Chancellor: He said before, "I think Stratton said something about him seeing Mr. Grant about this protest."

Mr. Blake: But I thought it was Stratton seeing him?

Witness: Oh, no. He told Mr. Gamey to call on Mr. Grant.

Mr. Blake: Was there any reason given why there was to be a calling on Mr. Grant? A.—From what I understand, Mr. Grant had charge of the protest.

Q.—Mr. Grant having charge of the protest, Mr. Stratton advised him to call upon him? A.—Yes.

Q.—What good was that going to do Mr. Gamey, calling upon Mr. Grant as to it? A.—That I do not know.

Q.—They did not say. Because. Mr. Grant, of course, was acting for the Government, and not acting for Mr. Gamey, was he not? A.—Well, I understood he was acting for the Government.

Q.—You understood he was acting for the Government. What good would it have done for Mr. Gamey to see Mr. Grant, acting for the Government? A.—Well, he had said he was going to support the Government. That was the only reason that I

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saw.

Q.—That he had said he was going to support the Government, but Mr. Grant would not take his instructions from Mr. Gamey, would he? A.—Well, that I do not know.

Q.—Well, then, Mr. Gamey said he would not? A.—He said he did not like to go and see Mr. Grant.

Q.—Then what was suggested? A.—Well, I think Mr. Stratton said, well, go and see Mr. Aylesworth.

Q.—I see. "Go and see Mr. Aylesworth." You are sure of that? A.—Yes, I am reasonably sure of that.

Q.—And that that took place on the 9th? A.—That took place on Tuesday, the 9th September.

Q.—And up to this period, nothing was said about the letter? A.—Nothing was said about the letter.

Q.—And what did Mr. Gamey answer to that proposal of Mr. Stratton's? A.—I think he said all right. I will go and see Mr. Aylesworth.

Q.—And you remained there all the time? A.—Yes, sir; but about that time I was looking at my paper. I do not think I got all the conversation. I think there was not anything of interest escaped me.

Q.—You think nothing of interest escaped you. You had your eye upon the paper, but your ears on the conversation? A.—On the conversation.

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Q.—And nothing you think escaped you. And is your memory upon that point so accurate and your attention so good that you would absolutely say that nothing was said about a letter? A.—Yes.

Q.—You would? A.—I would—yes.

Q.—Well, then, leaving the office, did you both leave together? A.—We left together. I went ahead—just a little ahead. I led out.

Q.—You went out? A.—Yes.

Q.—And what did you next do about the matter? A.—Well, Mr. Gamey, when I got outside, asked me if I would go down the next day to Mr. Aylesworth's office with him.

Q.—I see. Well, this was not in the evening. This was in the day-time? A.—It was in the day-time.

Q.—I suppose they excused your absence from the office because of the importance of the business in which you were engaged? A.—I don't think they did. I don't think the office knew where I was.

Q.—The office knew where you were? A.—They did not know where I was.

Q.—Well, had you that full liberty, of being in and out of the office as you pleased? A.—Oh, there was not any liberty in connection with that. I was only fifteen minutes. I do not think there was—

Q.—But you were down at the Walker House? A.—That was either at my noon-hour or in the morning. I was not out of the office—not through office hours.

Q.—I thought possibly the good work in which you were engaged

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might have been an excuse for your absence from the office? Well, possibly so. A.—I was not engaged I do not consider in any good work. I knew Mr. Gamey very well—had known him.

Q.—Then we will say the bad work, if you like it better. I was trying to put it as nicely for you as I could? A.—Thank you.

Q.—Then we will call it the bad work if you like. At all events there was no note made of your—

M. Johnston: My learned friend was engaged in the good work about that time, too.

The Chancellor: You had better just call it "the work."

Mr. Blake: Very well. "The work." We will not call it any name. We will call it "the work."

Witness: You need not call it work at all. I did not consider it work at all. I only went as a friend of Mr. Gamey.

Mr. Blake: You did not account for any absence? Then did you go down to the Walker House that evening.—I may have. I am not positive on that point.

Q.—But I want you to try, and see what your memory is worth. you know? A.—Well, I went down to the Walker House quite frequently.

Q.—You did, yes? A.—Before Mr. Gamey came to town and afterwards. As I say, I make a trip to the Walker House sometimes every day—sometimes twice a day.

Q.—Sometimes every day and sometimes twice a day? A.—Or three times a day quite frequently.

Q.—And if you do not get letters, you have the pleasure of meeting your father? A.—Yes.

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Q.—Well, you cannot remember whether you did go down this afternoon or not? A.—I cannot.

Q.—I might just ask you, what is the employment of your father at present?

A.—Well, he has been interested with myself in contracts.

Q.—Since when? A.—Well, for three years.

Q.—What contracts were these? A.—I had one at Toronto harbor, two or three at Iroquois, Ont., and one at Kirkfield.

Q.—Iroquois, Ont.? What contract was that? Who gave you that? A.—I had a sub-contract from Larkin & Sankster.

Q.—And then in Toronto? A.—A sub-contract from Finn & McGann, on the Eastern gap.

Q.—And then Kirkland? A.—Sub-contract from Larkin & Sankster.

Q.—Were those Government contracts they were in? A.—They were Government contracts, but I had sub-contracts from these people.

Q.—And your father was in that with you? A.—Well, my father was—yes. He was my adviser in the matter.

Q.—In what respect was he in that with you? A.—Well, in that respect, that he advised me on prices and all that kind of thing.

Q.—Specifications? A.—And we bid together on a number of other contracts.

Q.—Then do you recollect up to what period he was in the employ of the Government—the Ontario Government? A.—No, I do not. I do not recollect that.

Q.—What was his employ when he was with the Ontario Government?

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A.—A ranger—bush-ranger.

Q.—Bush-ranger? A.—I think that is it.

The Chancellor: They call it forest-ranger, I think? A.—Yes.

Mr. Blake: Up to 1890 do you remember whether he was employed? A.—I do not remember; I do not remember the date that he left the employ of the Government.

Q.—Now, I was asking you whether you can remember, as a matter of memory, anything further that took place on the 9th? A.—No, excepting that I made arrangements to meet Mr. Gamey the next day.

Q.—Nothing except that you made arrangements to meet Mr. Gamey the next day? A.—I think Mr. Gamey suggested something to Mr. Stratton about an appointment while he was in the office, and Mr. Stratton said that is not in my department. He said I will make a note of it and send it to the department.

Q.—When you say “an appointment” it was not an appointment to meet Mr. Aylesworth? A.—Oh, no. It was an appointment. He wanted somebody appointed police magistrate or something. I think the man’s name was Flesher, as far as I remember.

Q.—And is your memory so good upon that that you would absolutely say that that took place on the 9th? A.—Yes.

Q.—And the answer was “that is not in my department”? A.—Yes, that is not in my department, Mr. Gamey. He said, I will refer that to the department where it is.

Q.—And what department is that? A.—Well, I think it would be the Attorney-General.

Q.—I presume so. That was all that you recollect that then took place? Well,

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on the next day, when did you first see Mr. Gamey? A.—I met him at the corner of King and Yonge streets.

Q.—Was that by appointment? A.—By appointment.

Q.—How did you know the hour? Who had told you of that? A.—Mr. Gamey. When I came out of the office he said, will you go down to Mr. Aylesworth’s with me to-morrow afternoon? and I said yes, I will go with you, and he said, I will meet you at 1 o’clock, at the corner of King and Yonge streets.

Q.—How did you know the hour Mr. Aylesworth would be at his office, or how was that appointment made? A.—That appointment, I suppose—I do not know, but it must have been made by Mr. Stratton, possibly—Mr. Stratton and Mr. Gamey; I don’t remember that particularly.

Q.—But you left, and there had been no appointment up to that time except that they would meet? A.—That appointment was made in the office, because the minute we came outside Mr. Gamey said, you will come down to Mr. Aylesworth’s with me to-morrow, will you?

Q.—Then, if that was so, I suppose Mr. Stratton arranged the time or told Mr. Gamey what would be the time he would arrange. Was that the way you understood it? A.—Yes, I understood it that way.

Q.—And then in pursuance of that you did meet? A.—Mr. Gamey.

Q.—You did meet Mr. Gamey, and did go? A.—To Mr. Aylesworth’s office.

Q.—About when was that? A.—That was about a quarter of half-past 1 on Wednesday, the 10th September—about a quarter or half-past.

Q.—Up to that time had you heard anything of the letter? A.—Not at all.

Q.—And what did you suppose that you were to go to Mr. Aylesworth’s office then to do? A.—Mr. Gamey said to talk about the protest.

Q.—I see. And when you went there was Mr. Aylesworth in his office? A.—No, Mr. Aylesworth was not in his office when we got there.

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Q.—And then what did you do, his not being in the office? A.—Well, I wished to telephone, and I walked out of Mr. Aylesworth’s office over to a box, it looked to me like under a stairway or something, and I saw Mr. Gamey behind me; I don’t know how far he followed me. I went over and ‘phoned to

my wife—telephoned to my wife from there.

Q.—And what was the next that you saw? A.—When we came back into the office Mr. Gamey got in ahead of me, and Mr. Aylesworth was at his desk. Mr. Gamey was in just before Mr. Aylesworth. I think Mr. Aylesworth got in between Mr. Gamey and myself—walking in a hack to the office.

Q.—And what took place? A.—Well, I introduced Mr. Gamey to Mr. Aylesworth, and introduced myself.

Q.—You had known him, of course, before? A.—Well, I knew him. I did not know him personally, but I knew him by sight. Mr. Gamey sat there. I waited a moment for Mr. Gamey to do the honors, but he did not seem to get ready, so I took it off his hands.

Q.—You thought you would be very good at that, as you were at everything, and so you did the honors, and in what way did you do it? A.—I introduced in the ordinary way. I introduced Mr. Gamey—Mr. R. R. Gamey, as the member for Manitoulin. I told Mr. Aylesworth who I was myself, then I sat down.

Q.—Who did you say you were? A.—Mr. Frank Sullivan.

Q.—Assistant of the Government? A.—Not at all.

Q.—Did not assume any title of that kind? A.—No title.

Q.—Did you explain to him how you came to be there? A.—Not at all.

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Q.—You simply introduced. How did you introduce yourself? What did you say? A.—I said I am Frank Sullivan, Mr. Aylesworth. I think that was the form.

Q.—If you had said you were John L. Sullivan, I would have understood it. But I will take that down. Was Frank Sullivan so well known in the political circles that he knew you in a moment, or how? A.—Well I do not think I had been known in political circles so widely that I would be—

Q.—But still, often one is? A.—I know, yes.

Q.—One is often known better than one thinks? A.—Just like yourself, Mr. Blake.

Q.—Just exactly. Thank you for the comparison. Then how did you introduce yourself? A.—I told you.

Q.—Just simply said, "I am Frank Sullivan?" A.—I am Frank Sullivan.

Q.—And did he get off his chair and bow down, or what did he do? A.—No, I do not think he did. I was treated like a gentleman by Mr. Aylesworth.

Q.—You were treated like a gentleman by Mr. Aylesworth? A.—Yes.

Q.—As of course you should be? A.—Certainly, I expect that from everybody.

Q.—And you give what you expect to get? A.—I give what I expect to get.

Q.—You are sure to get on in the world, then. Then coming back. What took place at the interview? A.—Mr. Gamey started to talk about having Mr. Aylesworth act for him in his protest. Mr. Aylesworth said why, Mr. Gamey, I cannot do that. He said you

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were elected as a Conservative. He said, I have been retained by the other side, and my retainer says I am to act for no one except under instructions. Well, Mr. Gamey said, but I am a supporter of the Ross Government. Oh, he said, is that so. Yes. Mr. Gamey said, I am. I am going to support the Ross Government. Well, Mr. Aylesworth said, if that is the case, I think I can act for you. So they talked about on that line, I did not have anything to do with the conversation one way or the other. And at last Mr. Aylesworth said, well, if you are going to support the Government, he said, I should like to have something from you which will show your good faith in the matter, and he says here is a letter, you can read it over, and I would like you to sign that, if you should feel in accord with the contents of that letter.

Q.—And then what did he say? You heard Mr. Aylesworth's evidence? A.—Yes, sir, I did.

Q.—What did he say then, about what would happen to the petition? A. Well, I do not just remember what he said about what would happen to the petition.

Q.—If you are willing to sign the letter, then what was to become of the petition? A.—There was nothing offered to him for signing. There was no inducement held out to him for signing the letter. The letter was—he gave the letter in good faith—he was handed the letter, and read it over twice very carefully as I thought.

Q.—But do you contradict Mr. Aylesworth's statement upon that then? A.—I do not contradict Mr. Aylesworth's statement. If Mr. Aylesworth said such a thing happened I suppose it did.

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Q.—You suppose that it did happen. And just to test your recollection. What do you say did happen about the petition? What was to come of the petition, or to be done in respect of the petition? A.—I do not know anything about that.

Q.—You do not know anything about that? A.—No, I do not know anything about that.

Q.—Your memory is a blank upon that? A.—Well, I did not pay any attention to that.

Q.—You did not pay any attention to that. For what purpose were you there? A.—Just with Mr. Gamey. He asked me to go. He told me he did not know where Mr. Aylesworth's office was. He said will you go down with me, Frank. I said yes, I will go down with you.

Q.—And what happened then as to the petition your mind did not follow? A.—No, I did not follow anything about the petition.

The Chancellor: I do not think anything was said by Mr. Aylesworth in the direction you are asking.

Mr. Blake: "If you are willing to sign this letter, there is no reason in the world why I should not act for you in this petition."

The Chancellor: He said that already.

Witness: Yes, sir.

Mr. Blake: Page 680, volume 2.

Witness: I think I have said that.

Mr. Blake: No, I do not think so. Is that correct?

The Chancellor: He said, "I can act for you then." Gamey said I am a supporter of the Ross Government, and

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Aylesworth said, I can act for you in that case.

Mr. Blake: But I am saying, "If you are willing to sign this letter." A.—Well, I do not know about that particularly, whether it happened in that way. My recollection is the way I have told you it was.

Q.—You have no recollection upon that? A.—I know the letter was handed to him, and he read it, sir.

Q.—Was it before that that he said that he would support the Government? A.—Yes before that. When Mr. Aylesworth said, I cannot act for you, I have been retained by the Liberals in this, and you are a Conservative, he said no, I am going to support the Government—the Ross Government. Mr. Aylesworth said well, if that is the case why——

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Q.—Did Mr. Aylesworth seem surprised when he said that? A.—Well, I cannot say that.

Q.—Then do you recollect anything else that took place at that interview, or what came of the letter? A.—Mr. Gamey took the letter from Mr. Aylesworth and read it over carefully a

couple of times. The way I know he did—he followed it with a pencil; he had it up and followed it line after line with a pencil—went over it a couple of times, and then he sat up to the desk and took a pen and wrote on it, and signed his name to it, and wrote something on the top of the letter, I don't know——

—Q.—Then what came of the letter? A. Mr. Aylesworth took the letter and said, now, I will keep this letter. Well, Mr. Gamey kind of hesitated, and did not know, and Mr. Aylesworth said, why, I will keep this letter, there is nothing to it, you leave it in my presence, and I will lock it in the vault, and no one will get it at all without you say so, or something to that effect. As much as to say the letter would be safe with Mr. Aylesworth. So Mr. Gamey hesitated, and so Aylesworth shoved the letter over towards Mr. Gamey. It was on the desk. It was just lying between Mr. Gamey and Mr. Aylesworth.

Q.—Anything else take place? A.—Well, Mr. Gamey hesitated a little while and then he said, he said I would like to borrow some money, and Mr. Aylesworth looked at him and said, well, how much. Well, he said, I want to raise some money on some stock, and chattels, or something to that effect. I don't just remember what he did use in there—what words. I understood it was stock, or something. And Mr.

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Aylesworth said, well, I do not do that part of the work—that part of the office work here. He said you will have to get that arranged some other place. That is as much as I remember about that part of it. He said something about—something about Manitoulin Island—I did not just catch what that part of it was, but that was all the conversation.

Q.—And then what happened? A.—And Mr. Gamey picked up the letter and put it in his pocket—put it in his inside pocket, and we went out of the office.

Q.—Did you say anything? A.—No, sir.

Q.—Sure of that? A.—Oh, I may have said something to him about the letter being all right, or something like that, with Mr. Aylesworth. I may have said that to him. I do not know that I did. I would not swear that I did or did not on that point, because I am not clear.

Q.—Then that being so, and you having given me all that you can remember, as I take it? A.—Yes, sir.

Q.—What did you do? A.—We went out of the office then and went on King street to the Arcade leading to

the Grand Theatre, and we stopped inside there and Mr. Gamey did not say anything to me along the street, and when he got in there he said, I think I made a fool of myself up in Mr. Aylesworth's office, and I said what do you mean? He said about wanting to borrow that money. Oh, well, I said, I guess that is all right. He said, I certainly made a fool of myself. He said some more words I did not pay particular attention to. I said that is all right, Bob, you will live through it, or something. I do not know what I did say.

Q.—You do not know what you did say, but you did tell him he would live

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through it? A.—Yes, sir.

Q.—Whether you said it or not. Then what next took place? A.—Then I left him there.

Q.—Where did you go? A.—I went to the corner of Yonge and Adelaide street and waited there for my wife.

Q.—This was still continuing that same afternoon? A.—That same afternoon. It was then about 2 o'clock or a little after 2.

Q.—And where did you go then? A.—We went to the Grand Theatre.

Q.—That is your wife and you? A.—My wife and myself and two nieces.

Q.—You left Gamey at the corner and went to meet your wife.

Mr. Blake: And where did you go next? A.—Well, we remained in the theatre until the show was over.

Q.—Where did you go? A.—And after that we went—I took my nieces and my wife and my brother over to the Temple Cafe.

Q.—And where did you go then? A.—Then after having dinner there we walked down Bay street to King, and my brother took my wife's nieces and her sister to the Exhibition.

Q.—But you? A.—I went home—went to 505 Sherbourne street.

Q.—Did you see Mr. Stratton that afternoon? A.—No, sir.

Q.—You saw nothing more of the matter that day? A.—Nothing more that day.

Q.—Prior to the occasion of money being mentioned in Mr. Aylesworth's office, had that ever been mentioned between you and Gamey? A.—Nothing more than his share of those deals we were into. He had said he wanted to get some deal through right away, as he was hard up, that is what I understood

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He had taken all his money to carry on his election—all the ready money he had to carry on his election. He

wanted to get a deal through if he could to get a little more money.

Q.—Did he tell you he had not money sufficient to go on with his election protest, his election had cost him so much? A.—Well, I do not think he said that. I would not say he said that.

Q.—What did he say about the cost of the protest? A.—He did not say anything to me about the cost of the protest.

Q.—The expense of it? A.—No.

Q.—Only spoke about the result, and what your father had said, sir; and what he had heard at the Island.

Q.—Did your father speak also to you about the probabilities of the result of the Manitoulin protest? A.—No, I do not think my father did. When Mr. Gamey asked me if I could get him any information I asked my father, I said, how is that protest going, of Mr. Gamey's. He said, as far as I know, they have got some damaging evidence, that is all.

Q.—Did your father mention to you that he had been speaking to Gamey about it? A.—No, he did not; but I knew he had. Mr. Gamey had brought me a message from Allandale, from my father whom he met in Allandale, to Toronto to me. That is how I met Mr. Gamey first at that particular time.

Q.—And no further conversation between your father and yourself as to the prospects of the protest? A.—No.

Q.—Beyond what you have given me? A.—Just what I have said.

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Q.—Well, what was this deal that you had reference to in the month of August? A.—The McGregor Island.

Q.—What was that deal? A.—It is an island situated in the Georgian Bay, on which there is a quantity of timber. There have been a number of applications for it. My father, with others, have had applications for the Island for a number of years. I cannot say how long. And when Mr. Gamey told me he was going to support the Government, I thought it would be a very wise idea to have—as the timber was in Mr. Gamey's constituency—it would be a very wise idea to have him endorse our application, so I went right and asked him if he would, under the conditions which I mentioned.

Q.—What were the conditions? A.—Well, he was to have a fourth interest of whatever was gotten from the Island.

Q.—I see? A.—That is, the first arrangement was that we would give him \$5,000 as his share of the profits. In the meantime, George McCormick, Member of Parliament at Ottawa, who was

an applicant for it—he had been working under another name, so he tried to get Gamey to support his application, he got wise—heard that Gamey was going to support the Government, and he got after Gamey, and Gamey come and told me, he said McCormick offers bigger inducements than you do on this Island deal, and I said, well, there is this about it, Bob, we will guarantee you \$5,000, and if there is anything more after the expenses are paid, and divided into fourths—if there is anything more, it there is seven thousand, or whatever it is, we will give you the rest of it, and Gamey said, that is satisfactory; I will stick to you people.

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Q.—And then what was to be the advantage of Mr. Gamey's endorsement? A.—It was in his constituency, and I thought myself it was a very good idea to have the Member who represented that constituency indorse the application, just as other people who want appointments get their applications indorsed by the member who represents them. I might also mention that Dr. Beatty-Nesbitt was in that with George McCormick.

Q.—But not in the same deal you were in? A.—They were after the same thing.

Q.—But they had nothing to do with that particular deal? A.—No, they were not interested with me; but they were trying to induce Gamey to join them in the same thing.

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Q.—And your idea was that the benefit of the endorsement of the—? A.—Of the man who represented a constituency.

Q.—Who was a supporter of the Government? A.—Yes, and he had told me he was.

Q.—In whose name was this transaction to be carried out? A.—My father had the application in under the name of Conlon Brothers.

Q.—Conlon Brothers, of? A.—Thorold, or Little Current.

Q.—At both places? A.—Their mills are at Little Current, and their head office is in Thorold.

Q.—Lumber merchants? A.—Yes, sir.

Q.—But had the Conlons anything to do with it really? A.—I do not think they had any more than if we could get it they had the first opportunity of buying from us.

The Chancellor: That was in for some years? A.—Yes.

Q.—That application? A.—Yes, sir; it had been in for some years.

Mr. Blake: But no price was fixed as between you and the Conlons? A.—No.

My father attended to that detail of the matter. I only came in on it latterly.

Q.—Was it because they were good Reformers that the Conlon's name was mentioned? A.—Oh, no; I do not think there was anything in that.

Q.—Just being lumbermen, they would be probable dealers in limits? A.—I suppose that was the idea. I do not know what their object was.

Q.—Then, as I understand it, he was to give you the endorsement, he was to get a sum of \$5,000, and he was to get his fourth of anything more than that made out of it? A.—Yes, sir. The first

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agreement he agreed to endorse the thing, and take a chance on getting \$5,000. We told him we would give him \$5,000. We did not know whether we could make \$8,000 or \$10,000 or \$12,000, but he was willing to take it at the five thousand until George McCormick and Beatty-Nesbitt and those fellows got around him and told him it was a bigger thing than that, and there ought to be more coming out of it, and then, of course, he was looking for more, and I said, well—

Q.—What did you agree to? A.—I agreed to give him a fourth. We agreed to give him the \$5,000—

The Chancellor: Anyway? A.—Yes, sir; for his endorsement that we—

The Chancellor: And then share the rest? A.—Yes, sir.

Q.—Give him \$5,000, and then share the rest? A.—Yes.

Mr. Blake: Then, in the second arrangement, was there to be any payment of \$5,000, or was it simply to be a proportion that he was to receive, or was it a proportion in addition to the \$5,000? A.—No, he was to take his chances on his fourth; that is what I understood. If his fourth amounted to \$8,000, he would get \$8,000, and if it only amounted to \$4,000, he would only get \$4,000.

Q.—Then, I misunderstood you. I thought the first bargain was that he was to get \$5,000 anyway, and he was to get one-fourth of anything over that? A.—No. First, it was a straight \$5,000 in the first place. Then, when he came back with this story, I do not know what truth there was in it—

Q.—Never mind that? A.—He said that he understood from these

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people it would be more than that, when it was divided up—that there would be more than \$5,000—that we would get a little the best of it. I said, all right, Bob, the agreement will be that you will take your fourth, no matter what that amounts to—you will take your fourth interest.

Q.—Then he was only to have the work of endorsing your application; he was not to be troubled with any more of the details of the carrying of it out? A.—Well, I do not think he was. He was in with us. He was a partner in the deal.

Q.—And what did you mean exactly by his endorsing your application? Was that simply in the Department? A.—Yes, and to assist us in every way to get it—assist us in every way he could.

The Chancellor: I do not understand yet what this arrangement was. I would like to have it more clearly put. I do not understand. First of all, you say he was to get \$5,000, and that was the end of it, for his endorsement. That was the first proposition, was it? Is that the first proposition? A.—Yes, he was to have \$5,000.

Q.—And no more? A.—No more.

Q.—Whatever the result might be? A.—Yes.

Q.—Then you saw that someone was outbidding you, and you made him what you call a better offer? A.—Yes. Q.—What was the better offer. A.—He was to take a-fourth of what the proceeds would be.

Q.—Then it might be less than five? A.—Yes, or more than five thousand.

Q.—Then he was to go in as a partner? A.—As a partner.

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Q.—And share with the rest? A.—Yes, sir.

Q.—But he was not to get any sum certain? No \$5,000 certain? A.—No.

Q.—He might get more than that, or less? A.—Yes, sir.

Q.—Now I understand you.

Mr. Blake: And then that interest was, as you have latterly said, for the endorsement, and endeavoring to engineer the thing through? A.—Yes, he was to do all in his power to assist the thing through.

Q.—But his name was not, of course, to be used or any of your names, except the Conlons? A.—Well, yes, I suppose that was the idea.

Q.—I should have asked you in regard to these transactions, and contracts, and all that. How did you carry them on without a bank account? A.—Well, the first year I did carry it on with a bank account, but the following year I used to get my money from Finn & McGann, on the 14th or 15th of the month, and my pay-day was on the 15th. They would give me my cheque and I would go to the bank and get my cash and go down and pay my men. The balance I would keep in my pocket.

Q.—And did you have no account, or your father no bank account, during this period? A.—I think my father had a bank account.

Q.—All along? A.—I am not positive of that.

Q.—Where would that be kept? A.—I think that was down at the loan company on the corner of Victoria and King street. That was the Central.

Q.—Central Canada? A.—Yes, sir.

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Q.—Used you ever to hand over any of your money to your father? A.—No, sir.

Q.—You say that very emphatically? A.—I do. He handed some of his over to me.

Q.—Were you even partners in the contracts, or how was it? A.—As I understand about that—he would advance me—give me any money I wanted to carry it on—that is the only way he was interested. I took all the profit. He was just—

Q.—You looked after that? A.—I looked after that, sir. He was starting me in my business. I had worked for contractors before that, and he started me in my business. Latterly we bid. He was a partner latterly in some of my other bids on different contracts. The Port Colborne. I bid on that work as a sub. I did not get it. He was a partner in that with me.

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Q.—But is that the only bank account—the Central? A.—That is the only bank account.

Q.—That either your father or yourself have kept for the last three years? A.—Yes, excepting, as I say, the Bank of Hamilton.

Q.—Some time ago? A.—Yes, about three years ago.

Q.—But you said that was a dead account? A.—Yes, sir, there is a small balance due me, I think.

Q.—But it was not a live account on which you were drawing, depositing, and so on? A.—Only for that year—for the first year I was here. It was my first contract, and I thought I would need a big bank account. I thought I would have a lot of banking to do, but I found out I did not and dropped it after carrying it on for a year.

Q.—That was three years ago? A.—Yes, sir.

Q.—Then did you see Mr. Stratton on the afternoon or evening of that 10th of September? A.—No, sir, I did not.

Q.—Did you see him next day? A.—No, sir, I did not.

Q.—When did you see him next after the 10th of September? A.—Well, I used to see him quite frequently around the halls. I never saw him after that in his office.

Q.—What report was made to him of the result of the interview in Mr.

Aylesworth's office? A.—I do not know. I do not know a thing about that.

Q.—Did he never say a thing to you about that? A.—Never said anything to me about it. I do not think Mr. Stratton knew I was there.

Q.—Knew you were? A.—Down

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at Mr. Aylesworth's office? I do not think so.

Q.—At all events you made no report? A.—I made no report whatever of it. It had just passed out of my mind right there. I did not pay any more attention to it.

Q.—Then this interview, to go back for a moment—the interview in August that you had. What date in August was that? A.—Well, there were a number of different dates. I do not just remember the time. He was here for quite a little while, as I say, and I went to the Walker House every evening, or at noon, and I would meet him there. It was along through August. I could not say the date.

Q.—You could not say whether it was the beginning or towards the end of August? A.—Well, I would say it was about the end, because Mr. Gamey says he did not meet me until the 7th August, and I know that at that time there was not any—it was not gone into very fully—whether it was mentioned or not at that time I am not sure.

Q.—Then do you remember how it was that you came to get Mr. Grant there? A.—Yes, when I first started to talk about this business Mr.—

The Chancellor: What business?

A.—About deals that we would go into.

Mr. Blake: Then, let us begin fairly. Was this meeting in August—the first occasion of your ever talking any deals with Mr. Gamey? A.—No, I had a previous conversation with Gamey—two or three years before that—at Sault Ste. Marie.

Q.—But apart from that two or three years, had you within, say, a year, any

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talk with Mr. Gamey excepting this in August? A.—Well, I do not know that I did. Any time I have met him—

Q.—Do not go into a long story? A.—We did talk deals every time I met him.

Q.—Had you any deal with him for two or three years previous? A.—No, we had lots of talk about it, but no deals.

Q.—And do you remember when it was that you saw him prior to August, 1902? A.—No, I cannot say that.

Q.—Had you seen him for a year before that? A.—Yes, I think I had.

Q.—Where? A.—Here in Toronto. I am not sure.

Q.—Will you swear to that? A.—I will not swear that I had seen him within a year.

Q.—Then the only one we have distinctly is that is August, and now what was the beginning of that deal? How did it begin? Is that what you have described, about McGregor Island being suggested? A.—Yes, sir.

Q.—And that you should get it and that he would indorse it, and the like? A.—That was not the first deal we started about. We started first about Clapperton and Bedford Islands.

Q.—I want to get at the very beginning. I understand that that is the very beginning? A.—Yes. Well, there is a lot of conversation led up to this, you know.

Q.—But I am speaking of August. I do not understand that you had seen him that year, 1902? A.—We are starting when I met him first in August. I was sitting in the Walker House waiting for my father to return from Orillia, or up that way. He was looking at the location of a dock on which there

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were tenders asked, to be constructed at Orillia.

Q.—Who was wanting that tender? A.—The Dominion Government had advertised for the construction of it. My father was up in that country and—

Q.—Was that the occasion of his meeting Mr. Gamey at Allandale? A.—Yes, I think that was the occasion. Mr. Gamey came up to the hotel, I was sitting there, and Mr. Gamey—I had not seen him since his election at any rate, because I congratulated him on being elected, and so forth, and I shook hands with him. He said, your father told me to tell you he would not be down until to-morrow. I said, all right. I was talking to somebody. I don't remember who it was. He walked away over to the register, and I did not see him again that day. I did not see him. I came down then the next day to see my father, and I possibly saw him that day, but I think it was two days after we first met before I saw him.

Q.—Then you tell us about McGregor Island. I want you to begin at the commencement this time. What was the conversation between you? A.—Well, we talked about his election and about that the Conservative party did not win—the Conservative party had not been elected to power, and all that kind of talk, and—

Q.—Well, go on? A.—He said that he was not going to sit for four years—sit with the Opposition, and be a bump on

a log. That is the expression he used. He would be nothing but a bump on a log, and a voting machine for Mr. Whitney, and the rest of them; I am not going to do that, he said, I am going to throw in my lot with the Government.

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Q.—Then you thought you had something you could use? A.—Well, it struck me as a pretty good idea to have him indorse that McGregor Island business. I do not think it struck me then.

Q.—Was it your father taught you your politics? A.—Well, I do not think I have been taught politics at all. I just grew up like you or anybody else.

Q.—I see? A.—Stuck to the good old cause.

Q.—You thought that would be a good idea. Well, how did you begin to get the idea to bear fruit? A.—Well, I thought the matter over, and I did not know—I guess I consulted with father about that—I asked him if he thought it would be a good idea. He said, is he going to support the Government? I said, he has told me he is. Well, he said, you cannot tell much about what Gamey says. Well, I says, he tells me he is going to support the Government.

Q.—Your father did not believe it at first, of course? A.—Well, no, he did not.

Q.—Proceed now, please? A.—Well, he first asked me about—if I would get him some information from my father, and I could not get it, my father had not anything to do with procuring the evidence against Mr. Gamey, and therefore I could not get anything. Mr. Gamey was under the impression that I could—and was always under the impression that I could get—find out anything I wanted to—that all I had to do was to go and ask, and it would come right to me, and that is the impression under which he worked.

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Q.—He looked upon you as a kind of wizard? A.—Yes.

Q.—Then had you told him, however that your father had said that there were cases against him, and so on? A.—No, I did not.

Q.—But did that come afterwards? A.—No, that was the first conversation as I say. I told him that father told me that he heard they had strong evidence against him, that was all I knew about it.

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Q.—And then he wanted you to give him the particulars of that? A.—He asked me to go and find out. He said to me, what is the good of the Govern-

ment pressing my protest when I am a supporter of them. Why, I said, you are not. Yes I am, he said, I am going to support the Ross Government. He said the other people did not do anything for me. I paid my own election expenses, and the only thing they did do was to run in a French speaker on me, and I had to pay \$253 out of my own pocket, and that is all the assistance I got from the Conservative party in Manitoulin Island. I said they did not give you very much.

Q.—You did not make it any better for him. Then that being so, will you kindly just lead up to the first interview that you had about the use that you were going to make of this? A.—Well, if he was going to support the Government, I thought it would be a good idea if we could get him to support our application, and right away—get him to do it right away before it became public, before there were seven or eight applications in for that same thing.

Q.—Are you speaking of the Clapperton Island? A.—This is McGregor Island.

Q.—But you told me there was something before that? A.—Well, he talked about Clapperton Island.

Q.—Begin with the first interview in which anything was said in respect of the use of Mr. Gamey, with the acquiring of any land, or limits, or the like? A.—Well, he spoke about some cedar on Clapperton and Bedford Island, and after he gave me the particulars about it, and after I had enquired from my father

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who has been over the ground, I decided that that was not a very good proposition, if we were going to put through a deal.

Q.—What was the proposition? A.—We were to apply for the right to cut the cedar on that island. Of course, the cedar was a big price just then. Cedar ties were at a good price, and he thought that it would be a good thing, but, after enquiring from my father, who knew all about Bedford and Clapperton Island, he knew there was not anything very much on it.

Q.—What I want you to give me is this. What was the proposition Mr. Gamey made in regard to it? A.—Well, I was to apply for the island, and he was to endorse my application at the Department, if he was supporting the Government.

Q.—And what name was to be used? A.—Well, I was to use my own name. There was no names in the business then.

Q.—Then your father dissuaded you against that? A.—He said that that

was not a very good thing, because he said they had cut that island long ago when he was with the Conlons—that they had cut stuff off that island, and there had been people operating on it ever since, and he said there will not be anything in that. He said I do not think it is worth—he says I do not think it worth the trouble of looking for that island; if Gamey can endorse—why we will get him something better than that.

Q.—You would get something more out of it through him than that? A.—Yes, sir.

Q.—Now, just go on. Was it the same day or afterwards? A.—No, we

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then talked about this McGregor Island, and I was at—we were at a loss at first how we would finance that McGregor Island business, and at last—

Q.—How you could utilize this bonanza of a willing member of Parliament? A.—Yes, that was the idea, because we had to be ready. I thought Mr. Grant has acted for my father in a number of transactions my father was in, I thought I would go and see Mr. Grant, and have him interview Mr. Gamey about this business, see if he could suggest some lumberman that would go into this deal.

Q.—What was that lumberman to do? A.—Well, the agreement had been, you see, that Gamey was to get \$5,000, and the idea was that that lumberman—Gamey wanted the money right away to wipe out some indebtedness he had incurred at his election, and the idea was that we would get that lumberman to go in on this expectation, and he would furnish Gamey with his share right away.

Q.—And the finances of Captain Sullivan and his son were so tight that you could not do that yourselves? A.—I will tell you why. We did not feel like tying up \$5,000. I suppose we could have got it. But we did not feel like tying up \$5,000 in that shape. We would have to pay Mr. Gamey the money then.

Q.—That is what I was going to ask you. He wanted that \$5,000 down? A.—You see we had not decided upon who our partner—the fourth man in the deal, would be at this stage.

Q.—You wanted to get a fourth man who would advance the \$5,000? A.—Yes, some lumberman, if possible, who knew the value of the stuff, and we knew if we could get it, that

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\$5,000 would be easy.

Q.—And then that arrangement would be with your father, the captain—he is a captain, is he? A.—Yes.

Q.—Naval or military? A.—Naval.

Q.—That he was to get a fourth, and you were to get a fourth, and the lumberman was to come in—was he to get a fourth? A.—He was to get a fourth.

Q.—And then Gamey was to get the other fourth? A.—That was the idea.

Q.—But I thought you said your original arrangement was that he was to get \$5,000, and wanted it down? A.—That is what I say. That is why we wanted to borrow the \$5,000.

Q.—Then you would not have divided it into fourths? A.—No, not at that stage of the deal. We were not making a fourth division then.

Q.—Then, how were you to secure the lumberman that was to come in? A.—Well that is just where—being a little green at that stage—Gamey and I—why, we thought we could just go to Mr. Grant.

Q.—At what period of your life were you ever green? However, you give that as the reason? A.—Yes, sir. I was to handle this deal. I did not know—I thought all I had to do was to go up to Mr. Grant, and he would get a lumberman to put up the \$5,000, but from his conversation in the Walker House I found out that could not be done so easy.

The Chancellor: What conversation?

A.—With Mr. Grant at the Walker House.

Mr. Blake: Then you did see Mr. Grant. What did you say to Mr. Grant

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before he came down? A.—I just called on Mr. Grant and said, Mr. Grant, we would like to see you to talk over something about a timber transaction we are in, we want to raise some money, we want to get some money arrangement made; can I bring Mr. Gamey up here to see you. He said I am going away, I will be going to the depot, I think he said after lunch, and I will call into the Walker House on my way. I said all right, I will meet you there. I met Mr. Grant there, and we looked around the lobby for Mr. Gamey, and could not find him. We went upstairs, and went on up to my father's room, and I left Mr. Grant in there. I said I will go and find Mr. Gamey. I went to his room, which was down on the other—I think, on the other flat—I am not sure what room; and then I went and found Mr. Gamey—he was downstairs—I found him downstairs. When I came down the elevator he was coming out of one of the rooms. I took him up into the room and introduced him.
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Q.—Then what took place? A.—Mr. Grant started to talk to Mr. Gamey about this. He said something about wanting to raise this money, and Mr. Gamey said yes, we want to raise this money on a timber deal, a timber transaction, and Mr. Grant said well, have you got it in any kind of shape. Well, we both did not know what to say to that. We had not it in any shape. And at last Mr. Gamey said no, we have not got in very good shape. He said well, I will tell you, get the transaction in shape, and if it is any good you come to me afterwards, and I think I can arrange to get you the \$5,000.

Q.—And really at that interview you had not the thing in any shape at all? A.—No, that is the mistake I spoke about. We were too anxious. We got ahead.

Q.—All you knew was that Mr. Gamey wanted the \$5,000? A.—No, I knew what he wanted—what the deal was.

Q.—That he wanted the money? A.—I wanted to see if we could get somebody—Mr. Grant—to see some of the lumbermen who would come in and take that interest.

Q.—What had Mr. Grant to do with lumbermen? A.—Well, I did not know. I knew that he might know of somebody.

Q.—You knew that he might know? A.—We did not care whether it was a lumberman or not, as long as we got somebody to take that interest in it.

Q.—So long as Mr. Gamey could get his \$5,000? A.—I do not think that was the particular thing, because I knew that if we got that far in it—if we could get anybody who would advance \$5,000 on the proposition, I was assured I would get my share of it, you see; I knew no one would take any interest in

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it if they were not assured the thing would go through.

Q.—But none of this could be carried out, so far as that transaction was concerned, without the indorsement of Mr. Gamey as a supporter of the Government? A.—That is the idea. He told me he was going to support the Government.

Q.—It was all based on that? A.—Yes.

Q.—Then, did you ever see Mr. Grant again? A.—No, I never did. I have seen him on the street, just to bow to him.

Q.—Have you got a receipt about you for \$1,200? A.—A receipt about me?

Q.—Yes? A.—No, sir.

Q.—Sure? A.—I am positive.

Q.—No amount at all? A.—No, sir.

Q.—That was given to you by Mr. Gamey? A.—No, sir; I have not.

Q.—Got it anywhere? A.—No, sir. I have not.

Q.—Sure of that? A.—I am positive of that.

Q.—You are positive of that. Any receptacle in which you keep matters of that kind? A.—No, sir; I have no place where I keep my matters, but at home. Any papers I have they have been kept at home.

Q.—But in what receptacle at home? A.—Well, I had not anything of that shape to keep. I have nothing to keep.

Q.—No notices or mortgages or bonds or bills or any securities at all? A.—No, sir; none whatever.

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Q.—Do you swear that you never got a receipt? A.—I do. I swear I never got a receipt from Mr. Gamey.

Q.—For any amount? A.—For any amount.

Q.—This of course would be comparatively recently? A.—Well, I swear to that.

Q.—You swear to that? A.—Yes, I do. I had no receipt from Mr. Gamey.

Q.—An i.o.u.? A.—No, nothing. I have said.

Q.—A due bill? A.—No, sir.

Q.—You know what an i.o.u. is? A.—I certainly do.

Q.—A due bill? A.—No, sir.

Q.—Nothing? Never received it? A.—No, sir.

Q.—Never spoke of it? A.—No, sir.

Q.—Never received any money from Mr. Gamey? A.—Never received a cent of money from Gamey in my life.

Q.—Ever pay him any? A.—Never paid Mr. Gamey a cent of money.

Q.—Ever see him receive any money? A.—Never saw him receive any money.

Q.—On any occasion? A.—No, sir; I never saw Mr. Gamey receive any money.

Q.—In any concern or matter? A.—No, sir; I might have seen him—I was standing one day. I know—I was standing by the register in the Walker House when he paid his bill going away. I saw the money passed. That was all.

Q.—I just wanted to know whether you registered some letters at Yorkville? A.—I did.

Q.—How many? A.—I registered three or four.

Q.—Did you register one under the name of J. B. Crossin? A.—A. B. Crossin.

Q.—Do you remember the date of that? A.—Well, no; I am not positive, of the date.

Q.—Why did you use the name A. B. Crossin in the registering of that letter? A.—Well, a suggestion of Mr. Gamey. There is a long story in connection with it.

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Q.—I only just wanted to know. You did use the name of A. B. Crossin? A.—Yes, sir.

Q.—In one of these registered letters, that you were writing? A.—To Mr. Gamey.

Q.—On which of the letters was it that you used the name A. B. Crossin? A.—I think I used it twice—the first and the second. I think.

Q.—The first and second of what? A.—The first and second letters that were exhibited here the other day to me.

Q.—To whom were they directed? A.—To Mr. Gamey.

Q.—Then why didn't you use your own name? A.—I told you; a suggestion of Mr. Gamey's.

Q.—But why? Do you follow every suggestion he makes? A.—Well, I will tell you why. He wanted me to write him, and he said, if I registered the letter, not to use my own name, or not to sign my own name to the letter. His first suggestion was, when you write to me just sign your letter A.B.C., or X.Y.Z., I will know who it is from, and he said when you register it do not use your own name, but use some other name. I said what other name will I use. He said, I get a number of letters from Mr. Crossin, of the Crossin Piano Factory, and he said you can just use Crossin's name. I said I will just use Crossin's.

Q.—Why then didn't you always use it? A.—Because he did not tell me his reason for having me do it up to that time.

Q.—And what was the advantage? A.—Well, I will tell you the advantage. When he was down he said to me, after giving that Globe interview, he said to me, they will be

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after me up there, and he said, I will not have a friend on the Island. Write me, he said. He said they will call an executive meeting up there. He said write a little bit of advice. I said all right, Bob.

Q.—I am not asking that? A.—That leads up to the story. I cannot tell my story without stating that.

Q.—Then tell it by all means? A.—Then he said you will not want to write in your own name, because they will be watching my mail, and

likely take my letters out of the Post Office on me there. He said, you had better register them. I said, all right. Then that is when the name was mentioned. I said, who are you afraid will take your letters out of the Post Office. He said McGregor will take them out. He said, McGregor has been hanging around the Post Office there—he said he has been at it for two or three years—hanging around the Post Office, and tampering—not tampering—and has been handling letters and everything, in fact he said the judge of Gore Bay had to go to Mr. McGregor and speak to him about hanging about the Post Office, and the

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talk going around the town, and he said McGregor would not stop at extracting a letter from the Post Office. I said all right, I will sign that name.

Q.—And that you swear is what Mr. Gamey told you? A.—That I swear is what Mr. Gamey told me.

Q.—As being the reason for—? A.—For signing letters "X.Y.Z.," and registering letters under that name. He said if they get a registered letter, and there is no name to it, they will inquire who registered it to me, and he said, if you had them registered under Crossin's name, that will be all right. I found out what the initials were, and then I would not use them. I just used the A.B.C. for the register, and the "X.Y.Z." to sign my letters. That was the first letter I wrote.

Q.—These were registered by you? A.—They were registered by me, no question about that.

Q.—At the Yorkville Post Office? A.—I registered them—no question about that at all.

Q.—Then I might ask you, as you have gone on a little bit in advance about the telegrams. Do you remember the 27th January? A.—Yes, sir; I remember that. (Referring to exhibit 16.)

The Chief Justice: Telegram, Frank to Robert Gamey.

Mr. Blake: You recollect the telegram of the 27th January? A.—Yes, sir; I recollect it.

Q.—Important that you be here on Thursday or Friday? A.—Yes, sir.

Q.—Signed "Frank." Then why did you come to send that telegram? A.—I wanted Mr. Gamey here to meet—at least to

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talk over a matter which I had been trying to arrange for a month or so.

I wanted him here on that particular time. I wanted him as quickly as he could come.

Q.—And what was the matter that you wanted him so pressingly for? A.—It was in connection with a fishing deal of Kogowang Lake, right at his own door. He lives on the lake.

Q.—Yes. Was anything done about the fishing on Kogowang Lake? Just answer me. Was anything done in regard to the fishing on Kogowang Lake? A.—No, it was postponed.

Q.—But the Globe interview did take place? A.—Yes, sir.

Q.—The Globe interview did take place, that was not postponed? A.—Well, I do not know anything about that. I do not know whether—

Q.—That was not postponed? A.—I do not know anything about that.

Q.—But you never heard of it? A.—I did hear of it, certainly, but how would I know whether it had been postponed, or agreed to formally? I do not know anything about a postponement.

Q.—He arrived here, when? A.—I am not sure when he arrived here, but I know he arrived before he got my telegram, because I was in the Walker House one morning as usual—

Q.—Would you give the date? A.—No.

Q.—Could not say whether it was the 28th? A.—I know it was before I expected him, by my telegram.

Q.—But had you seen Mr. Stratton that week—the week of the 27th? A.—

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No, sir, nothing more than I think I might have seen him passing through the hall; no conversation.

Q.—That is seeing him? A.—Yes, that is seeing him—yes.

Q.—Did you know that Mr. Gamey was paying him any visit? A.—No, sir, I did not. At that particular time do you mean?

Q.—I mean during that week? A.—Yes, I did know he paid him a visit that week.

Q.—I thought so? A.—I thought you meant a visit previous to that.

Q.—I am speaking of that occasion? A.—Yes, I did know.

Q.—Did you not at that time know of the Globe interview? A.—I knew of the Globe interview the day he gave it—the evening he gave the interview.

Q.—The evening he gave the interview? A.—Yes, I knew of it.

Q.—Did he show you the proposed interview? A.—No, sir, I never saw the proposed interview.

Q.—When did you first see it or hear of it? A.—I saw it in the paper.

Q.—You did not, you swear, know anything of it until you saw it in the paper? A.—No, sir, nothing.

Q.—Did he tell you what the object was? A.—I knew about it, you know, but I mean I did not see it, that is the contents.

Q.—You knew about that. What did you know? A.—I knew he was giving an interview that evening, because I was waiting for him.

Q.—You knew he was giving an interview that evening, because you were (1215)

waiting for him? A.—I was waiting for him.

Q.—Where? A.—Just outside in the corridor walking up and down in front of Mr. Stratton's public office.

Q.—Did you see the reporter there? A.—I saw the reporter, I looked in the doorway once and saw Mr. Gamey and the reporter sitting at a table in the far corner—I saw a paper in their hands, that is all.

Q.—Had you seen the interview before that? A.—No, sir, I had not.

Q.—Did Mr. Gamey show you the interview? A.—No, but he told me he was going to give an interview, and had it. He said I have an interview I am going to look over before I—

Q.—Do you recollect when that was? A.—That was that day, because he came up to the Parliament Buildings that day and wanted to see something—wanted to see somebody in the Colonization Roads Branch, and he asked me to introduce him to somebody in the Colonization Roads Branch.

Q.—And did you do that? A.—Yes, sir, I did.

Q.—To whom? A.—I introduced him to Mr. Dougherty.

Q.—In the Colonization Roads Branch? A.—Yes, sir.

Q.—Have you got any note of the day that that was done? A.—No, sir, I have not.

Q.—The day of the week would you remember? A.—Not positively—no. I think it was the Thursday, because I remember the interview. I think the interview came on Friday; I know it was the day before the interview came about. That is all I know about it.

Q.—The day before the interview came out? A.—If the interview came

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out on Tuesday it must have been a Monday, and if on Saturday it must have been a Friday. That is the only way I can tell anything about it.

Q.—I should have asked you, possibly, did anything come of these matters that were the subject of discussion in August? A.—No, sir, nothing.

Q.—What was the reason of the failure of those? A.—Well, Mr. Gamey—we had not got along, and there was no reason that I could see that Mr. Gamey was supporting the Government—we were waiting to see, I suppose.

Q.—But you know you had presented a crude plan to Mr. Grant? A.—No, we never went back to Mr. Grant.

Q.—Did you ever put that into shape? A.—No, we did nothing more except as we got further on I arranged where we could get the money, or, at least, my father did.

Q.—Where were you to get the money? A.—Well, we were to get it from a friend of ours; he was not a Government man; I do not think it is fair I should be asked to tell that man's name.

Q.—Yes. You did arrange absolutely? A.—We did arrange absolutely to get that money.

Q.—Then arranging absolutely to get the money, did you put your agreement into shape? A.—Not at all.

Q.—Why was that? A.—Well, because we were waiting for him to materialize. There had been nothing done. There had been no—

Q.—But it would not materialize unless you—

A.—We had plenty of time to get that part of it ready. He was satisfied to take our word—to abide by—

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Q.—Was there not some need for the money? Did not Mr. Gamey need the money to pay his election expenses? A.—Yes. I do not know that he mentioned particularly at that stage. Before he was anxious to get it. I do not know whether his anxiety to get the money—whether he had got any from others—I do not know. I think he had made some other arrangement—I do not know.

Q.—When did you think he had made some other arrangement? A.—Well, I did not know whether he had or not.

Q.—But you said you thought. When? A.—Any more than he did not display—he talked about wanting to get it and all that—but I don't think—

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Q.—But when? I am only asking the one question. When was it that he seemed to cease to be anxious to have this thing carried out? A.—He never ceased to be anxious to have it carried out at all. He was always out for the stuff—to get the deal through.

Q.—But I thought you stated that you thought he had made some other arrangement? A.—Any more than he never talked about the election expenses

again to me. He did not talk about that to me again.

Q.—He did not talk to you again about that after August? A.—Well, he may have mentioned it later on when we tried to get—

Q.—It is not a question of "may have." I could say that in the box. It is a question of whether he did or not? A.—Well, I will not swear to that.

Q.—At all events you have assigned that as a reason that you thought he had made other arrangements, and that was not pressing. Was there any other reason for your not going on and endeavoring to complete that matter? A.—Nothing more than we were just waiting for a time to be decided on, when the session would be held, and we would be better able to operate them; we would have two or three weeks to get things in shape.

Q.—You would be better able to operate when the session was going on? A.—No, not particularly when the session was going on, but when the notice of the session was given. We knew we would then begin to draw our plan together, and get it in shape. I did not think Mr. Gamey's indorsement of my application for McGregor Island would be any good if he walked into the

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House and voted with Mr. Whitney. I wanted to see him—I thought if he voted with the Government—I thought his indorsement would be some good then.

Q.—Would be some good then. Well, but did you not think—just carry your mind back—that the letter of the 10th September was very absolute upon that? A.—Yes, I did, but I did not trust him very much.

Q.—What? A.—I did not know whether he would carry that out or not. I did not go into that very much. I did not believe him. I thought he might or he might not.

Q.—You thought he might or he might not? A.—I was not going to take any—

Q.—What would be the object? A.—I don't know.

Q.—Listen? A.—I do not trust everybody in everything they tell me or anything like that, you know.

Q.—But you did not listen to my question. What would be the object of his signing a letter of that kind? A.—I do not know. I had not any idea what his object was any more than he said he was going—any more than the conversation he had in Mr. Aylesworth's office—he said I am a supporter of the Government, and he signed the letter

as showing that he was, and that Mr. Aylesworth—

Q.—Well, do you really say that you had no confidence in Mr. Gamey at the time? A.—Well, I had confidence as far as I have confidence in anybody else. I do not believe, as I say, everything that they tell me. I like to know where I am at, with this, before I go too far.

Q.—Don't you remember Mr. Aylesworth saying, and I read this to you, "I think if you are going to support the Government you will not have much

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need of counsel defending you in this petition, I do not suppose it will likely be pressed against you?" A.—I do not remember that particular. As I tell you before, there was some conversation about that.

Q.—But whether you remember that or not, does it not strike you that that was common sense, that that would be the result, from his signing that letter? A.—Well, yes. I suppose if a man declared himself as a supporter of the Government that there would be no use of the Government trying to unseat one of their own supporters.

Q.—Of course not, and then do you not think that that being so, and having that letter, that you might have carried on your arrangements in the Crown Lands or other Departments with the indorsement of the man that had declared himself to be a supporter? A.—Well, I cannot say why, any more than that. It was a business proposition. I did not want to make any mistake in connection with the affair. That was my reason. I waited; I just wanted to see whether he was the best man to indorse it or not.

Q.—You waited a little too long, didn't you? A.—Well, I do not know whether I did or not.

Q.—You have hopes of McGregor Island yet? A.—I do not say that I have or have not. Our application is there, that is all.

Q.—Then you wanted him to go down about the fishery matter? A.—Yes.

Q.—Did you substitute the fishery matter for the timber deal? A.—We did not confine ourselves to any particular deal. Mr. Gamey wanted about ten things through, and of course he

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would take me in on all of them, and I was willing to be his partner in twenty, if he would bring them on. There was not any limit to the number of things I would go in with him on. If he had gone into a hundred—

Q.—You would take all the fish that came? A.—I was open for all the deals. If he wanted to go in, and take me in as his partner, I was with him on it.

Q.—And what were you to do in regard to the fishing, and the fisheries? A.—Well, this Kogowan Lake, there had been another lake down on the Island leased to a company, and it struck me—I found out that this lake had been leased to this other company, it was talked around, and it struck me as a good idea that this other lake might be gotten in the same way—this Kogowan Lake—and just about that time we knew of a man in connection with a fishing company who was willing to go on.

Q.—Would allow his name to be used to get a share? A.—Well, he would go in on a thing like that. He thought the conditions under which the other lakes had been received were very, very good, and, of course, he was willing to go in.

Q.—Of course, you would have to use somebody's name; and was he willing that his name should be used? A.—I do not know. We were just going to form a company. There was nothing to keep my name out of that, or anybody else's name. I was to have my share. That was my idea.

Q.—And was it discussed what the share of the other man was to be? A.—No, no discussion. Mr. Gamey and I talked about it when he was down—

Q.—Was it that? Was any statement made of what the probabilities were?

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A.—No, not until afterwards.

Q.—But at what time was it stated what the profits probably would be? A.—Well, when he came down—when he came down here to Toronto, I met him. I know he could not have got my telegram when he was here, because—

Q.—I am not asking you that. A.—Well, I just had a little discussion with him then about this fishing deal. He said, well, now, I am down on other business, and I have got to go right home. He says there is no use of talking that matter over, we will wait until the session. He said, if that is satisfactory, all right. I said, all right, we will wait until the session.

Q.—Then, did you mention it only in connection with this lake, or did you mention the fishing matters in connection with the other localities—other places where you were to get some deal?

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A.—No, I think I only mentioned it in connection with the lake, or in connection with—I may have mentioned it in connection with Noble Brothers on the north shore.

Q.—Did you state what the Noble fishing matter was? A.—They had pound net licenses on the north shore, and they wanted to renew the licenses, and, I suppose, like myself, they wanted to get the man who was going to support the Government, that man in that constituency who was going to support the Government to endorse their application, and one day one of the Nobles called at my house—I don't know how he came there—and he asked me if I would write him a letter—write a letter to Mr. Gamey, about this endorsement of his.

Q.—But what advantage was there to be to you and Mr. Gamey in that matter? A.—Well, I do not know, but Mr. Gamey had suggested this to me earlier, along about October or November, some time about that. He said, if I could get the patronage for the island up there there is a whole lot of Conservatives that I will have to give things to, and there will be nothing in that for me. He says, I do not want to give those fellows that. I says, I will tell you what we will do. He said, some of these people, they think they ought to get something out of it. I do not want to give them anything; and, he said, I will leave some of it to you, and, he said, you can—

Q.—You were to be assistant? A.—I was assistant to Mr. Gamey. Do you

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see in the patronage game?

Q.—And you would get what the Chinese call a rake-off? A.—Well, it was more of our deal—

Q.—I know. But is was all the same class of deal. Wasn't that so, Mr. Sullivan? A.—I do not think that I—

Q.—There was to be something for the boy? A.—Well, yes. I was not working for my health in that particular.

Q.—You were working more for your conscience. Then beyond the Noble deal and this lake deal and the McGregor Island, what other deal? A.—There was another deal mentioned down near Massie or Webbwood in connection with some free gold discovered there by a friend of Mr. Gamey's, Jim Miller of the Sault.

Q.—What were you to do in regard to that? A.—From what I could learn from Gamey, we were to knife Jim Miller, his friend.

Q.—Were you to use his name? A.—No, he was going to do the knife act.

Q.—And you were to receive the results? A.—No, he was to receive his share.

Q.—And the knifing of Mr. Miller consisted in what? A.—Mr. Miller had confided in Mr. Gamey, and told him about the discovery of this ore, but the snow was not off the ground and they could

not prospect any, and no one knew anything about it but Mr. Miller and a partner of his from the other side, and he told Mr. Gamey because they were friends—they had been in on the Pug mine together—and Gamey came to me and says, Frank, there is a chance, I know where the gold is, we will go and take a blanket—go and

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blanket so many acres of that, put in a blanket application for that, and we will cover that, and we will wait very late in the season, and when the snow goes off, Miller will go on and prospect and find out what is in that, and go down to the Parliament Buildings to get his mine, and we will have the game, and he will pay for the prospecting, and we will have the mine. I said that is a good one. I am with you on that.

Q.—You were with him on that. You never reproved Mr. Gamey for this method of dealing with the public property? A.—Well, he was not—he was just in for the stuff—

Q.—You did not reprove him? A.—Well, no, I do not think I did. He wanted to get those things.

Q.—And you did not pull away from him when you found what a very dishonest man you had to deal with? A.—No more than you have pulled away from him—no more than you have have pulled away from him now.

Q.—Do you think the positions are so alike? A.—Not at all, but I do not think it is a question that you should ask under the circumstances.

Q.—Well, I am very sorry that I hurt your feelings. I withdraw the question? A.—Thank you.

Q.—But the matter went on at all events? A.—Yes, sir, that was talked of along about December and January, we were waiting for the snow to get thawed away a little so that when we did blanket this proposition we would have a little time, we would have a little time to prospect it, and we would know what was there.

Q.—Then going back again. Would you tell me who it was that was willing

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to advance the \$5,000? A.—I do not think that I should be made to answer. It is a man—a man in St. Catharines who has been in deals with us, and I do not think that I should answer the question.

The Chancellor: I think you should tell.

Mr. Blake: Would it be a Larkin? A.—No, it was not a Larkin.

Q.—There was only one other there, if it was not a Larkin? A.—That I had been in with?

Q.—Yes. A.—Oh, no. I know lots of people in St. Catharines.

Q.—But in a five thousand dollar deal?

A.—Well, no. If his Honor says I should answer, I will answer that question.

The Chief Justice : Oh, yes, we agree that you should tell.

Witness : Well, it was Mr. Thomas Nihan.

Mr. Blake : Nihan ? A.—Yes, sir.

Q.—Had he absolutely arranged to pay you this ? A.—He did not absolutely arrange to pay me anything. My father put that proposal to Mr. Nihan, and he said, well, Captain, I will think this—

The Chancellor : Is it really worth while going into this ? It is remote. He has given you the man they were to get the money from.

Mr. Blake : Thomas Nihan is the name of the man ? A.—Yes.

Q.—What was the date that you got that promise from Mr. Nihan ? A.—I could not say. It was along in August, I suppose, I could not say.

Q.—You think it was about August ? A.—Yes, along there.

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Q.—While this matter was fresh in your mind ? A.—I know it was that time, because my father made the arrangement.

Q.—Then would you tell me—you can answer in a sentence—whether beyond this class of matter that you have spoken of, there was any other matter in which you were to be interested ? A.—Well, later on, yes.

Q.—What was that ? A.—Well, the day before the House opened, I was approached by Mr. Gamey to take part in the deal.

Q.—What was that ? A.—To knife or to stick to a story which he had told his Conservative friends by which to throw the Government out of power.

Q.—What was that ? A.—It was in the nature of the supposed exposure he has made in the House.

Q.—What was that proposition that was made to you ? A.—Well, Mr. Gamey came to the Parliament Buildings the morning before the House opened. I think it was the 9th. I met Mr. Gamey in the hallway, and he shook hands with me, and we went—he wanted to know something about the seats in the House, and I walked down the corridor to Mr. Chase's desk, where his assistant sat—Mr. Chase was not there—I asked him if the plan of the House was out yet. He said no, and I walked back to the Chamber and tried the door, and couldn't get in, and then I came back to Mr. Gamey. I had left him by the main elevator on the second floor

as you enter the Government lobby, and just when I came back I happened to look at my watch, and I asked Mr. Gamey what time it was. I wanted to start my watch. He said ten minutes to ten. We looked down the hall, and he saw coming towards him, as he supposed, The Mail reporter, and he said

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step in—can we step in any place until this fellow goes by—I do not want to see him. It was Mr. Charlesworth. We went into an office on the north side of the hallway. After Mr. Charlesworth went by we stepped outside, and he talked about a few little things, and then he said I want to have a private conversation with you, can you take me any place where I can have that conversation. I said we will go right across into the lobby, there is nobody there. We went into the lobby and stood just under the stairway, and he started off by asking me, well, he said, I am up against a pretty hard thing now. He said after my Globe interview the people at the Island, and the Conservatives in Toronto have been bounding me.

Q.—Pardon me for a moment. The Globe interview was it on the 27th or 29th January ? A.—He says, they have been hounding me around, and he says, I do not know—he said, they threaten me in all shapes at the Island. He said I had to make some excuse, after giving that interview, and the excuse I made to my friends was that I had received money for doing that, and he said I want you to back me up in that statement, and he says you will, won't you ? Well, I says, what statement have you made ? He went on to tell me how he had told that he had got a sum of money from Mr. Stratton in September, and another sum of money for giving the Globe interview. He says those are the times that I know that you were with me, those are the two times that you were with me in the Parliament Buildings, and he says that is the reason, I have got to have someone to corroborate my evidence, and he said there is the twice that you were with

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me in the Parliament Buildings, and he said, those are the times I will pick on. I said what did you tell them. Well, he said, I told them I was hard up, and that I got down to Toronto, and he went on with this and that, and that I knew him, and how he and I negotiated and got \$4,000; \$3,000 once, and \$1,000 another time, and I said what else ? And he said I told them we divided the money, and I smiled, I said that is a good thing to tell them; I says I have

not seen any of that money that you have got. He said, well, now, I want you to tell this story; you will get me out of a tight hole. There may be nothing come of it, and we will fix it up all right; and then he elaborated a scheme there by which we were to stick by what we said: we were to stick by the proposition that Gamey went to Mr. Stratton, accompanied by me, and that Stratton handed the money to Mr. Myers, and that Mr. Myers took it down to the smoking-room and handed it over to us there. Well, I said, Bob, I cannot; I am in the employ of the Government here; I cannot risk anything like that; I cannot enter into a deal like that with you, I said, and, besides, I have not got the \$2,000. He says, that can be arranged all right; I will arrange that all right. I said you have got to. We talked away about it, and I said I have got to see the money first. I said, let me see the money: you make your arrangements for the money, and I will see what we can do. Well, he said, we can do this now, he said it is all right, and he said, by throwing the Government down I will be made Minister of Mines, there will be no trouble then about what we can do. I said, well, go on, and see what arrangement you can

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make about getting the money. Well, he said, now mind that is your story: that we have received \$3,000 from Stratton in September, and \$1,000 for giving the Globe interview, that Mr. Stratton gave the money to Myers, and Myers took it to the smoking-room. I said all right;

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I said you make arrangements for your money. We talked away on the proposed plan, and all this thing, and he said, I will go now and make arrangements for the money, and I will be back this afternoon to the Parliament Buildings to see you. I said all right. We spent about forty minutes talking this thing over, the pros and cons, how we were going to do this and that, and we went on up the steps into Mr. Glackmeyer's office, and he got his ticket for the House. We walked out of there, and I took him down to the Public Works Department and introduced him to Mr. Edwards and Miss O'Grady, and he went out—he went out then—I stepped to the door, and he went away. It was within a few minutes after 11. I thought about it. I first of all was going to write his whole plan out, that he had laid before me, and go and see if I could not send it in and give it to Mr. Stratton, and let Mr. Stratton know of it, and I went home. I went home very early—I went home about twenty

minutes to 12, and I sat around the house before lunch was ready, and I went into my office, and I thought this matter over and tried to see which was—

Q.—Was this the 9th? A.—The day before the House opened—to see which way would be the best to act on him. I went back to the Parliament Buildings in the afternoon, and he came to the office, called me out, and he said he was going to Colonel Clark's office to be sworn in. Then he said, what do you think? I said, have you got the money, and he got very indignant. He said no, but I have made arrangements for the money. Well, said I, now, I am not going into anything like this before I see where the money is coming from; I have got to see the money. He

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said, you are not getting anything here; he says, I can make it worth your while. He said, if we can tell this story the Government can never hope to stand. I said, you go ahead and lay your plans and fix this thing up, and I will see. Now, he said—he talked away a little more—and he said, I will get the money; he said, you come down to the Piano factory to-morrow night, and talk this matter over with me; he said, we will go over this whole plan; he said, you think the thing over, and, he said, we will just discuss this whole plan when we get there. I said all right, but I said, mind you get the money, and I spoke that way a little while to him, and I went back to the office, and I had an arrangement to go to the dentist, at least, I telephoned to the dentist: I wanted to go to the dentist to have some work done, and about 3 o'clock I was to leave the office to go to the dentist's, and I went down the stairs, and I met Mr. Stratton just at the foot of the stairs. I bowed to him, and I said, Mr. Stratton, I wish to speak to you for a moment. I said, this man Gamey has been to see me to-day, and I said I do not think you had better count on his support very much; the way he is carrying on, the story he has been telling me. Mr. Stratton waved his hand, he said, Oh, that is all right. "I never expected the man," or "I do not trust those kind of people, anyway," he said "I never expected him to support the Government, anyway," and he walked on. I said to myself, well, Mr. Stratton, if you do not want to know anything about this, why, I says, I do not care whether you know it or not. I said, if you do not want

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to know what kind of a fellow he is,

why I said it is all right, so I went on out of the Parliament Buildings and over to the dentist's, and had my teeth fixed, and went home.

(Adjournment 1 p.m. until 2 p.m.)

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AFTERNOON SESSION.

Thursday, 23-4-03.

Examination of Frank Sullivan Continued.

Mr. Blake: Do you remember. Mr. Sullivan, where we parted at lunch time? A.—Yes, sir; I think we were at the arrangements Mr. Gamey made for me to come down to the Crossin Piano Factory.

Q.—Well, Mr. Stratton, waving you away, telling you he did not take any stock in Mr. Gamey, of course you wrote him the details of this? A.—Wrote who?

Q.—Mr. Stratton? A.—No, sir; I did not write anybody.

Q.—Indeed? A.—No, not at all.

Q.—Wrote to no person this plot which was formed? A.—No, sir, I did not. I said I first thought of writing it.

Q.—Never mind. You did not do it? A.—No, sir.

Q.—Did you inform anybody of it? A.—I told my father part of it, that was all. I just told my father part of it.

Q.—When? A.—Well, at Monday evening.

Q.—Tell anybody else? A.—No. I did not tell anybody else.

Q.—No member of the Government? A.—No member of the Government.

Q.—Not anyone in the Department? A.—No, sir.

Q.—Where you were? A.—No, sir.

Q.—Did not mention any portion of this? A.—No, sir.

Q.—Of this plot against the Government? A.—No, sir; I did not.

Q.—And what part of it did you tell your father? A.—Well, I told my father about him wanting me to—just

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about him wanting me to go into this thing, and about him wanting me to go down to the Piano Factory.

Q.—And he was to go down to the Piano Factory and there you were to get the money according to his statements? A.—Well—

Q.—You thought at all events? A.—Well, no; I didn't think, I wanted to see how far he would go in the matter, that is all. He said he could get the money.

Q.—And as I understood you, the meeting in the Piano Factory was to

carry that out? A.—Rehearse the story. He wanted me to get the story, he said: "Now, weigh those facts and everything, you meet me at the Piano Factory and I will fix this thing up, and I can get the money." Well, I said I will meet you.

Q.—So if he had kept his word when you met at the Piano Factory you would have got the money? A.—Well, I suppose I would have, he would have offered it, I don't know whether I would have—I would not have got it, that is sure.

Q.—As it turned out, he had three witnesses there to listen to this arrangement. Did you go to the Piano Factory, were you there at all? A.—Yes, sir.

Q.—Sure of that? A.—Positive.

Q.—And did you get the money? A.—No, sir.

Q.—Did you talk about the money? A.—When he met me at the Piano Factory—

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Q.—Did you talk about the money in the Piano Factory? A.—Well, there was some mention made of money in the Piano Factory, yes.

Q.—Did you talk about the money that he had stated he would get and give to you? A.—No, not about the sum he had stated he would get and give to me.

Q.—So that the meeting would apparently fail of its principle object, in arranging for your payment? A.—Well, it didn't—we were to talk the matter over there and the result was not as—

Q.—Did not pan out? A.—Well, didn't pan out as he expected, no.

Q.—Nor as you expected? A.—Well, I was not surprised.

Q.—Some people never are surprised, but the hand was there ready to receive if the money had been there? A.—No, it was not.

Q.—It was not? A.—No, it was not.

Q.—You would not have taken it? A.—No, I would not have taken the money.

Q.—Not because you could not have got it? A.—Well, I don't know, I cannot say that. He was talking that he could get it, and I was saying come on with it.

Q.—You led him at all events to suppose that you would have taken it if he had had it there, you led him to suppose that? A.—Well, no I did not, because when I met him at the Piano Factory door, he said he could get it, and I said now, well, I said, we will see about that, and we went on up to the Piano Factory.

Q.—In the Piano Factory was there a word said about the payment to you by him of any amount of money? A.—No, sir,

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there was not.

Q.—Why did you not enter into the question of that which had been the matter when you left in the afternoon? A.—Well, he wanted to rehearse the story over to see how good a story it would be.

Q.—Who was to do the rehearsing and who was to be the judge of how good it was? A.—Well, we were to judge between ourselves, we were to talk about it, and that was all. Probably those fellows behind the pianos.

Q.—Would what? A.—Judge of the story.

Q.—Now, you were here, were you not, while these gentlemen were being examined? A.—I was, for one. Part of the time for the first Mr. Price, who was in the box. I was only here for part of it.

Q.—I should have asked you, and I go back to it now out of order; Mr. Gamey, as you stated, thought it was well to tell the Manitoulin people that he had received money? A.—Well, he did not particularly, he said his Conservative friends around the Manitoulin Island had been after him.

Q.—Let us confine ourselves to the one matter in connection with that, the Conservative friends. A.—Both there and in Toronto, I understood him.

Q.—You had confined it to the Manitoulin and for the moment I am confining it to there, not objecting to your mentioning what took place in Toronto afterwards, but in Manitoulin his answer had been, that he had received money, to his Conservative friends? A.—That is what he told me in the piano—in the Parliament Buildings.

Q.—That is putting it fairly and squarely that he had been bought with

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money? A.—Yes, that is the story he wanted me to corroborate.

Q.—That is the story he stated to you that he had told his Conservative friends? A.—Yes, and I was led to believe—

Q.—That he had told his Conservative friends plainly and distinctly that he had been bought with money? A.—Yes.

Q.—And he had told that to them for the purpose of getting out of the difficulty he was being placed in by them? A.—Well, he said he had told them that story. They just came around and there was this one to see him and that one, and at last he made up this story and told them this story that that was the reason he changed his—

Q.—He did tell them? A.—I didn't go into that with him.

Q.—Can you conceive how it could satisfy any body of constituents for a person elected to represent them to say

I have been bought with money and have therefore changed my politics? A.—Well, I cannot pass judgment upon that.

Q.—And without passing judgment upon it, could you give us any suggestion as to how it could possibly benefit the position of the member? A.—Well, yes, he expected, as he told me, he said this will—we will defeat the Government on this, and I am going to be appointed Minister of Mines.

Q.—What has that to do with the question I have asked you, how could it satisfy any body of constituents to be told by the candidate that he had been bought by money to sell himself? A.—Well, I told you I could not—I cannot decide that.

Q.—No man could, I suppose, know how that would be a way out of the

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difficulty? A.—No, I don't think that any one.

Q.—You do not think it bettered his position? A.—No, I don't think so.

Q.—In fact, it appears to you so unlikely that if anybody else but yourself had stated it you would have doubted it? A.—Oh, well, I am not—I don't know that.

Q.—Then let me ask you as to this interview, which seems to have so strangely gone off from what the intent was. Nothing was said that we have here upon the question of payment of money to you by Gamey. Have we that positively down? A.—Yes, we did not discuss what I was to—the payment of any money to me in there.

Q.—The payment of any money to you at all. Did Mr. Gamey say to you at that interview that the Manitoulin people did not think that he got any money out of the deal? A.—Well, he mentioned that they thought that he was going to get something more, they did not know whether he had—

Q.—You are getting off from my question. Did Mr. Gamey say that the Manitoulin people did not think that he got any money out of the deal? A.—No, he did not.

Q.—In that respect you would differ from the two Messrs. Price and from Mr. Kinney? A.—Well, I don't think he mentioned that.

Q.—Of course, you see that that would absolutely contradict just what you have told, that is that Mr. Gamey stated to you that he had told the Manitoulin people that he had received the money? A.—Yes.

Q.—Upon that point are you absolutely clear, or is it merely that you state that you are not certain about it? A.—Well, I think I am pretty clear on that point.

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Q.—So clear that you will absolutely pledge your oath to it? A.—Well, I don't know, he may have mentioned something of that and may not. I would not say positive about that particular.

Q.—I want to call your attention to it, because I would have thought that would have struck you at once, it was so absolutely opposed to what he had told you? A.—He did not particularly put stress on the Manitoulin Island Conservatives. He said his Conservative friends in Toronto and the Manitoulin, he told them.

Q.—Let me again put the question which I want you absolutely to answer to me. You bear in mind that Mr. Gamey had told you that he had stated to the Conservatives, whether in Manitoulin or Toronto, or in both, that he had received money, and that that was to account for his change? A.—Yes.

Q.—Now, I ask you did Mr. Gamey at this interview say that these people did not think that he got any money out of the deal? A.—I say that I cannot swear positively that he said that or did not say it.

Q.—Then we will let that pass. It would have struck, I would have thought, of course, because it was so opposed to what he told you? A.—Well, it may have, it may not have.

Q.—At all events, you have no memory upon that. Do you recollect anything of the conversation that took place that evening, so as to be able to give the language used? A.—Well, I have a recollection of what was said, our line of conversation. I said lots that I don't remember, of course. I don't think that I remember every word that was said.

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Q.—Did you say to him that Mr. Stratton was uneasy? A.—Oh, I may have said, yes. I may have said that.

Q.—In fact, your memory would be rather in favor of your having said it? A.—Yes, I may have said that, why, certainly.

Q.—And I need scarcely ask you, Mr. Sullivan, you would not have stated that unless you believed it to be the truth? A.—Oh, well, I don't know.

Q.—I have a better opinion of you that you have of yourself? A.—Well, I was there for a purpose, and I don't think I weighed—

Q.—Was the purpose the getting the money? A.—No; that wasn't it. I wanted to see how far this man would go, and to persuade him that it was a very bad course for him to pursue.

Q.—But you would let him go very long in this evil course. Why did you want to pull him up short at the piano factory? You wanted to play quite different music from what you had played up to that time? A.—Well, no, I wanted to see, as I say, how far he would go; when I spoke to my father about it my father said, "Why, go on up there and see how far he will, go, Frank," that was all.

Q.—But you said that you had two objects in view, one to see how far he would go, and the other was to try to restrain him? A.—Well that was, I wanted to see just what—

Q.—But I am afraid you did much more of the former than the latter, did you not? A.—Oh, well—

Q.—Did you not, Mr. Sullivan? What did you do in the way of restraining him? A.—Well, I don't know whether I—

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Q.—You just merely set him going, brought a little of the principle of Archimides to bear? A.—Well I might have, yes.

Q.—Did you also say to him that Mr. Stratton wants to see you every day? A.—Why, yes I did.

Q.—And again I say, Mr. Sullivan would not state it unless it was the truth? A.—I don't think I told him all the truth up there. I wanted Mr. —my idea, was that Mr. Gamey was, as I tell you—

Q.—Never mind that.

Mr. Riddell: Let him finish.

Mr. Blake: Mr. Riddell is very anxious to have as much of you as possible, and I do not object. A.—Certainly my idea was that Mr. Gamey was playing me as it were, and I was playing him. I had Mr. Gamey under the impression that all I had to do was to go up to the Parliament Buildings, snap my fingers, and down came all the Ministers to me. That was my idea.

Q.—And from what you saw he believed it? A.—Why, certainly he did.

Q.—He had possibly good reasons? A.—Well I don't know, but I had carried it that far that I had him believing that that was my position there.

Q.—Four of the Ministers in one pocket and three in the other? A.—Well I had them anyway. We did not discuss how, but I had them all right.

Q.—And then the next sentence was that Mr. Stratton being uneasy, insisted on you going to see him every day? A.—Oh, well, I tell you I said lots there.

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Q.—You said that? A.—I said that, I guess, yes.

Q.—I am just giving what these three gentlemen have stated to us. And I suppose uneasy about the position of Mr. Gamey and what he might say and do? A.—Oh, I don't know, I didn't apply that to anything particular thing; I just used that, that was part of my—

Q.—Was there any other matter that you then brought out except the Gamey matter that would make Mr. Stratton anxious to see you from day to day? A.—Oh, no; no, there was nothing else.

Q.—And you told him of course as part of that that you were favored in being able to get into Mr. Stratton's office whenever you liked? A.—I could just walk down there and put the members aside and go right in.

Q.—“Open sesame” when Sullivan appeared? A.—Yes.

Q.—Did you talk about a mining deal? A.—Yes, sir.

Q.—What mining deal was that? A.—That was just one that he had spoken about, the Miller.

Q.—And did you state as to that that Mr. Stratton would have to put it through? A.—Oh, I don't think I stated that Mr. Stratton would have to put it through. I said “we can get that through.”

Q.—Did you not use Mr. Stratton's name? A.—I don't think I used Mr. Stratton's name.

Q.—On your oath? A.—On my oath I would say I did not use Mr. Stratton's name in that particular.

Q.—Do you say that, not a question of what you would say, but do you say? A.—Well, I won't swear that I used Mr. Stratton's name in connection with that.

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Q.—Or that you did not? A.—I won't swear either way. I may have used his name.

Q.—Then you are absolutely safe there? A.—Yes.

Q.—Then did you state that the whole Government knew of this matter? A.—The whole Government knew of what matter?

Q.—Of the Gamey arrangement? A.—No, I stated that the whole Government, that I thought the whole Government knew that Mr. Gamey was going to support them, were led to believe that he was going to support them, that is all.

Q.—Will you swear that you did not state, these gentleman saying that, that the whole Government

knew of this Gamey transaction? Not merely the question of support, but the means whereby that support was obtained? A.—I swear that I did not.

Q.—You swear that absolutely? A.—Yes, that I did not use it in that way.

Q.—Well in what way did you use it? A.—I said that the whole Government knew, and were under the impression that Mr. Gamey was going to support them. That is the conversation as near as I can remember. There was no particular stress put on the Gamey matter or anything else. It was just that Mr. Gamey was going to support them.

Q.—And you did say that to him? A.—I did say that, yes.

Q.—In all these matters that I have asked you about up to the present, was there any truth in them, or was it simply drawing on the imagination of Frank Sullivan? A.—Well, it was part of my—I wanted to, as I told you before, lead Mr. Gamey to believe that I was very high up there, and that I—because my opponents in those deals

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I was in with were people who were close the other way, and I wanted Mr. Gamey to think I had power.

Q.—What good was it going to do you at this interview, I won't say to tell a lie about it, because I would not like to do that to Mr. Frank Sullivan, but to be economical of the truth in speaking about it? A.—What was my object?

Q.—Yes? A.—Well, I thought I would let him go on with this deal, and then I would use my persuasive powers to show him where he was wrong, and that the whole thing would drop at that, that he would not carry out the proposed scheme.

Q.—And when in the conversation did you first begin that most admirable and righteous portion of the transaction? A.—Well, I told him at one stage, I said, if we intend to carry this out we have got to have our story in better shape than this.

Q.—That was the way you were pulling him up? To tell him that he must get his story into good shape? A.—Yes, get his story in good shape.

Q.—Do you think that is very logical? A.—Well, I will tell you why, because he had made several; he had made a blunder or two, and I wanted to show him how impossible it would be to carry that thing out, if he could not remember from the day before what he had told me, and what we were to say, he would not remember it a week

from that, or when he intended to spring it I hadn't any idea when he wanted to use this.

Q.—And, therefore, a mode of defeating him, you said, we must get the story into good shape? A.—If you are going

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to carry this story out you have to have it in better shape than that.

Q.—Did you proceed to endeavor to carry out that scheme by giving him his lesson in the way he should put it? A.—Well, we got the one portion of it where I, as it were, corrected him. That was at the portion where he wanted, he had agreed up in the buildings to say Myers took the money from Stratton, and took it to the smoking-room.

Q.—Now, we have got that. I will go on for a moment from that. Was there, during the whole of this conversation, any other matter in respect of which you tried to make him right for the purpose of the story? A.—Well, I said—I don't know whether there were or not.

Q.—We have heard of none up to the present. In regard to that you say that you told him he was in error, did you? A.—Yes, I said now——

Q.—And what did you say to him; just give us your own version of that? A.—I said, "That won't do, Bob." I said, "There is where you are wrong the first thing."

Q.—Were you as familiar as that with a member of Parliament, calling him "Bob"? A.—Yes, oh, yes.

Q.—Familiarity does not breed respect, you know? A.—Not in this particular case.

Q.—However, you called him Bob, and what did you say to him? A.—I said, "Now, there is where you are wrong; there you have got to get that story right," I said, "If we are going to tell a yarn like that we have got to get it right."

Q.—Are you sure of that? A.—Well, I said words to that effect.

Q.—Listen to me now for a moment. Do not be condemning yourself. One of

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your objects was to endeavor to restrain him, and now you say, "If we are going to tell a story like that we have got to get it right." Why, you are throwing yourself in with him? A.—I know, but we hadn't come to the restraining point yet.

Q.—You did say that "we have got to get this yarn right," and then how did you put it to him? A.—Why, I said, "You said up in the buildings that it was Myers took that money to Chase and Chase took that money to the

smoking-room." He said, "All right. I had forgotten that about Chase." He said "I will write that down," and he took a small book out of his pocket, like that, and put it on his knee and wrote "Chase."

Q.—Were you keen enough to see that the man was drawing you there, or did you take it all in good faith? A.—Oh, well, I didn't have any too much faith in Mr. Gamey, I was covering myself pretty well; I wasn't leaving myself open to Mr. Gamey; I think, I consider myself just as——

Q.—I was not treating this as if this was the first transaction at all, and as if you were an innocent upon it. You were not going to let your tracks be open, and you were covering them? A.—I don't say I had any suspicion that Mr. Gamey was trying to trap me, or anything like that, but I didn't have anything to be afraid of, and, therefore, I was not anyways particular how the conversation went or what was said.

Q.—I never accused you of being particular? A.—Well, I don't accuse you either.

Q.—Well, what did you say about Chase and Meyers? A.—I gave that conversation.

Q.—That was all? A.—That is all;

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he marked that down.

Q.—Then did you say, and what did you mean by it, that if Mr. Stratton kicks that you would give him that money back, and tell him it was only security? A.—I didn't say that if Mr. Stratton kicks we will give him that money back; I didn't say that. I positively swear that that was not said.

Q.—Then what was it that was said that was so like it? A.—There was no—there was not any previous to that Mr. Gamey said that he had been given funds to carry this thing out.

Q.—Previous to that? A.—In the conversation previous to that.

Q.—Wait, just tell me at what part of the conversation that took place? A.—Well, I think on the way up——

Q.—No, no. I am asking you the conversation in the piano factory? A.—Well, it had been, this didn't occur, I don't think, in the piano factory; I think it occurred on our way up the steps.

Q.—Then we will drop it. Will you say that in the piano factory you did not say—I am putting in "Mr." Stratton, as I think it sounds better, "if Mr. Stratton kicks we will give him that money back and tell him it is only security?" A.—No, I did not say that.

Q.—You are aware that these three gentlemen swear that you stated that? A.—I did not say that.

Q.—Was there any statement made by you which might be confused by them so as to give that meaning to it? A.—Only this, Mr. Gamey said, "Well, if I don't carry out my deal with these people when I go in the House they will impeach me for taking money." He led me to believe that he had received money from his own party to put this thing up.

Q.—Do you mean to say that that took place in the piano factory? A.—Well, as I tell you, he told me in the Parliament buildings that he could get it.

Q.—Did that take place in the piano factory? A.—No, that did not take place in the piano factory.

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Q.—Kindly confine yourself to what took place in the piano factory, and I am asking you now whether at the piano factory anything took place that might possibly be read into "If Mr. Stratton kicks we will give him that money back and tell him it was only security." A.—Well, as I say, the only thing that I could think they could construe in that manner was about the impeaching business.

Q.—If that took place in the piano factory? A.—Yes, that took place, he mentioned that in the piano factory.

Q.—Then we will get that. You say that they might have taken this language from something that was said about impeaching. A.—Yes.

Q.—Be kind enough to give their Lordships what was said about impeaching? A.—He said that in our conversation up to that time, as I say—

Q.—No, I am dealing with the piano factory. A.—I know, but I wish to tell what led me to believe that he had received money from his own people. Coming up the stairway he talked about the matter.

Q.—I wish you to confine yourself to what took place in the piano factory, that these three gentlemen might have construed into the statement I have made, that if Mr. Stratton kicks we will give him that money back and tell him it was security? A.—That matter of him saying that his own people would impeach him in the House for taking the money.

Q.—You think that might be construed into the statement I have read you. A.—I think so.

Q.—Was there anything else that took place than that that might have been construed into what I have read to you? A.—Why, yes, I said to him, "If you can return their money to them, if we put these deals through, you can return the money to them."

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Q.—And therefore all you find fault with is the expression, "If Mr. Stratton kicks?" A.—Yes, I did not use Mr. Stratton's name.

Q.—But that you could give the money back? A.—Yes.

Q.—Did you mean from that that it would not only be giving the money back to Mr. Stratton, but to the whole of the Government? A.—I didn't mean anything about Mr. Stratton. We were not talking about Mr. Stratton.

Q.—To whom were you to give the money? A.—He was to give back whatever money had been given to him by his Conservative friends, he was to return it to them and then they could not impeach him.

Q.—I will ask from you what he said to your about having received money from his Conservative friends? A.—As I tell you, he led me to believe in the Parliament Buildings that he could get this amount of money and that amount of money if he would carry out his story, on both trips to the Parliament Buildings he led me to believe that.

Q.—Is it from that that you swear that he led you to believe that he had gotten money from his Conservative friends? A.—Yes, that was my idea that he had got it.

Q.—What language was it from which you drew that conclusion, what was said that led you to that conclusion? A.—Well, he offered me the \$2,000.

Q.—From that you came to the conclusion that his Conservative friends had advanced him money? A.—Had advanced him money.

Q.—Because he offered you \$2,000? Anything else from which you drew the conclusion that his Conservative friends had offered him money? A.—No, nothing particular, when he was talking of this deal, why I was led to believe that.

Q.—I want to know, you know it is unfair to be casting these statements broadcast without anything to base them on? A.—Well, that is the only intimation I have.

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Q.—I think you stated that you were in these transactions for money, these transactions in the department, when you were to get a rake-off from the fishery and timber limits and lake and all that, you were in for money? A.—Yes, I was in for my portion of it, just like Mr. Gamey was.

Q.—Misery loves company. I do not know that you bettered yourself by stating "just like Mr. Gamey." Possibly you think you do? A.—Well, I was in those particular deals on the same basis as Mr. Gamey, to get my portion of them.

Q.—I am not quarreling with you; then you say he made you an offer of \$2,000? A.—Yes, he made me that offer.

Q.—And do you mean to tell me that you did not take it? A.—I did not.

Q.—Why? I thought you were into it for money, why did you not take it? A.—Well, that was a different proposition, from our previous deals.

Q.—But it was \$2,000? A.—I know, but it was not \$2,000 in the sense that the other money was.

Q.—\$2,000 in money was it not? A.—It was \$2,000 in money. The other was legitimate deals and this was—

Q.—The other was what you call legitimate deals? A.—Yes, I do call them legitimate deals.

Q.—What you have been describing at our morning session? A.—Yes, up to where he started in to knife his friends, I don't consider that was a very legitimate deal. I think our fishing deal and our—

Q.—Timber limit deal? A.—McGregor Island deal and the Clapperton and Bedford Island deals, these were certainly legitimate deals.

Q.—According to your standard legitimate deals? A.—Yes.

Q.—And you have no ground to find fault with them? A.—No, I have not.

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Q.—But why did you find fault with this \$2,000, which was merely a robbing of the Philistines so as to feed the Israelites? A.—Mr. Gamey offered me that \$2,000 to swear to a lie if necessary.

Q.—Oh, indeed? A.—Yes, he did.

Q.—What was the lie you were asked to swear to? A.—Well, I was not asked particularly to swear to it. I was asked to corroborate him in his story, and if he sprung such a story I knew I would be asked to swear to it, and that was that Mr. Stratton had paid him \$4,000. That is what the lie is.

Q.—And you drew your line at that money? A.—I drew my line at that money.

Q.—And do you still think that that is a well-drawn line? A.—I certainly do.

Q.—And he did not tell you where he was going to get this \$2,000? A.—Well, I cannot say that he—

Q.—He either told you or he did not? A.—Well, I knew it was going to come from his own party anyway.

Q.—Did he tell you? A.—Well, "I will get it from my friends."

Q.—You were one of his friends were you not? A.—Yes.

Q.—Did you tell him that the rest of the Cabinet were trying to sit on M Stratton, and he thought that he would

show them what he could do? A.—I may have, yes.

Q.—And which of the Cabinet was trying to sit? A.—Oh, I don't know that. I may have said that and I may not. I said a lot of stuff, as I say, up in that piano factory, that under ordinary circumstances I would not have used.

Q.—Why not? A.—Oh, because I had to lead this man on to believe, as I told you before, that I was It up around the Buildings.

Q.—That you were what? A.—That I was in it-up there.

Q.—That you were what? A.—Well, that I had a lot of—that I stood in very good grace with all the members of the Cabinet.

(1294)

Q.—That was true, was it not? A.—Well, yes; in one sense of the word, I didn't have such a stand-in as I—

Q.—You could not do everything, but you were acknowledged there, and you were used there? A.—I was acknowledged, as far as my work went.

Q.—As far as your work would go? A.—As far as my office work went. I was not acknowledged outside of that. I was an employee of the Public Works Department, and that is all my acknowledgment was.

Q.—Did you state that you had heard that Mr. Stratton had sent two men up to get McMillan to run? A.—No, I did not. Mr. Gamey stated that.

Q.—And do you remember what you said to that? A.—I said "I don't think he did."

Q.—Had you any conversation with him about the patronage at this interview in the piano factory? A.—Yes, sir.

Q.—Do you remember what you stated then? A.—He said something about getting the balance of the patronage. He was under the impression that he had made an appointment or two, and he said, "Now they may get my vote, and I won't get the balance of the patronage." I said, "Don't you fear about that; you will get it all right; they have got to use you right if you support them."

Q.—Was that then the truth, according to your conclusion of what you had seen and heard? A.—Well, I didn't see and hear anything, but I think that I could draw my conclusion on that point; I think that if he supported the Government he would control the patronage, that is the only reason I said that, and I believed that, too; I think the members control their patronage.

Q.—You knew that if he did not that the patronage generally went to the Reform candidate, although he had been

defeated? A.—Yes, that is the general

(1295)

way, I understand. I have no authority for it.

Q.—But we all know that? A.—Yes.

Q.—Was anything said about the appointment of the license inspector, Mr. Spencer? A.—He told me something about Mr. Spencer applying and being endorsed and all that, and I said, "Why, yes, but you will have the appointment, all right; your man Lewis will get the appointment, if you say so."

Q.—Didn't you say that Symes wanted Mr. Spencer to be appointed? A.—I said Mr. Symes had endorsed Mr. Spencer.

Q.—But that you need not care? A.—That he would get it; that Mr. Symes was not a voting member. That is why I said that.

Q.—Did you state to him there that your father, Capt. Sullivan, had said that if he wanted anything, that Mr. Gamey had the patronage? A.—Yes, I think I may have said that. I think, possibly, I did, because Mr. Symes had had a conversation with my father in Toronto, that is all.

Q.—Did you say to Mr. Gamey, in reply to a question of his, that you were sure that Mr. Stratton would pay over the rest of the money? A.—No, I did not.

Q.—Will you swear to that? A.—I will swear to that; yes, sir.

Q.—You know what these three gentlemen, the Messrs. Price and Mr. Kinney have said to that; you heard that? A.—I did not hear them all, as I say, I heard part of it, and I glanced over the papers.

Q.—You saw it in the paper? A.—Yes; I differ from them there; the only case that was used in connection with patronage, I said, "You will get the balance of the patronage."

Q.—But what expression could have been used that could have been misunderstood by them so that they would think you were sure that Mr. Stratton would pay over the rest of the money?

(1296)

A.—I couldn't say how or where they got such a statement as that.

Q.—There is no statement that you can recollect now that you made that could be misunderstood so as to read in that way? A.—Nothing, with the exception of that where Mr. Gamey asked me, "Will I get the balance of the patronage?"

Q.—But this is pay over the rest of the money? A.—Well, that was not said.

Q.—On that you will contradict these three? A.—Yes.

Q.—Did you say at that conversation that the Government would have to act right, as we have just got them where we want them? A.—No, I don't think I used that.

Q.—Will you swear that you did not? A.—Well, I think I will; yes.

Q.—You think you will? A.—I think I can swear that I did not use that.

Q.—Will you make up your mind absolutely now? A.—Well, I may have said that; I don't think I did, though.

Q.—I want you to pledge your oath absolutely to it, and if you will not do that, as I understand you will not pledge your oath absolutely to it, what statement was then made? A.—What was your question, Mr. Blake?

Q.—That you stated that the Government would have to act right, "We have just got them where we want them?"

A.—I said to Mr. Gamey, "The Government have got to act right with you if you support them." That was all that was said that could be construed in that way.

Q.—Did you not give a reason for that? A.—No, I did not.

Q.—Had you not got them just where you wanted them? A.—I don't think I had. I was not—there wasn't anything that I had—

(1297)

Q.—What more did you want in the way of getting them than what you had? A.—What do you mean?

Q.—Well, I mean just what I say. A.—Well, I will ask you to please explain that question?

Q.—Do you understand the expression "We have got them just where we want them?" A.—Certainly.

Q.—And had you not got them just where you wanted them? A.—Why, we were not trying to get them; I was not trying to get them any place that I wanted them.

Q.—Was all this simply playing between you and Gamey as to patronage and limits? A.—Why, no.

Q.—Was there any reality in it? A.—But, if Mr. Gamey—there was nothing that you could use an expression like that. We have got them just where we want them; I never stated that.

Q.—You swear that? A.—I Swear I never used that expression.

Q.—What expression did you use that might have been misunderstood by them? A.—I cannot tell you that. I told you I did not use that.

Q.—Did you state that they needed Mr. Gamey as badly now as ever? A.—Certainly.

Q.—That they had got three sick men and there is Mr. Evanturel, who would go over to the other side if he thought he could get the Speakership? A.—I may have said that.

Q.—Did you let him into that secret?
A.—I may have said that to him; I said lots of things there.

Q.—Again, I do not like to state that you made these statements without believing them? A.—Where, in the piano factory?

(1298)

Q.—Yes? A.—Oh, I said a lot there that I did not believe.

Q.—Was it an unusual conversation for you or was it according to your usual mode of dealing? A.—Well, I had never had a deal with a man like Mr. Gamey before, and I suppose that I probably was a little raw, and may have said a few things one way or the other that I should not have said.

Q.—You were a little what? A.—Well, I was not up in the art of dealing with a man like Mr. Gamey.

Q.—You were not up in the art of dealing with a man, do you see much of your father? A.—Oh, yes.

Q.—A good many dealings with him? A.—I do my father's correspondence, and see my father every day.

Q.—Well, at all events you are pleased to depreciate yourself, according to my thought, by stating that you were raw. A.—Well, I just—I didn't—. That covers the ground.

Q.—Did you feel at a disadvantage with a young man like Mr. Gamey? A.—Oh, not a bit; no.

Q.—Why did you throw in that expression, they were using him. Mr. Evanturel, nice, and had given him a room in the Parliament Buildings? A.—I think that came up in the general conversation. Mr. Gamey said something that he had heard.

Q.—Was that true? A.—Well, I heard a rumor, and Mr. Gamey had heard a rumor that Mr. Evanturel was to room in the Parliament Buildings. Mr. Gamey said something about it, and I said yes.

Q.—You would know that yourself, being there? A.—No, I would not know that. We don't have anything to do with that in our Department.

Q.—Do you recollect stating that if the Opposition got on to these things that you would never be able to hold your own in the three Norths? A.—No, I did not.

Q.—Will you swear that you did not?

(1299)

The Chief Justice: Did not what Mr. Blake?

Mr. Blake: That if the Opposition got on to these things that they would never be able to hold their own in the three Norths? A.—No, I did not say that.

Q.—You know that these three gentlemen swear that you did? A.—Well—I

Q.—What part of that did you not say? A.—Well, I don't think I used any of that except that I—I may have in referring to his elaborate scheme to overthrow the Government, that if he carried it out that it would win the three Norths for them. I may have said that.

Q.—If the Opposition got on to these things? A.—Well, I did not use that expression, got on to these things.

Q.—What did you use? A.—I say, to the best of my recollection, he talked about how—the three Norths were spoken of, but not in that way.

Q.—In what way were they? A.—Well, Mr. Gamey said something about did I have any information about what went on in the three Norths, and he said your father was up there. I said "No, my father was not up there." Well, he said, "They say he was up there." Well, I said, "The closest he was to the three Norths was at New Years, he took my sisters to visit my uncle and aunt in Palmerston, and returned to Toronto, after leaving them."

Q.—But as to the three Norths, and being able to hold them, what was said as to that? A.—Well, we may have talked about the prospects of the Government being able to hold the three Norths after the protests, which were then filed.

Q.—Did Mr. Gamey mention anything about any position or situation in the Government himself? A.—No, sir; he did not, not in the piano factory.

(1300)

Q.—Did he say if he was made Minister of Mines on the Tory side you could give him a lot of information? A.—No, he did not.

Q.—You know what these lads have said about that? A.—I don't know anything on that particular point; I just glanced over there—

Q.—In the papers? A.—Yes, but I don't remember that particularly.

Q.—Is your memory good enough on that, absolutely to say it did not take place? A.—Yes, sir, I am positive of that.

Q.—You never heard of his name in connection with being Minister of Mines? A.—Yes, the day previous he mentioned up in the Parliament Buildings that if he could carry out this thing that he would be made Minister of Mines.

Q.—But in the piano factory? A.—In the piano factory he never mentioned it.

Q.—Neither of these young gentlemen were with you at this conversa-

tion? A.—In the Parliament Buildings, no, I don't think so.

Q.—This is their statement of what took place at the piano factory.

Mr. Johnston: Gamey denies it, and so does Kinney.

Mr. Blake: I say these two young gentlemen, W. H. and Percy Price. A.—Well, it was not mentioned, no, it was not. Mr. Gamey never mentioned Minister of Mines in the piano factory.

Q.—Did you state that it was not Myers that took the money down, that it was Chase? A.—I said, You will have to—

Q.—Did you say that? A.—I said: "You will have to get that story right. Say that it was Myers took the money to Chase and Chase took the money to the smoking room."

(1301)

Q.—And then, what did Mr. Gamey answer to that? A.—Well, Gamey said: "All right, I will." He said: "I will put that down so I will remember it."

Q.—Anything more? A.—No, nothing about that I don't think.

Q.—Did he not then say: "We want to have everything right?" A.—Well, yes, he did in connection with that, but just in connection with that I think he said, previous to that, too, "We want to have everything right," and I said that.

Q.—Now, in regard to this registration of the letters at Yorkville, did not Mr. Gamey ask you why you registered the letters at Yorkville? A.—In the piano factory?

Q.—Yes? A.—Yes, he asked me why I registered them.

Q.—And did you not say it was handy, and you did not want to register them in the Parliament Buildings? A.—I said it was right close to where I lived, and that I did not register them at the Parliament Buildings. I don't think I explained to Mr. Gamey, but the post office in the Parliament Buildings closed at four o'clock.

Q.—Whether it closed at four or six the answer was that you registered the letters at Yorkville because it was handy, and that you did not want to register them from the Parliament Buildings, that is correct? A.—Yes, that is perfectly correct.

Q.—Did you state that you could get a scare headline put in The World? A.—Yes.

Q.—You did. Which would bring Stratton to time. In that were you speaking of what you knew? A.—Oh, well, that was a kind of wind-up to our story.

Q.—Whether it was a wind-up or wind-down, were you speaking of what you knew? A.—Why, no, that was on

the line of my other conversation with him.

(1302)

Q.—Had you attempted the scare lines and did you know the power of them? A.—Oh, no, I had not.

Q.—You did not know the power of scare lines? A.—No, I did not know the power of them.

Q.—And how did it get into your head if you did not know it? A.—Oh, well, I don't—I cannot—

Q.—You cannot be responsible for the the vagaries of the human mind? A.—I guess not. I thought of a lot of things that night.

Q.—Did you say you were sorry that Mr. Davis had not been defeated? A.—Oh, I don't know that I said I was sorry that Mr. Davis had not been defeated. I may have said that, yes.

Q.—Sorry or grieved, or regretted it? A.—Because Mr. Lennox is a friend of mine, who ran against him.

Q.—Does he admit the friendship? A.—Oh, well, I know him very well.

Q.—Did he state that Mr. Stratton had said one day, "Can that man Gamey be trusted?" A.—I may have said that.

Q.—When would it be that Mr. Stratton made that statement? A.—Well, I didn't see Mr. Stratton at all.

Q.—Never saw him? A.—Well, I mean I never saw him in connection with a conversation about Mr. Gamey, only that twice—once that I was with Mr. Gamey at his office.

Q.—I am asking you a simple question, can you recollect when this which you have just stated took place? A.—When I said that?

Q.—Yes? A.—In the piano factory if I said it.

Q.—But when was it that Mr. Stratton said this to you? A.—Oh, he didn't—I don't think he said that to me. He didn't say that to me at all. He said the day previous to me when I met him in the hall—

(1303)

Q.—I am just asking you as to this special conversation? A.—Well, I may have referred to that when I said this—Mr. Gamey never referred to my conversation on the day previous.

Q.—Do you now say, under oath, that Mr. Stratton did not say then to you, "Can that man Gamey be trusted?" A.—No, he did not say it in that way.

Q.—Then would you kindly as to that say what did take place that might possibly have been construed into a statement that Mr. Stratton had asked you the question, Can that man Gamey be trusted? A.—You mean what was said by Mr. Stratton to me to make me use that statement?

Q.—No, what was said at that meeting which might be construed into that? A.—Nothing at all that I have any recollection of.

Q.—You may have said that itself? A.—Yes, without anything leading up to it. Any time the conversation lagged I helped it along.

Q.—Were you in partnership in the Shannon deal? A.—No, sir, I was not.

Q.—Then your father had some dealings in which you have no interest? A.—A number of deals.

Q.—But you knew about the Shannon deal? A.—Well, I didn't know the ins and outs of it. I knew that he had put through a pretty good deal.

Q.—That was the deal as we had it here, I think, on Monday, in the town of Rutherford, was it not? A.—I think so, yes. I don't just remember. I know it is up on the north shore some place.

Q.—That was completed, I think, in the year 1902? A.—I think so, yes.

(1304)

Q.—And a pretty good deal was that, your father made about \$9,000 out of it. I would have called that a very good deal? A.—Well, I don't know just what my father made out of that.

Q.—He paid Nihan \$250? A.—Well, that is what they say.

Q.—And it was the Messrs. Charlton that bought it from him, was it not, for \$9,000? A.—I think so.

Q.—And he used in that Mr. Shannon's name there is no question of that? A.—Well, I think he did, I don't know. As I told you, I don't know the particulars of that deal.

Q.—I am not asking you the particulars other than this which I have asked you, and that is, Shannon's name was the name that was used, the purchase was \$250, and sale was \$9,000, and that is what you call a pretty good deal. A.—Well, yes, I call that a good deal.

(1315)

Q.—On the 7th of February there was a letter written, your letter of "X. Y. Z." of the 11th. Glance at that letter of the 7th (exhibit 28). You have read that, have you? A.—Yes, sir.

Q.—Do you see this letter of the 11th, that is one that you wrote? A.—Yes, sir.

Q.—Did you write that on the type machine yourself? A.—Yes, sir.

Q.—And that began, "I understand they are holding a meeting at Gore Bay on Monday, the 16th inst." That information I suppose was obtained from that letter? A.—No, sir.

Q.—Sure? A.—Positive.

Q.—That letter gives it? A.—I see it does, but I had a letter from Mr. Gamey and I also had an understanding with Mr. Gamey.

Q.—We will take the letter first. You had letter from Mr. Gamey, what date? A.—Oh, I cannot say, after he returned from Toronto and it was also—

Q.—Wait. You cannot say, but after his return from Toronto. Where is it? A.—Well, I haven't got it. I destroyed it, I guess. I haven't got it.

Q.—You destroyed it, you guess. Tell me under oath what became of it without guessing? A.—Well, I think it is destroyed. I clean my pockets out every few days and destroyed those letters.

Q.—Have you a remembrance of destroying these letters? A.—I have a remembrance of destroying all letters received from Mr. Gamey after keeping them a short time, a few days I would tear them up.

Q.—Do you pursue that course with all your letters? A.—All my letters.

(1316)

Q.—No place at the buildings where you keep your letters? A.—No, sir.

Q.—And notwithstanding the oath of Mr. Gamey, you say that you did receive a letter the date of which you do not remember? A.—Well, I received a letter and I also saw in the paper.

Q.—I am not asking you anything about seeing in the meantime. You did receive a letter from Mr. Gamey? A.—Yes, on or before that.

Q.—And you cannot give the date? A.—No.

Q.—And you guess that you destroyed it? A.—I am positive I destroyed it, no guess about it.

Q.—Was it a duplicate of this letter? A.—I couldn't say; I don't think it was.

Q.—Then you wanted to say something about some understanding that you said you had? A.—Yes, sir, when Mr. Gamey left me that night after The Globe interview in the Parliament Buildings.

Q.—What is the date of that? A.—Well, the latter part of January, if I remember; I don't know what date it was, along about the 28th or 29th. He said to me, "Now, I will get raked over the coals when I go home, there will be somebody to stand at my back; would you find out for me what stand Mr. Beatty took, and drop me a line about that?" He said, let me know. I said all right, I was willing to assist him.

The Chief Justice: What stand, who took? A.—Mr. Beatty, the independent, who had supported the Government.

Mr. Blake: Was it you who first mentioned Mr. Beatty's name, or Mr.

(1317)

Gamey? A.—Mr. Gamey first mentioned Mr. Beatty's name.

Q.—Did he state what stand Mr. Beatty had taken? A.—No, any more than I inferred from what he said that his was a similar stand to Mr. Beatty's. Elected as an independent and was going to support the Government. That was all I could draw from it.

Q.—What did you say to that? A.—I said, all right, I will write you a few letters.

Q.—You will what? A.—I will write you a letter or two to keep your courage up if you need anything like that.

Q.—And you say, on your oath, that it was in pursuance of that general discussion, that took place at the end of January, that you wrote this letter of February 11th? A.—That, and what I saw in the paper.

Q.—Then the letter you wrote, is that the truth in it, "McGregor and Reilly, the ex-druggist, were talking the night before last at the Walker House, and they decided they would have your promise to resign"? A.—Yes, I think that is the truth.

Q.—They said that to you? A.—No, they did not say so to me. It was told to me by—

Q.—"By all means stick to what you have done and everything will turn out OK." What do you mean by that? A.—Why, his interview, that he was going to support the Government.

Q.—What was your interest in that? A.—Having him.

Q.—Anything beyond that which you have described, the getting the endorsement as a member of Parliament? A.—Nothing whatever; no other interest.

Q.—Then this typewritten letter, was that also written by you, or typewritten memorandum? A.—It was not written

(1318)

by me, that is, the copying was not done. I wrote the letter and had it copied.

Q.—Who did the copying? A.—Mr. Frank Ford

Q.—In whose department was he? A.—Well, he is right in our hall, just around the corner.

Q.—In what department? A.—Well, he succeeded Mr. McDougall, I think.

Q.—In what department is he? A.—Well, I should think the Attorney-General's.

Q.—He was then in the Attorney-General's department? A.—Yes.

Q.—Was this a joint production? A.—No, well, I wrote out, for a couple of days I tried to make up a little something to send him, and at last I made a copy of this, a lead pencil copy, and I wanted—we were very busy in our department.

Q.—Did you confer with Mr. Ford about the form? A.—No, I just handed it to him, and he copied it for me.

Q.—He himself personally? A.—Yes, I think so, I am positive that he did.

Q.—Then these pencil alternations in it, who did those? A.—Well, I cannot say; I don't know whether I did that or not, but I don't think I did.

Q.—Your memory will not serve you as to that? A.—No, because I did not pay any more attention to that after it once left me.

Q.—I don't know whether you did or not, I am sure. And who underlined? A.—I cannot say about that. I don't think I understand those.

Q.—On your oath, did anybody but yourself and Mr. Ford see that? A.—To the best of my knowledge.

(1319)

Q.—Well, you swear absolutely that that is the case? A.—Well, I say I swear to the best of my knowledge that nobody but Mr. Ford and myself.

Q.—Will you swear absolutely to that? A.—Well, yes, because I wrote that and asked Mr. Ford to copy it.

Q.—I am not asking you any reason.

Mr. Riddell: Surely my learned friend should not question his own witness in this way.

The Chancellor: He is not exceeding the limits of what is proper.

Mr. Blake: Will you swear that anybody but yourself and Mr. Ford saw that paper? A.—Well, I don't think I can swear that, Mr. Blake.

Q.—That is an answer. This seems to be very well put together? A.—Very well put together?

Q.—Yes. A.—Well, I don't know; I haven't had anyone compliment me on it, the wording of it or anything.

Q.—They may have complimented someone else? A.—I wrote the rough pencil copy of that, and I asked Mr. Ford.

Q.—Did Mr. Ford give polishing touches to it? A.—Well, he may have. I don't know.

Q.—You don't know now what he did with it between the time you gave it to him and he returned it? A.—Well, I did not read it after Mr. Ford gave it back.

Q.—What length of time elapsed between the time you gave it to Mr. Ford and the time you got it back? A.—Well, just a very few minutes; he was not very long at it.

Q.—Would it be a day? A.—Oh, no; twenty or twenty-five minutes or half an hour. Half an hour, I should think, would be the length

(1320)

Q.—Did he himself return it to you. A.—Yes, sir.

Q.—Did you send it off the day that you received it? A.—Yes, sir.

Q.—Where did you get the facts about what Mr. Beatty, of Parry Sound, did? A.—Well, I knew what he had done.

Q.—Where did you get the facts? A.—Well, my father. I knew from my father what Mr. Beatty had done.

Q.—Just answer my question. A.—Well, from conversations I had with my father and others and hearing them talk about it.

Q.—Who were the others? A.—Well, I have heard discussions on the stand he had taken.

Q.—Who were the others? A.—Well, I cannot say anybody in particular.

Q.—Who in general? A.—Well, I cannot say that either. I have heard his position discussed.

Q.—I wish you would think that over just for a moment? A.—Well, possibly nobody else by my father.

Q.—It must be because Mr. Frank Sullivan has sworn in the box "and others." A.—Well, I think I have heard others discuss Mr. Beatty's position.

Q.—But I am asking you this question, you were asked to give the information, and you did not know, and you found out. Now, for the purpose of this letter, whom did you discuss the matter with? A.—I partly knew and partly discussed it with my father.

Q.—And whom else? A.—Nobody else.

Q.—Swear? A.—Yes, I will swear to that.

(1321)

Q.—You swear that you got no information from anybody else in respect of it? A.—No, I will swear to that, yes.

Q.—You do swear to that? A.—Yes.

Q.—This expression is said to have come from Peterborough, "acting merely in the interest of the organization in Toronto, who seemed to be grasing at straws and chasing the phantom of power." Where did you get that beautiful——? A.—I don't know where I got that beautiful sentence.

Q.—It is very pretty now that you read it over? A.—Yes.

Q.—Quite powerful. Are you an orator? A.—Well, I have not blossomed out in that respect.

Q.—Where did you get that expression? A.—Well, I—it took me some time to prepare that. I had it written in several different ways before I let it go.

Q.—And you cannot tell their Lordships where you got hold of that sentence? A.—Well, I just thought that I—I don't say that I got it any particular place. I put it in there. It is there that is all I can say about it.

Q.—Had you ever heard it before? A.—Oh, possibly, yes; I may have.

Q.—And that was the advice, at all events, that you thought it then well to give your friend, who was going to help you? A.—Mr. Gamey, on his request, yes.

Q.—What is a phantom, Mr. Sullivan? A.—Oh, well it is used there—in a lot of different ways.

Q.—Is it a timber limit that you don't get. A.—Yes, that would be one.

Q.—And a right to fish? A.—That we don't get.

Q.—Which does not materialize? A.—Yes, the fish were not there.

(1322)

Q.—Now, do you remember writing on the 20th of February? A.—I don't just remember the date; if I see the letter I will identify it, I think.

Q.—Do you remember writing a letter in which you say, "Dear R. R. called on the man you spoke about?" A.—Yes, sir.

Q.—That was rather like an expression that you used, do you remember, in the earlier letter? A.—Yes, it may have been.

Q.—Who is the man you spoke about? A.—Well, Mr. Gamey had written——

Q.—Who is the man you spoke about "Called on the man you spoke about?" A.—Well, I used that in this way. Mr. Gamey had written to me and asked me to call on——

Q.—I will give you every opportunity, first answer my question. A.—Mr. Stratton he meant by that.

Q.—It is not "the gentleman you spoke about." "the man you spoke about." Are you sure that was Mr. Stratton? A.—Yes, sir.

Q.—Were you in his department then? A.—No, sir.

Q.—"Called on the man you spoke about, and he wants you to send in the name of the license inspector and the board at once." Did you call on Mr. Stratton? A.—No, sir.

Q.—I am beginning to lose confidence in you. Do you say that on oath? A.—Yes, sir, I do.

Q.—"And he wants you to send in the names of the license inspector and board at once." Did he? A.—I don't know.

Q.—Mr. Sims, is that Sims or Symes? A.—It is meant for Sims.

Q.—"He made a big kick about the patronage." Is that correct? A.—Yes, sir, that certainly is.

Q.—"But you have it all," that is correct? A.—Yes, sir, I think so far as I was concerned. All I could control he could get.

Q.—Were you playing with him on an important thing like this, a question of

the patronage, were you merely playing with him? A.—Well, I had to keep Mr. Gamey thinking that I was—

Q.—What duty was upon you to keep Mr. Gamey thinking this, that, or the other? A.—Well, I don't know that there was any particular duty.

Q.—Why did you do it? A.—Oh, just to let him think, that is all; keep him thinking that I was doing that for him.

Q.—Of course there could be no doubt about this, that you gave him to understand from this letter that you had seen Mr. Stratton? A.—Not a bit of doubt about it; I wrote it for that purpose.

Q.—Not a bit of doubt about it that he from this learned that Mr. Stratton wanted him to send in the names of the license inspector and board at once? A.—He may have.

Q.—He must have; if he had any belief in you. A.—Yes, sure.

Q.—“And, no doubt, but that you have it all,” was also, the man you had spoken to had given you to understand that? A.—Well, I don't think so. It is not in with that, “Sims was down and made a kick, but you have it all.”

Q.—Where did you suppose he thought you drew your information from that “you have it all?” A.—I could not tell where he would think I got that.

Q.—“Do not by any means have anything to do with him; at least not at present.” “They said they should not make all the appointments without asking him.” Who said that? A.—I attribute that to Sims.

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Q.—Had you seen Sims? A.—I had seen him at the Walker House. I had overheard him talking to my father.

Q.—You state here, “A fellow named Spencer, of Little Current, has applied for the position of License Inspector.” Was that the fact? A.—I heard that, yes.

Q.—Who had you heard it from? A.—Well, I heard it from the Manitoulin Island, though, I think, I got that intimation while Mr. Sims was here that Mr. Spencer was applying for the position.

Q.—“But don't let that scare you, they have got to do what is right with you.” What is the meaning of that? A.—Why, if he is going to support the Government, they have got to let him make the appointments.

Q.—That followed, as a matter of course? A.—Certainly.

Q.—Then you state further, “I suppose that fellow Lewis will be your man.” “I said you had mentioned him, and that he was a good man.” To whom did you say that? A.—I had a conversation with father about this man Lewis.

Q.—What had your father to do with it? A.—Well, I talked that matter over with my father; I asked him if he knew this man Lewis, Mr. Gamey spoke about him as going to be his appointment; he first spoke of appointing his brother, but I said, “No, it won't do to appoint your brother.”

Q.—Then, do you mean to tell their Lordships that when you say here “I also added that anyone you would name would be all right,” and that you also mentioned that he was a good man, that you only mentioned that to your father? A.—Yes; I had no conversation with anybody about it.

Q.—You had no conversation with anybody but your father about it? A.—No, nobody.

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Q.—You said here about the fishing business. What did you mean by that? A.—If you will allow me to see that I will tell you.

Q.—“About the fishing. As the House is going to meet on March 10th, we can fix it when you come down.” What is that fishing business to which you refer there? A.—I wrote to Mr. Gamey previous to this, and mentioned about the Nobles wanting the pound-net license, and Mr. Gamey replied saying he had mislaid my letter, and for me to give him the facts about it.

Q.—Is that another letter that you have not got? A.—Yes, sir; that is another letter that I have not got.

Q.—About what date was the date of that letter? A.—Well, it would be previous to this, because in that he had asked me to call on Mr. Stratton.

Q.—Can you give me whether it was in February or not? A.—Oh, it was in February.

Q.—About the fishing business, as the House is going to meet on March the 10th. Was that the only fishing business, the Noble business? A.—No, I had spoken about this other fishing business at Kagawong Lake.

Q.—What was the Noble fishing business, which you had reference to in this letter? A.—That was about the pound-net license east of Little Current.

Q.—What interest had you and Mr. Gamey in that? A.—Well, it was in Mr. Gamey's constituency, and he would have the say as to whether they were to get a license or not; and one of the Mr. Nobles called on me, I don't know what reason he had, and asked me if I would write Mr. Gamey and say that they wanted to get the license renewed.

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Q.—What benefit was there to you and Mr. Gamey in the renewing of that Noble license? A.—Well, there was likely to be a money consideration.

Q.—How much had you mentioned as being the money consideration to you for the renewing of that? A.—Well, I said that there would be a couple of hundred in it.

Q.—I thought you said five? A.—No, sir; I said two hundred dollars.

Q.—Was it understood that these were to be divided between you and Mr. Gamey? A.—Well, that was Mr. Gamey's intimation to me.

Q.—And that was your understanding? A.—Yes. I thought I was under the impression that Mr. Gamey had sent Mr. Noble to me.

Q.—And the understanding was that the endorsement would be by you and the member; that you were to get two hundred dollars for it? A.—Yes, sir.

Q.—Were both the Nobles down? A.—No, sir; I only saw one Noble. I never met him before. I think his name—I ha a couple of letters from him after—I think he signed "John Noble," I am not sure. I never saw the man before. He called at my house.

Q.—Then you said there, "We can fix it when you come down, as I have the Fishery Commissioner notified that you control things." Who did you give that notice to? A.—Well, when I got Mr. Gamey's letter about that I saw the Nobles around the Parliament Buildings one day; they didn't see me, and I thought they were in for this same purpose, for to get those licenses renewed, and I thought I would, as it were, head them off. And I went into the—I had Mr. Gamey's letter, and went in and got Mr. Gamey's letter, and was com-

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ing out, and I met Mr. Myers, from Mr. Stratton's office, and I asked him; I said, I explained the matter to him; I explained that Mr. Gamey had written to me, and that he wanted to control that license up there, and I explained that I had seen the Nobles in the Building, and that they possibly were looking for that very license, and I said, "I wish you would in some way intimate to Mr. Bastedo that Mr. Gamey is going to have the patronage of this district." He said, "All right, I will see what I can do."

Q.—And he did it? A.—Yes, I think he did, from what has come out, from what they say.

Q.—You saw Myers after that? A.—No, I never saw Mr. Myers to ask him whether he had done that.

Q.—Did you see Mr. Bastedo? A.—No, I did not.

Q.—Did you see anybody who informed you of the result? A.—No, I did not.

Q.—You simply took it for granted? A.—I took it for granted that Mr. Myers had went in.

Q.—Was it true, as stated here in the last paragraph of your letter, "As he wants to appoint the man before the House meets." What man was that that you had reference to? A.—It says "men" here in this letter.

Q.—It is "man" in mine. What men is it? A.—The board and the license inspector I was referring to.

Q.—Who was "he," he wants? A.—Well, I led Mr. Gamey to believe that that was Mr. Stratton, that is that sentence. I told him to send in the names, and below I say, "He wants to appoint them," so that there cannot be anything else.

Q.—Now, you wrote another letter on the 27th? A.—Will you let me see it, please? (Exhibit "3I.")

Q.—Who do you refer to there by "the bunch at Little Current?" A.—Well, the people that controlled the patronage before; it was controlled at Little Current by an Executive Committee of some description, as I understand, for a large district, Mr. Farwell

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as I understand divided it up on these executive committees, and I suppose they thought they should still control it.

Q.—Then, as I understand, "the bunch at Little Current," were the people that when the Reform candidate was in power controlled through him the patronage, am I right in that? A.—Yes, that is what I meant by that.

Q.—Then you say, and I will put the "Mr." in, for I think you were very irreverent, "I will see Mr. Stratton this p.m. before he leaves." Did you do so? A.—No, sir; I did not.

Q.—And you further say: "And we will make arrangements about appointments, seats, etc." Did you do anything in the way of arranging as to the seat? A.—No. I did inquire two or three times down around the chamber if the names had been put on the seats, and who would draw out the lists and that. I inquired from the messengers around there. I inquired because I wanted to be able to let him know because he asked me about that in his letter.

Q.—Then you say: "I have been to see Mr. Stratton every day until he has shown me all the letters." A.—Well, Mr. Gamey asked me in his letter—

Q.—Is that true or not? A.—Well, I did not see Mr. Stratton.

Q.—You did not see him every day. How often did you see him? A.—Well, I used to see him in the hallway, that is the only—

Q.—You might do a great deal in a hallway? A.—I know, but I did not

go to Mr. Stratton to speak to him in respect of any of those things.

Q.—Do you mean to say that all this is absolutely untrue, and that you never saw Mr. Stratton on any day in respect of any of these letters or these matters?

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A.—No, I didn't see Mr. Stratton in respect of any of those things.

Q.—I did not say go over purposely in order to see him, but being there? A.—Being there, I was not, no.

Q.—And did you know the letters that were being sent down from the locality in regard to this question of patronage? A.—No, nothing more than what I would pick up, what my father would tell me, what he would hear from those people at Little Current.

Q.—Your father was continually about the Buildings, he had business of one kind or another there? A.—No, the only business my father had, he came occasionally to see me to the office.

Q.—He was not beneath paying acknowledgments to the Ministers? A.—I don't know about that. I don't know that he was in or out of the Minister's offices, or anything else.

Q.—At any time? A.—No, as I told you before, I did my father's correspondence, and he came over quite frequently to tell me of letters which he wished me to write and get away that evening, or something like that.

Q.—Then you again refer on the 27th, was that in respect of the same matter, "A little delay now will only make the Nobles more anxious to do the right thing." Of course, they are anxious now, but will be more so in a week or two." What do you mean by that? A.—Well, I got two or three letters from Nobles referring to this matter, to see what progress I had made in it.

Q.—And how was it the Nobles came to refer to you in respect of fishery patronage? A.—Well, that is what I

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cannot explain. I don't know about that. As I said before, he called at the House one day and I had never seen the man.

Q.—At your own house do you mean? A.—Yes, at my own house, one Saturday, and asked me about this, asked me if I would write to Mr. Gamey and ask him about this license business.

Q.—How did he pick you out of all the employees in the Buildings for that purpose? A.—That I don't know.

Q.—You really swear that you have no knowledge? A.—I really swear.

Q.—Or surmise of how he came to you? A.—No.

Q.—It never struck you that he was sent to you by Mr. Gamey? A.—Well, I wasn't sure, I had that idea once, and I had other ideas, too. I don't know why.

Q.—But to you he did come? A.—Yes, he got my address down at the hotel and came up.

Q.—What do you mean by "anxious now and will be more in a week or two?" A.—Well, they had to order a lot of twine to make their nets.

Q.—And why more anxious in a week or two? A.—They would have a shorter time to do their work in, and they would be anxious to get it closed up quickly.

Q.—You were virtually playing upon that for \$200 or more? A.—Well, I wasn't playing on that. This man came to me and said that he wanted me to write to Mr. Gamey, he wanted to get the license, and he would do what was right with Mr. Gamey.

Q.—You suggested a little delay will be wholesome? A.—Well, I say that—Mr. Gamey wrote me, there was correspondence back and forth, and I just wrote that.

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Q.—This was very matter of fact, "just returned from seeing Mr. Stratton." Surely that is not made out of whole cloth, is it? A.—Well, when I wrote this letter, when I got Mr. Gamey's letter which this is an answer to, I thought of going and seeing Mr. Stratton about the seat, he asked me if I would go and see him about the seat, and I thought I would go and see him, and I wrote this letter at noon at my house.

Q.—It is just the second part. A.—Well, I wish to explain that.

Q.—Very well. A.—I wrote this letter at home, and when I went back over to the Parliament Buildings I had not sealed it up, you see, I have it, "14 Linden Street." I did think then I would go down and see Mr. Stratton about that thing, and after I got over there and thought the matter over, why I decided I would not, and I just slipped that note in and that is all the explanation I can make.

Q.—Your explanation is that, notwithstanding there is added to this letter the statement "just returned from seeing Mr. Stratton," that there is not a word of truth in that? A.—No, there is no truth in that, "just returned." I did see him, saw him in the hallway.

Q.—Whose casuistry do you study?

Mr. Riddell: Gamey's, perhaps.

Mr. Blake: Would you recommend that?

Mr. Riddell: I do not.

Mr. Blake: You are not a disciple of Mr. Riddell?

Mr. Riddell: No, nor of Mr. Blake, I hope.

Mr. Blake: Whose casuistry do you study? A.—I don't think that bears on this at all.

Q.—Then you state absolutely: "They will not appoint the

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inspector until you come down.

Q.—Had you any ground for that? A.—No, nothing only from the pull the other people were making for Spencer and the unsettled state of affairs in that constituency, that is all I had for making that statement.

Q.—You said that Mr. Stratton will get you Mr. Beatty's seat? A.—Yes.

Q.—Any foundation for that? A.—No, but I knew that Mr. Gamey had intimated to me that he would be here the week before the session opened, and I thought if he went to Mr. Stratton the thing could be arranged.

Q.—Where did you get the idea of the last clause of that letter that it would be a good idea to send in the names of your license board at once, make it about two Liberals if possible, but suit yourself? A.—Oh, well, I don't know. I thought that would be a pretty good advice.

Q.—You know that you professed that "Mr. Stratton thinks it would be a good idea?" A.—Well, I possibly should have said "Sullivan thinks it a good idea."

Q.—You are not certain of that? A.—Well, yes, I should have, because Mr. Stratton did not intimate to me or I didn't have any conversation with Mr. Stratton one way or the other on the appointment of any man at all.

Q.—And therefore according to your statement from the beginning to the end this was simply a playing of Mr. Gamey? A.—I wanted Mr. Gamey's confidence.

Q.—To betray him? A.—Oh, no.

Q.—To play with him? A.—Well, no.

Q.—For what purpose? A.—Well, I just wanted—I think we went rully this morning. I wanted to have those deals

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put through, if they could possibly be put through, and I thought a recommend from the member of that constituency would put them through.

Q.—Upon that point, to put that shortly, do you tell their Lordships that all this correspondence and all this misleading was simply for the purpose of endeavoring to get these deals carried out to which you have referred? A.—No, I cannot say that they were. Mr. Gamey was writing down to me for me to find out things that were utterly impossible for me to do.

Q.—Tell me what other purpose, if it was not in order that you might be able to carry out those deals, what other purpose had you in view in thus

Q.—Was there any other purpose, if so, give it to me? A.—There might have been.

Q.—It is not a question of there might have been. You either had or had not. If there was any other purpose just mention it? A.—Well, as I say, he was writing down to me asking me to find things that it was an utter impossibility for me to do.

Q.—If there was any other purpose you had in mind beyond keeping Mr. Gamey in tow in order to get these things through, just mention it? A.—Well, I don't think there was.

Q.—Do you know a Mr. H. M. Passmore? A.—Yes, well, I don't—I don't know him, no, I am not acquainted with him. If he is the Telegram reporter, if that is who you mean, I have seen him and met him around.

Q.—You have given me some information that shows you must have some knowledge of him. You are perfectly right, Mr. H. M. Passmore is a reporter of the Telegram. Have you any con-

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versation with him on Thursday morning last? A.—My father and I together had a little talk with him. He followed us out of the Walker House.

Q.—Where was that? A.—Right at the side of the Walker House.

Q.—You had some talk with him about the Gamey matter had you not? A.—He followed us out and asked father if he knew where Mr. Gamey was, asked him a lot of questions, and father said "Is it so you were away looking for him," and a lot of remarks like that.

Q.—I am asking as between yourself and Mr. Passmore? A.—No, there was nothing, any more than I might have put a word in when he was talking to my father. I don't say that I did not.

Q.—Was the word that you put in, "I get \$1,500 out of it up to to-day?" A.—No, sir, it was not.

Q.—And Mr. Passmore did not answer to that, "You did, eh?" and you repeated, "You bet I did?" A.—I did not. That conversation never took place.

Q.—Not in those very words? A.—Nor in any other words that could be construed into that form.

Mr. Johnston: The matter is now pending in the courts, a writ has been issued.

Mr. Blake: What matter?

Mr. Johnston: This matter. An action has been brought for libel against the Telegram.

Mr. Blake : I have nothing to do with any action and know nothing about it. This is between Mr. Passmore.

The Chancellor : You are right enough.

Mr. Blake : Between Mr. Passmore and the witness, and I know of no action in that regard whatever.

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Q.—How long have you known Mr. D. A. Jones ? A.—I don't know Mr. D. A. Jones. I know him to see him, that is all.

Q.—How long have you known him to see him ? A.—Only since about September or October. Mr. Gamey pointed him out one day to me. Or probably in August.

Q.—Do you know his occupation ? A.—No, sir, I don't know a thing about him.

Q.—Saw him up about the buildings ? A.—No, sir. I did see him once. I came down in the elevator and he took the same elevator that I came out of.

Q.—At the buildings ? A.—Yes, sir.

Q.—And beyond that you know nothing about him ? A.—Nothing whatever about Mr. D. A. Jones.

Q.—It was said that you had some conversation with Mr. Gamey going out of the Walker House after the 10th and 11th of March ? A.—Yes, sir.

Q.—Just say what passed then ? A.—On the Saturday following the opening of the House I was in the Walker House, and I saw Mr. Gamey at a distance, and I began to look at him very closely, and I walked over—

Q.—Do you mean to say that you were near him ? A.—Well, yes. Well, I was quite a little distance from him. I did walk up towards the front door and was standing there with my back, looking out of the front door, when Mr. Gamey went into the telephone box. He said, "I want to speak to you." I turned right around and went down and was talking to two friends who were standing in the House, two gentlemen who were standing in the hotel, and Mr. Gamey came out of the telephone box and walked towards the dining-room of the Walker House and nodded his head for me to go with him. I didn't move. One of these

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gentlemen said, "Did you see that sign ?" I said yes. Then he walked back and looked me square in the face, and made another nod for me to go out of the Walker House with him, and he went out the front door, and looked over the glass and nodded to me again. One of those gentlemen saw me get the three beckons and one of them twice, I think. I stepped over to my father and said,

"Will I follow him, will I go out with him ?" He said yes.

Q.—What is your age ? A.—Twenty-eight.

Q.—Thank you. I beg your pardon. A.—I went out, and he walked towards the Union Depot, and started to go in the depot. He called me in there. I said, "No, Gamey, I won't go in there with you to talk, you can come right out here and talk to me if you want to." He came out on the sidewalk, and I said, "I won't talk at all, I am going back to the hotel," and I walked back, and he followed me back to the hotel, and we stood in front of the bar door at the hotel, and Mr. Gamey started to try to explain to me why he had done this, and why he had done that. I said, "There is no explanation needed." Well, he said, "I am into this thing now, and I want you to stick by me, and I will do even better than I promised you before." I said, "What do you mean ?" Well, he said, "I will give you \$5,000 if you will corroborate the story that I read in the Parliament Buildings." I said, "I cannot. I won't have anything to do with you. I will clear myself of this matter, and you can clear yourself." I said, "What did you say that I got any of that money for ?" Well, he said, "I said that, but I can get you that \$2,000." Well, I said, "I don't want to be mixed up in this affair at all." He said, "My solicitors know about it." Mr. McPherson he mentioned particularly.

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"know that you did not get any of the money, and he will arrange to pay you the money, the \$2,000." I said, "No, Gamey, you cannot." He says, "We will give you the \$2,000 and \$5,000 on top of it if you will corroborate it." I said, "No, you cannot get me to do anything like that. I will have nothing more to do with misleading him ? A.—Oh, I don't— you." So just then I noticed Mr. Thompson, Mr. Whitney's private secretary, spying out of the door of the Walker House, and I hollered at him, and I went back into the hotel, and we had a little more conversation. I didn't stand very close to Mr. Gamey at all; I stood far enough away so that I could not be contradicted in the matter at all, as far as having anyone say I was up close and conversing under my ordinary tone of voice.

Q.—What hour was that ? A.—Well, I don't just exactly know the hour. Around about noon.

Q.—Was that the week after? A.—No, that was the Saturday following.

Q.—The first Saturday after the statement? A.—Yes, in the House.

Q.—And was that the only interview you had? A.—No, Mr. Gamey came to me two or three times in the hotel.

Q.—Was that the only conversation you had? A.—No, he came to me two or three times and talked to me about it. He said, "I can arrange this thing, I have told my solicitors that you never got—that you have got to be looked after in this matter."

Q.—Did he mention what solicitors? A.—He mentioned Mr. McPherson's name.

Q.—That you had to be looked after? A.—Well, he said if I would

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corroborate his story, that Mr. McPherson was in a position to give me the \$2,000 with \$5,000 on top of it.

Q.—Of course you didn't believe that scarcely? A.—Well, I didn't know what to believe at that time. He also said, "Now, we will overthrow the Government on this matter, and I will be made Minister of Mines, that is the arrangement that has been made with me."

Q.—Was that on this same Saturday? A.—That was on this very Saturday.

Q.—I was asking you whether you had any further conversation? A.—Well, he came to me two or three days after that in the hotel, and tried to talk to me about that, about four or five times, but I didn't discuss it.

Q.—Did anything pass between you? A.—No, sir; not a thing.

Q.—I mean in the shape of conversation on any of these other matters. A.—Well, he came to me, and he said, "Now you think of that thing; I can make that arrangement, and it will be carried out satisfactorily."

Q.—And he said that to you two or three times? A.—Two or three times.

Q.—After this Saturday? A.—Yes.

Q.—And what was your answer?

A.—I said, "I don't want to have anything to do with it."

Q.—Anybody present so as to hear these conversations? A.—Well, no; I had people that I could rely on in close vicinity, so that they could say nobody else listened.

Q.—Could they hear? A.—No, I don't think they could.

Q.—This was a matter between yourselves? A.—Between he and I, and both of us took very good care that we were not around where any-

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body else could hear us.

Q.—At all events you, speaking for yourself, know that you did? A.—Well, yes; and I think Mr. Gamey did the same thing.

(At 4 p.m. adjourned to 10 a.m. on Friday, 24th April, 1903).

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TENTH DAY.

Friday, April 24th, 1903, 10 a.m.

The Chancellor: Is the witness here? Mr. Blake: Mr. Sullivan, come forward.

Francis J. Sullivan's examination, continued by Mr. Blake, K.C.

Witness: Good morning.

Mr. Blake: Q.—Good morning, Mr. Sullivan. Do you remember what day it was that you resigned? A.—Yes, sir, the 11th of March.

Q.—Was it by letter or verbally? A.—By letter.

Q.—You have got a copy of it evidently, from opening your coat? A.—Oh, no; I just opened up to expand.

Q.—You have not got a copy of the letter? A.—No, I have not.

Q.—Was that after or before conference with anybody? A.—I did not have any conference with anybody. I just decided that myself.

Q.—They did not dismiss you? You resigned? A.—I resigned; yes.

Q.—And resigned by letter without any conference with anybody? A.—Without any conference with anybody.

The Chief Justice: What day?

Mr. Blake: The 11th, my Lord.

The Witness: The 11th March I wrote.

Q.—It was the 10th, was it not, the statement was made in the House?

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A.—I think it was the 11th.

Q.—You think it was the same day you resigned? A.—The House opened on the 10th, and that statement was made on the 11th, and I wrote a letter that evening.

Q.—Then, just a question; going back to the 10th September, Gamey refused to deliver up the letter of the 10th, because of something he wanted from Mr. Aylesworth, which was not arranged, or could not be arranged? A.—No, I do not think so—no—

Q.—But he did not deliver the letter up? A.—He signed the letter and handed it back to Mr. Aylesworth, as near as I remember. He signed the letter and handed it back to Mr. Aylesworth, and Mr. Aylesworth said now

Q.—I do not want to go over that, because you remember we had it yesterday. I just wanted to know this. The letter was not to be absolutely delivered to Mr. Aylesworth, because of something that intervened? A.—I had not that impression at all.

Q.—You had not that impression at all? A.—No.

Q.—According to your impression, the letter was there to be delivered, and this question of the loan had nothing to do with it? A.—No, it had nothing to do with it.

Q.—And then, why did not the letter remain with Mr. Aylesworth. A.—Well, as I say, there was some hesitating about Mr. Gamey, what use Mr. Gamey was going to make of the letter, as I understood. The letter laid there. Mr. Gamey hesitated about whether he would trust it with Mr. Aylesworth, and I think I said, "Why that letter will be all right with Mr. Aylesworth."

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Q.—But he did not trust it to him? A.—No.

Q.—He did not give it to him? A.—No. Mr. Aylesworth shoved it over to him, and he put it in his pocket.

Q.—But it was returned? A.—To Mr. Gamey?

Q.—Yes? A.—Yes. It was lying there, and after their discussion, Gamey picked it up.

Q.—It was there I want you to take the matter up. That letter—when did you next see it? A.—I have not seen it since.

Q.—You have not seen it since? A.—No.

Q.—And you don't know in what way the difficulty was removed, so that Mr. Gamey gave the letter up to some person, or to you? A.—No, sir, I do not. I know nothing about that.

Q.—Were you there when the letter was finally delivered? A.—I was not. I did not know what Mr. Gamey did with the letter. The last I saw of it, Mr. Gamey put it in his pocket.

Q.—You never saw anything of that letter since? A.—No, sir; I have never seen the letter.

Q.—And you do not know in what way any difficulty that might have been removed, so that the letter was ultimately delivered? A.—No, I do not know anything about that.

Q.—Do you know at what time the letter was delivered? A.—I know nothing about that. I told you I know nothing about that letter further than Mr. Gamey put it in his pocket.

Q.—But at any subsequent time or hour on that day, do you know what came of the letter? A.—I know nothing about it.

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Q.—You know nothing about that? A.—No, sir.

X

Q.—Were you at the Parliament Buildings on the same day, subsequent to the interview at Mr. Aylesworth's office? A.—I was only in the Parliament Buildings on the morning of that day.

Q.—You were not there in the afternoon? A.—No, I was not there in the afternoon.

Q.—And therefore you had no opportunity if it were there delivered of knowing the circumstances under which it was delivered? A.—No, sir; I would not know. If it was delivered I do not know anything about it.

Q.—Then in the same way, at the end of October, in respect of the typewritten interview with The Globe, did you see that before it was delivered? A.—The end of October?

Q.—Yes. The end of January. I beg your pardon? A.—No, sir; I did not.

Q.—The end of January? A.—No, sir; I did not.

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Q.—Did you see that Globe interview at all? A.—No, sir, I did not see The Globe interview. I saw Mr. Gamey with the paper in his hand.

Q.—But you would not know it as being The Globe interview? A.—Oh, no; I would not know it only Mr. Gamey told me he was to give an interview to The Globe.

Q.—And you did not see The Globe interview to know it to be an interview, either at the Parliament Buildings or down at the Walker House? A.—No, sir.

Q.—At what hour was it that you saw this paper which you took for granted was a Globe interview? A.—Well, I was walking up and down the corridor waiting for Mr. Gamey to come out of Mr. Stratton's public office, and I got anxious and looked in, and Mr. Gamey was sitting at the table with Mr. Hammond. Mr. Gamey had a paper. Mr. Hammond and Mr. Gamey had a paper between them.

Q.—And your quick mind at once came to the conclusion that that being a Globe reporter it was a Globe interview? A.—Well, subsequent events have made me believe that that was the interview.

Q.—I see. But at that time what conclusion had you arrived at? A.—I knew Mr. Gamey was giving an interview, and I had not any conclusion in connection with that paper.

Q.—How did you know that? A.—Mr. Gamey told me he was to give an interview to The Globe that evening, and I was there.

Q.—When did you first hear about that? A.—The Globe interview?

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Q.—Yes? A.—Well, that day. I knew he was going to give it that day.

Q.—How did you know? A.—Mr. Gamey told me.

Q.—Was that on the day it was finally given? A.—Yes, sir.

Q.—And at what hour of the day did he first tell you that? A.—Shortly after luncheon.

Q.—And, then, how did you accompany him up to the buildings? A.—Well, I knew what hour Mr. Gamey would be up there, and I met him.

Q.—What hour did you first meet him on that day? A.—Well, I possibly met him in the morning. I am not sure about that. I met him that morning or the day before; I am not sure about it.

Q.—You are not sure about that? A.—No.

Q.—And would it have been the day before that there was a talk about the interview or that morning? A.—No, I did not know what Mr. Gamey was at the Parliament Buildings for until he came out of Mr. Stratton's office—the first visit in the afternoon.

Q.—The first visit in the afternoon. There were, therefore, two visits on that day? A.—There were two visits on that day. I accompanied him both times.

Q.—And then on the first interview that day you knew that there was to be something given to The Globe? A.—Well, he told me when he came out. He told me when he came out of Mr. Stratton's office.

Q.—When he came out of Mr. Stratton's office? A.—Yes.

Q.—And when he went up the second time did you accompany him or did

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you meet him in the buildings? A.—I met him in the buildings.

Q.—And your first meeting in the building on the second occasion—was that before or after he had given the interview? A.—Before the interview.

Q.—And then did you wait there till the interview was over? A.—Yes, sir.

Q.—And then did you see at any time that he took the copy of that interview down with him to the Walker House? A.—Well, in the afternoon; he told me he had—he said he had an interview. He said, "I have an interview written out for The Globe." He said something about that he wanted to make some corrections in it. That was all I knew about it. I did not see it, but he told me that.

Q.—And then he did go down to the Walker House, and he did return? A.—I don't know where he went. He said he was going there.

Q.—He went out of the buildings? A.—Yes, sir.

Q.—For some hours? A.—Yes, sir.

Q.—And he returned with this? A.—Yes, sir.

Q.—He returned with it? A.—Well, yes.

Q.—And what time would have elapsed between the time he informed you about this typewritten interview and the time that it was given? A.—It was at half-past two I saw him the first time, and it was six or after six when he gave the interview.

Q.—Why had you remained there so late that day? A.—Well, I had work to do, and besides I had promised Mr. Gamey when he left me at 2.30 I would wait there for him that night.

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Q.—Did you on that day telephone to Mr. Gamey that Mr. Stratton would see him at 2.15? A.—Yes, sir.

Q.—You did? A.—Yes, sir.

Q.—From where did you telephone? A.—Public Works Department, Parliament Buildings.

Q.—At what hour was it that Mr. Stratton asked you to send that telephone? A.—I did not speak to Mr. Stratton at all. Mr. Stratton did not tell me to send that telephone.

Q.—And you simply, you say, of your own motion sent a telephone that Mr. Stratton would see him at 2.15? A.—No. I did not say that at all. I will explain that.

Q.—What did you say? A.—Mr. Gamey asked me either the night before or that morning when I saw him to telephone to Mr. Stratton's office and find out when Mr. Stratton would be in.

Q.—I see? A.—And I telephoned that morning some time, and I think Mr. Myers answered the phone—one of the folks there.

Q.—How did you find out that Mr. Stratton would be there at 2.15? A.—Whoever answered the phone told me that Mr. Stratton would be there between 2 and 2.30.

Q.—And you telephoned down to Mr. Gamey? A.—I telephoned to the Walker House.

Q.—I need scarcely ask you the question in closing, that all you have told me is, of course, absolutely true? A.—Yes, sir, absolutely true.

Cross-examined by Mr. Johnston:

Q.—Mr. Sullivan, you have been in the employ of the Government for how long during the last period of your

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employment? A.—Well, from October a year ago, that is a year ago last October up to March.

Q.—About a year and a half? A.—Yes.

Q.—And you received your salary from the government just as the other clerks did? A.—Well, I was an extra clerk. I did not receive it in the same way they did. I was paid out of the contingencies account, as it were.

Q.—You were not on the permanent staff? A.—No, I was not on the regular pay-roll.

Q.—But you were there as assistant accountant or helping the accountant? A.—Helping the accountant.

Q.—At a daily payment? A.—Daily payment—yes, sir.

Q.—Of course that is a matter of record. You may tell us what the pay was? A.—\$2.00 a day.

Q.—And is that all the money that you have received from the government during the last year and a half? A.—Yes, sir.

Q.—Every dollar? A.—Every dollar.

Q.—No other favors? No other concessions of any kind from the government, so far as you are concerned? A.—No, sir; not a thing.

Q.—Or from any member of the government? A.—No, sir; nothing.

Q.—Or from any member of the House. A.—No, sir.

Q.—Mr. Gamey, for instance? A.—No, sir.

Q.—When you saw this statement in the House, of course, you felt, I suppose, that your position was attacked?

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A.—Yes, sir.

Q.—And you thought your proper course to take was to resign? A.—To resign. I did not wish to stay in the employ of the Government with a charge like that hanging over me.

Q.—And at \$2.00 a day I suppose you are not very anxious to stay in the employ of the Government, as it is? A.—No, not particularly.

Q.—Now, just a few matters in regard to the general character of your relations with Mr. Gamey, and also with these matters. When did you first learn that Gamey intended to support the Government—Independent support we will call it? A.—Well, he told me that at the Walker House in August.

The Chancellor: What time in August? A.—That was along—that first time I saw him was between the 7th and 10th August, I think.

Mr. Johnston: Did he give you any reason for taking that position? A.—Why, yes. The constituency he represented, and so forth, he thought needed a man supporting the Government, to be able to do anything for the constituency, and he said that a number of Grits had supported him there.

Q.—A number of Grits had supported him in the election? A.—Yes.

Q.—His district was a comparatively new district? A.—Yes.

Q.—It is in what is called, perhaps. New Ontario, is it? A.—Yes, sir.

Q.—In that locality? A.—Yes.

Q.—And a portion of his district. I understand, is on the mainland? A.—The north shore.

Q.—The north shore of Georgian Bay? A.—Yes.

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Q.—Or on the lake. And extends quite a long distance along that north

shore. Does it go as far back as the railway? A.—I am not sure about his district, because it is only divided—

Q.—But at any rate it is a new district? A.—A new district.

Q.—And in those districts, of course you know, and we all know, that they require roads, and a certain amount of Government support, and so on, that the older counties do not get? A.—Yes, sir.

Q.—There is no doubt about that, and having so expressed himself, what position did you take? A.—Well, I questioned him further along the line. I said, "You are going to support the Government, are you?" He said, yes, I am. He spoke about—he did not want to be a mere voting machine for the other party, he wanted to have some say in the government of the country, and so forth.

Q.—Then, did he say anything to you about what the result of supporting the Government would be to himself, or to you? A.—Well, no; he did not mention anything about that.

Q.—Now, when was the patronage question first talked of between you and Mr. Gamey? A.—Well, I cannot say the exact time.

Q.—About what time? A.—Along in August he talked about it. He said he supposed if he did support the Government he would get the patronage, and I said I thought he would.

Q.—Beattie's name was then discussed? A.—Yes, sir, that is when Beattie's name came up.

Q.—Mr. Beattie had been elected, as you understood, for Parry Sound? A.—Yes, sir.

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Q.—And on the Government being returned, he had given them an independent support? A.—Yes, sir.

Q.—That is how Beattie figures in the matter? A.—Yes, sir; that is how he figures in the matter.

Q.—Now, who was the first man that spoke with reference to deals? That is, concessions, and other matters of that kind, from the Government? A.—Well, Mr. Gamey and I spoke of them. I do not know whether—I will not accuse Mr. Gamey of that.

Q.—I suppose it occurred to both of you? A.—Yes, sir.

Q.—You knew the Government was pretty close? A.—Yes, sir, I knew that.

Q.—And that Mr. Gamey supporting them, and a new territory, where there were minerals, and timber, and so on. I suppose it occurred to both of you that something might be made? A.—Yes, sir, that is it. I may have stated it or Mr. Gamey may have.

Q.—Now, he says that there was a deal made, an arrangement made between you and him, and you and he made an arrangement out in the street opposite the Walker House, by which

a certain division was to take place. What do you say about that? A.—Well, the statement Mr. Gamey made about that — his statement in connection with that is a falsehood, that is all I can say about it.

Q.—The statement he made about the deal, the arrangement on the sidewalk at the Walker House, on Front-street. Where did you talk over these matters of deals, and so on? A.—Well, we talked in the hotel. I talked in the hotel. I was around in the different

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rooms there.

Q.—Your father boards there or lives there when he is in town? A.—Yes, and I take my meals there quite frequently.

Q.—I will get you exactly what he said.

The Chancellor: Do you mean the first conversation?

Mr. Johnston: Yes, my Lord; page 388, I think, my Lord.

The Chancellor: He says he advised me to resign; he said you get rid of it; that is the protest; that it could be fixed up all right, and made a good thing of it; a good sum of money; \$5,000 could be made out of it. That is the substance of it I am reading. I think you can take that as the substance of it. You have heard what I read. "He said he advised me to resign; he said you could get rid of the protest; it could be fixed up all right; he could make a good thing out of it; \$5,000 made out of it; protest got rid of."

Mr. Johnston: You have heard what his Lordship has stated? A.—Yes.

Q.—Did that take place between you and Gamey? A.—No, sir; it did not.

Q.—Did you ever advise him to resign? A.—No, I do not think I did.

Q.—Did you ever tell him that the protest could be got rid of? A.—No, sir, I did not.

Q.—Had you any authority from anybody to deal with the protest? A.—No, sir.

Q.—With that protest? A.—No, sir.

Q.—Or any protest? A.—No, sir.

Q.—Now, he also says that there was a talk about a stock or stock company.

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when Grant was there. What do you say about that? A.—No, sir; there was no talk about a stock company.

The Chancellor: "A stock speculation," I think were the words used.

Mr. Johnston: Yes, my Lord. He used these words as well as the word "stock," my Lord.

The Chancellor: There was no talk about stock speculation before Grant came on the scene, do you mean? A.—Oh, we had talked this deal.

Mr. Johnston: What deal? A.—That was McGregor Island.

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Mr. Riddell: Page 325 of the first volume is the conversation on the street.

Mr. Johnston: I will just trouble this witness for a moment, because that is the inception of the matter.

The Chief Justice: "He told you you could get rid of the protest? A.—Yes, sir, he told me that."

"Q.—If you would resign? A.—He said that could be got rid of."

"Q.—If you would resign. A.—That was one way."

"Q.—And it could be fixed up all right, and make a fairly good thing out of it? A.—Not by resigning," and so on.

The Chancellor: That is what I read.

The Chief Justice: "Q.—No, but that the thing could be fixed up all right, and make a fairly good thing of it? Did he tell you that? A.—Yes, sir."

Mr. Johnston: Q.—That you say is not true? A.—That is not true.

Q.—Then did you tell him, or did he tell you anything about evidence being got enough to disqualify him? A.—He

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said that that brought him down particularly from the island, that he had got an intimation up there that they had evidence that would disqualify him, and he said he had spoken to my father at Allandale, on the way down, and he wanted me to see my father, and see what my father knew about it.

Q.—And that was the occasion of your seeing your father? A.—Yes.

Q.—Did you say to him that the evidence could be got, or bought, or fixed, or switched around, or any words to that effect? A.—No, sir; I did not.

Q.—Did he say to you that the Government was so close that no person would care to go into that sort of thing, and that you told him it could be done, and \$5,000 made out of it, and so on? A.—No, sir; I had no conversation like that.

Q.—No conversation of that kind. Then you saw him between the 7th and the 12th, that he speaks about. I suppose? A.—Yes.

Q.—Occasionally? A.—Yes.

Q.—Now did his position change with regard to his intending to give the Government an independent support from the time that he first told you, in August, until the statement made in the House, so far as your knowledge goes? A.—No, sir; it did not.

Q.—Did you notice at any time that he was wavering in the position he had taken as an independent supporter of the Government? A.—Not until the day previous to the House opening.

Q.—And will you tell me if anything was said between you with reference

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to the cause of that? A.—Well, he said that his friends had got after him, on the position he had taken, the inter-

view he had given, and all that, and they came after him with all kinds of threats, and offers, and everything, and the inducement that I understood by which he made this statement was that he would be Minister of Mines in the Conservative Government.

Q.—Did he complain to you at any time about not getting the patronage of the riding? A.—Yes, several times. he said—well, he said I do not seem to be able to make much progress in appointments or anything.

Q.—Was he complaining of some of these deals not materializing a little faster? A.—Yes.

Q.—What was he saying about that? A.—Well, he complained about the McGregor Island business not going through, but I explained that to him. The island was in dispute between the two Governments, and I could not do anything.

Q.—That was well known? A.—That was well known, but we did not give up the idea of getting it.

Q.—You know that applications have been made for McGregor Island during the last ten or twelve years? A.—Yes, sir; I know that.

Q.—And you know that the dispute has been between? A.—The Ontario and Dominion Government.

Q.—Between the Ontario and the Federal Government. A.—Yes, sir.

Q.—And you know that efforts were made at Ottawa to get that island? A.—Yes, sir.

Q.—Now, during the fall of 1902, you did see him I suppose several times?

(1356)

A.—Quite frequently.

Q.—Was his attitude then showing any sign of weakening at all, or how was it? A.—Oh, no. I thought he was going to support the Government.

Q.—And your correspondence with him did not begin apparently until February? A.—Oh, I had lots of correspondence with him before that.

Q.—Then he has not produced all the letters you wrote? A.—No, he has not produced all my letters.

Q.—One would think you had more correspondence than the three letters produced? A.—Yes, sir; I had lots of correspondence with him.

Q.—Lots of correspondence with him. And the correspondence that is produced was apparently written for a purpose, so far as the relation to the Government is concerned, from what you told my learned friend yesterday? A.—Well, yes.

The Chancellor: In the affidavit on production that Mr. Gamey made, does he account for any missing letters?

Mr. Johnston: No, my Lord.

The Chancellor: He produced a certain number, and he says those are all?

Mr. Blake: Yes, my Lord.

Mr. Johnston: Yes, my Lord.

Mr. Johnston: Q.—Can you tell me the contents of any letters, or the sub-

ject matter of any letter that you wrote to him besides those produced? A.—Well, I wrote him this letter about the Noble matter, which he wrote me back and said had been mislaid, and I wrote him another letter regarding some

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pulpwood that is on the island.

Q.—You were then undertaking the sale of some pulp-wood, or contract with reference to it? A. Yes, sir; we had some correspondence with the pulp-wood people of St. Catharines, and they wanted to buy 6,000 cords.

Q.—Give me the name of the pulp-wood people? A.—H. H. Collier, the lawyer who was acting for them. They were some Indiana firm, as we understood.

Q.—So that if my learned friends desire they will be able to find some correspondence there? A.—With Mr. Collier, yes, I think so.

Q.—And that fell through? A.—Well Mr. Gamey replied that the pulp-wood that had been lying on the island had been cut some two or three years, and he did not think it would suit. That is the way he wrote.

Q.—He wrote to you to that effect? A.—Yes, sir.

Q.—About what time would this be? A.—Along in January or February. I also wrote Mr. W. R. Smyth about that same thing.

Q.—About that same matter? A.—Yes.

(1358)

Q.—About the same matter? A.—Yes, sir.

Mr. Riddell: That is Mr. Smyth of Algoma? A.—Mr. Smyth of Algoma. I wrote him on the same line.

Mr. Johnston: Did you do anything more with reference to the question of pulp-wood excepting the St. Catharines end of it? A.—Well, I wrote W. R. Smyth and he replied—

Mr. Blake: This correspondence should surely be produced.

Mr. Johnston: We have not got the correspondence.

Mr. Blake: Then we should not get the contents. There is some correspondence between W. R. Smyth and this witness.

Mr. Johnston: I will say nothing more about it.

The Chancellor: It is not followed up.

Mr. Johnston: I merely wanted to know if you had written? A.—Yes.

Mr. Johnston: Then you will be good enough to give us the pulp-wood letter to Mr. Gamey. We ask for that.

The Chief Justice: Have you given notice to produce?

Mr. Johnston: No, my Lord. We took the affidavit as being correct. Please show me the letter.

Mr. McPherson: What is it?

Mr. Johnston: The letter about the pulp-wood. I want to fix the date of it.

Mr. McPherson: There is a letter about pulp-wood. That, I should judge, is the one. I might say, my Lord, with reference to this, that this was submitted to me, but as solicitor I did not esteem it relevant to the enquiry. I regarded it as a matter entirely separate from the enquiry, and advised its non-production.

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Mr. Johnston: There is no one making an accusation about that at present.

Witness: That is dated February 11th, 1903.

Mr. Johnston: The letter is addressed to Capt. John Sullivan? A.—Yes.

Mr. Johnston: And your Lordships will observe that if the facts are not elicited it is not by reason of want of thoroughness on the part of counsel on the other side, because they produced Mr. Collier's letter here.

Witness: I enclose Mr. Collier's letter to Mr. Gamey.

The Chancellor: There is no want of thoroughness on either side up to the present.

Mr. Johnston: I hope it will not be said there is any lack of thoroughness in getting the documents on either side.

Exhibit 62.

11th February, 1903.

Capt. John Sullivan,
Walker House,
Toronto, Ont.

Dear Sir:—

I have your letter of the 10th inst.

The wood that is wanted must be 70 per cent, spruce, 25 per cent, poplar and 5 per cent, balsam. I do not see any reason why wood that has been cut a couple of years would not do.

I would like also to find out whether we can get a supply near North Bay, so that it could be shipped on the Grand Trunk, as they give a good rate to Thorold from North Bay.

Yours truly,

(Signed) H. H. Collier.

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The Chancellor: Is it necessary to put all this in?

Mr. Johnston: That is the enclosure with this letter.

The Chancellor: It will not help, will it?

Mr. Johnston: Only this. It shows the transaction between these people; that they were corresponding about other matters.

The Chancellor: You have laid a foundation for that. There are other letters?

Mr. Johnston: That is all I propose to put in, just to indicate the class of evidence. Letter to Gamey:

(Enclosed with letter, Ex. 62.)

Department of Public Works, Ontario,

Toronto, February 11, 1903.

(Letter written in ink.)

Mr. R. Gamey, M.P.P.,
Gore Bay,
Ont.

Friend Gamey:—

Enclosed please find a letter which will explain itself. When we heard from this fellow we at once thought of that pulp-wood you spoke about on the island, and we wrote and asked him if he would accept wood which had been cut a couple of years. Kindly let us know the lowest price, over rail or boat—or do you think it would be better to buy the stuff where it is—figure the thing out and see the way we can make the most money out of it.

Yours faithfully,

(Signed) Frank J. Sullivan,

(14 Linden-street) or Walker House.

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Q.—You and he were going into that deal together, apparently? A.—Yes.

Q.—And these were as late as the 11th February, 1903? A.—Yes.

The Chief Justice: You are putting those in, Mr. Johnston?

Mr. Johnston: Yes, my Lord. I will not burden the record with any others. There are some other outside matters, but I will not burden the record with it.

The last two letters referred to are marked as one Exhibit, No. 62.

Q.—Did you send a letter about the 1st of February to Mr. Gamey? A.—

Yes, I did send a letter to him. I sent a letter about the 1st of February re the Noble business. I think that was about the Noble business, and about the lake business—about lake fishing.

Q.—Have you got that letter? A.—I registered that letter.

Q.—Then we will get the slip. Have you got the registration receipt? A.—I think I have, but I know where I registered that.

Q.—At the Parliament Buildings? A.—I registered it at the Parliament Buildings.

Q.—Then, that in addition to the concession you have been speaking of was the subject of correspondence between you and Mr. Gamey other than what has been produced? A.—Well, then, in the fall I had correspondence in connection with this same pulp-wood.

Q.—That was at the time of the wood famine in Toronto? A.—Yes, and Mr. Gamey and I decided we would try and sell that wood in Toronto. I had an

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interview with Mayor Howland in connection with it.

Q.—Were you then in the deal together? A.—Yes, sir, in the deal together.

Q.—Then did you at any time during all this negotiation and these deals—did you at any time have any “threats” from Mr. Gamey with reference to the Government? A.—No.

The Chancellor: What do you mean by that, Mr. Johnston? “Threats?”

Mr. Johnston: Threats with reference to the Government in any way—any threatening language used towards the Government? A.—No, I never did.

Q.—Never heard him say anything until the day before the statement in the House. Now, did he at any time take any position with regard to the Opposition? I am speaking with regard to his own position as an independent supporter? A.—Well, in what way do you mean?

Q.—Did he express himself with reference to the Opposition? A.—Just as I say. He expressed himself that he was going to be with the Government in power—with the party in power. That was the idea.

Q.—If it was Whitney, he was with Whitney, and, if it was Ross, he was with Ross? A.—Yes; he did not care which way it was.

Q.—Now, let me just ask you about the registration of these letters. Did you know Mr. Crossin’s initials? A.—Well, I knew or I found out at the time.

Q.—Do you know what the initials are? A.—I knew it was E. Crossin, or something like that.

Q.—E. Crossin or something like that? A.—Yes.

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Q.—Was it A. B. Crossin? A.—No, I made positive it was not that.

Q.—And the reason you used the A. B. C. and signed X. Y. Z. was as you have told us? A.—Yes. It was only to protect Mr. Gamey. He asked me to protect him in that respect.

Q.—Did it make any difference to you in whose name it was registered or in whose name it was signed? A.—Oh, no, because I registered one letter A. B. Crossin, and signed it X. Y. Z., and I registered the letter A. B. Crossin and signed my own name or initials. The next letter I went right in and the same lady took it from me. By that time I thought, well, what is the good of doing this. I walked right in and handed it to her and signed it F. J. Sullivan, and registered as F. J. Sullivan. No deception. They can bring the lady postmistress in. It is all right. She can prove that statement.

Q.—Then something was said about a letter not being signed. Were you in the habit of writing your letters on

the typewriter or only occasionally? A.—Only occasionally.

Q.—And did that same error occur in other letters, not signing? A.—It did with me once.

Q.—How long ago? A.—Well, in August or September.

Q.—What was the letter? A. I wrote a letter to the Manufacturers’ Life Insurance Company, enclosing a cheque for \$22.00, for my insurance policy, and I had it all sealed up and over at the post office, and the stamp on it and all, when I just thought I had not signed it, and I tore the letter open, right in the post office, and had to buy an envelope there to seal it over again.

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Q.—And signed it. Of course the sending of a letter without signature in that case would be of no use? A.—No, would be of no use. I did not have a slip to enclose and they would not know who it was.

Q.—Then I understand you thought the letter was signed until it appeared in court? A.—That letter, yes. As soon as a discussion came up about that being unsigned, that is the only time I had any idea it was not my letter.

Q.—And you have never repudiated it? A.—Never, not at all.

(1365)

Q.—Then there are one or two other matters. Mr. Aylesworth said something about a difficulty in lending money on a chattel mortgage in Manitoulin as part of the conversation. What do you say as to that? A.—Well, as I said yesterday, there was something about Mr. Gamey—he said something about wanting money. He wanted to get money. There was something about stocks or chattels. I am not positive on that point Mr. Johnston.

Q.—Do you recollect whether Mr. Aylesworth said that, now that it is called to your memory? A.—Well, he did say as I said yesterday, something about the Manitoulin Island.

Q.—But you would not undertake to say just what the connection was? A.—No, I would not.

The Chancellor: Who talked about stocks, or goods, or whatever it was? Was it you or Gamey? A.—Oh, Gamey. He spoke something about wanting a loan.

Q.—I know. Mr. Gamey says you spoke. You say you did not? A.—Oh, no, I did not say anything.

Mr. Johnston: Did you take any part in the conversation at all beyond the introduction? A.—Well, I would say this. I told Mr. Gamey once that letter will be all right.

Q.—But outside the letter? A.—No, nothing at all.

Q.—So far as the conversation between Mr. Aylesworth and Mr. Gamey was concerned? A.—Nothing at all.

Q.—Did you say anything to Mr. Aylesworth at all about the letter, or was it Gamey only that you spoke to? A.—I only spoke to Mr. Gamey.

Q.—And so far as you know about it getting to the Parliament Build-

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ings, it was either delivered by Mr. Gamey, or it was mailed, or in some other way? A.—Yes, I know nothing about the letter at all.

Q.—Now he says that there were some written agreements between you. Is that true? A.—No, sir.

Q.—The whole thing was verbal, whatever took place? A.—The whole thing was verbal.

The Chancellor: You had better refer to that specifically. That agreement is said to be destroyed. There is no doubt about what is meant.

Mr. Johnston: You understand what I mean? A.—Yes.

The Chancellor: He said there was an agreement by which he was to get \$3000 cash, or in a few days, and \$2000 at the end of the session, and in return for signing the agreement he was to support the government, which was afterwards destroyed? A.—There was nothing like that.

Mr. Johnston: You did not destroy any agreement? A.—No, sir.

Q.—But the talk of the \$5000 was between you? A.—Yes.

The Chancellor: You say "nothing like that." Was there any agreement like that in writing? A.—Nothing, except those letters.

Q.—I am speaking of an agreement signed as he says? A.—There was nothing like that.

Mr. Johnston: And you say as a fact that you never got any money from this man at all? A.—No, I never got a cent from him.

Q.—During the months of September, October and November?

(1367)

The Chancellor: That is not the way it was put.

Mr. Johnston: I will put it in another way. From Mr. Stratton? A.—No, sir.

Q.—From Mr. Gamey? A.—Never.

Q.—From Mr. Myers? A.—Never.

Q.—From Mr. Chase? A.—Never.

The Chancellor: The question rather is, was there a division of money which was obtained from Mr. Stratton?

Mr. Johnston: I was coming to that.

The Chief Justice: He has stated all those things categorically to Mr. Blake, but you have a right to go over it.

The Chancellor: I do not think Mr. Blake asked him upon these points.

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except in an incidental way. It was not put categorically.

Mr. Johnston: I will just follow the story for a moment.

Q.—Did Myers bring any money to Chase that you knew of? A.—No, sir.

Q.—Did Chase bring any money or parcel to the smoking room? A.—Not that I know of.

Q.—Was there any package of money brought to the smoking room on the occasion that Mr. Gamey speaks of? A.—No, sir, not to my recollection. I was not there.

Q.—If it was there you were not there? A.—I was not there with him.

Q.—On the 10th or 11th September he says? A.—I was not with him when there was any parcel delivered to him in any manner, shape, or form.

The Chancellor: Or a parcel delivered to you jointly? A.—That is what I mean by my answer. There was not anything delivered to us jointly.

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Mr. Johnston: Was there any money paid to you on the 29th January? A.—No, sir.

Q.—It was said that Mr. Stratton gave the denomination of the bills? A.—No, sir.

Q.—And that you opened it and gave him half, at the west end of the building? A.—No, sir.

Q.—That you went in the first instance on the 10th September, or the 11th—went into the smoking room—went to the washroom and there divided, and tore up the envelope. That is not so? A.—That is not true.

Q.—Were you ever with this man in the smoking room at all on those dates? A.—No, sir.

Q.—That is on the 9th, 10th or 11th September? A.—No, sir, I was not.

Q.—Was there anything put anywhere where you could get it? A.—No, sir.

Q.—Containing money, by anybody? A.—No, sir, there was not.

Q.—Now the smoking room that is talked about is a public room? A.—Yes, sir.

Q.—And is frequented by outsiders, as well as employees of the building? A.—I think so—yes.

Q.—It is on the main corridor? A.—Yes, sir, on the second floor.

Q.—On the second floor. That is the floor on which Mr. Stratton's office is? A.—Yes.

Q.—And the Provincial Secretary's assistant is? A.—Yes.

Q.—And almost opposite the Chamber? A.—Yes, opposite the opposition lobby.

Q.—It is near the head of the main stairway? A.—Yes.

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Q.—Just a little to the right? A.—West of it.

Q.—Do you know if it is the first room to the right? A.—There is a cloak room, and then the smoking room.

Q.—It is the first room that would be open to people to go in? A.—Yes.

Q.—So that people going up the main stairway, going along that way, would find that the first room that would be available? A.—Yes, and it is labelled "smoking room."

Q.—A public place? A.—Yes.

Q.—And at that hour of the day, say between ten and twelve, or one, or half past twelve? A.—Well, I have been in there myself—walked in there. And a great many of the employees go in there to sit down and smoke when there is no session on.

Q.—Now, after that, in September, October, November and December, did you have any money yourself, excepting your wages? A.—Well, I had money besides my wages. I got money from Finn and McGann about that time. That is in August sometime. I settled up a final settlement with them on my harbor contract here. I suppose I had \$250 or \$300.

Q.—\$200 or \$300. Then later on towards the fall, in October, November and December, you got some money I understand from your father? A.—Yes.

Q.—For ordinary living purposes? A.—Yes, sir.

Q.—For ordinary living purposes? A.—Yes.

Q.—I do not want the details, but was it more than a few dollars? A.—Yes, sir.

Q.—Two or three hundred? A.—I got a couple of cheques from him.

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Q.—And he has often assisted you, I understand, in that way? A.—Yes.

Q.—He does not himself keep house? A.—No, sir.

Q.—Then you knew Gamey I suppose fairly well? A.—Yes.

Q.—And you knew what kind of man he is, or was, pretty well? A.—Yes.

Q.—I do not use the word offensive at all? A.—No, no, I knew Mr. Gamey very well.

Q.—And you knew the kind of man he was? A.—Yes.

Q.—And the position you took as being hand-in-glove with the government was done no doubt with some object? A.—Yes.

Q.—Will you tell us now just in that specific way what the object was? A.—Well he was a member of the government, and I was a partner on those deals, and I had to show something—some kind of power or pull that I was not just alone—dropping in without any power. I wanted to lead him to believe that I had a good deal of power. That helped my deal along.

Q.—And of course what was said in the letter was largely? A.—On those lines.

Q.—What we would call blow? A.—Yes, a little.

Q.—Then you saw Mr. Symes or Sims, on one occasion? A.—Yes, sir.

Q.—Did you get any information from him that you communicated to Mr. Gamey? A.—I did not get it direct from Mr. Symes. I saw him around the Walker House, and heard him talking.

Q.—What about? A.—He was talking to my father.

(1371)

Q.—Give me about what he was talking about? A.—Well, about the patronage on the Island.

Q.—Do you remember about what time that would be? A.—Well, I do not know.

Q.—Along about February? A.—January or February—along in February I think. I communicated all the information I got to Mr. Gamey.

Q.—"On the 20th February while Symes was down he made a big kick about the patronage." Had you heard him say anything that you communicated here? A.—Oh, no, I did not hear him say anything direct; what I picked up.

The Chief Justice: Was Mr. Symes the defeated candidate?

Mr. Johnston: No, my Lord. Fraser was the defeated candidate. Symes was a leading Liberal.

Witness: Yes.

Mr. Johnston: He was one of the officers of the Liberal Association.

Witness: I understand Mr. Symes had a good deal to do with appointments there when the district was large.

Q.—I am told he was President of the Liberal Association? A.—Well, I do not know his connection with the Liberal Association.

Mr. Johnston: Now did you hear anything said about "consideration" on the first day on which you introduced Mr. Gamey to Mr. Stratton.

The Chancellor: That was in September.

Mr. Johnston: Yes, My Lord.

The Chancellor: 10th or 11th September.

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Mr. Blake: 9th or 10th, wasn't it, my Lord.

The Chancellor: Well, Mr. Gamey put it on the 10th.

Mr. Blake: When the letter was produced my Lord, it was dated the 10th.

The Chancellor: He said at first it was the 9th in his statement, and then he got the letter, and the 11th was included in it. So that it is between the three days.

Witness: The only thing I heard about consideration that day was, that

in the discussion, Mr. Stratton said, you will receive the same consideration. If you support the government—if you support the government you will receive the same consideration that any supporter of the government will receive. That is the only thing.

Q.—He had then expressed himself as being a supporter of the government? A.—Yes; I think that came in connection with—he said something about this appointment of a magistrate or something. I think that is the way the word “consideration” was mentioned.

Q.—And he spoke about getting, as I understand it—about having the patronage of the riding? A.—Yes.

Q.—And Mr. Stratton said to him, just in that way? A.—That is as clear as I am on that point, Mr. Johnston.

Q.—That is the only consideration that was talked of? A.—You see that interview—

The Chancellor. If you would not speak so much, and answer the question, we would get on quicker, and shorten the evidence.

Mr. Johnston: That was the only connection in which the word “consideration” was mentioned.

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The Chancellor: That is his recollection. He is not very clear about it. That is the amount of it.

Mr. Johnston: Did you hear anything said about consideration being given to him for supporting the government? A.—No, sir.

Q.—Did anything of that kind take place in your hearing? A.—No, sir.

The Chancellor: Well, there is a good deal more of that conversation that ought to be asked about, if we are to investigate this matter. There is a good deal more about that conversation. I have a short note of it here. Mr. Gamey put it that when “consideration” was spoken of, that it was something of value that was to be given, and that Mr. Stratton wondered who would handle the parcel, and spoke of Vance as a good man to handle the parcel.

Mr. Johnston: I was just coming to that.

The Chancellor: It is spread over a good many pages there no doubt.

Mr. Johnston: I will get it here, and I will take the witness over it.

Q.—“The question was discussed, that I should go and meet Mr. Stratton myself, and discuss with him the question of the patronage for the riding, and discuss the question of the payment of the money.” (Page 68.) Was that ever discussed, or arranged between you and Mr. Gamey? A.—No, sir, that was not.

Q.—“I understood then it was coming from Mr. Stratton, or through him—\$3000.” Was that ever discussed between you in any way? A.—No, sir.

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Q.—Or that it was coming through Stratton, or from him? A.—No, sir.

The Chancellor: That is an earlier date you are speaking of.

Mr. Johnston: Yes.

The Chief Justice: He is coming to it now.

Mr. Johnston: He said, “I was in his office on the 10th September—on or about the 10th September. Frank Sullivan took me to his office then.” Is that true? A.—Yes, sir. 1

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Q.—That is on what date that you took him? A.—I think it was the 9th.

Q.—Was it the day before the Aylesworth interview? A.—Yes, sir, the day before the Aylesworth interview.

Q.—Now, he said, “He understood I was talking of supporting the government, and that I should get the patronage. The election petition would be withdrawn, and he spoke about consideration.” Is that true or not true? A.—No, sir. There was the protest talked of. He talked about wanting to see about the protest.

Q.—About the lawyers? A.—Yes.

Q.—Is it true in this connection? A.—No, it is not.

The Chancellor: He explains about consideration.

The Chief Justice: Not any money mentioned.

Mr. Johnston: “There was not any money mentioned between us that day, but there was to be something of value given.” “Some arrangement was to be carried out or consideration of some kind.” Is that true? A.—No, sir.

Q.—“Of course that had all been talked about between Sullivan and I.” A.—No, sir, it had not.

Q.—“And he was not ready on the 10th to carry that out.” Do you know anything about that? A.—No, sir, I know nothing about it.

Q.—“He spoke about wondering, with Sullivan, and I together—he was wondering who would handle the parcel. He spoke about Vance. He said he did not know that Vance was in the city.” Is that true? A.—No, sir, it is not true.

Q.—“Spoke about in a sort of inquiring way—wondering if Vance was in

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the city—spoke about as if Vance would be a good person to handle the parcel if he was there, although he did not say so in these words.” Anything said that would indicate that in any shape or form? A.—No, sir.

Q.—“Well, there was a discussion as to some appointments that were to be made on the Island in regard to the patronage.” You have told us about that? A.—Yes, sir.

Q.—Then he says, "I remember that he" (Mr. Stratton) "said, I might make some appointments to satisfy my friends up there, because it would be necessary to do something for them, they would not be satisfied with my turning over to support the government unless they were arranged for in some way or another." Did Mr. Stratton ever make use of any such words? A.—No, sir, I never heard anything like that.

Q.—Then he says (Page 71), "Well, I was to sign a letter agreeing to support the government. Q.—Was one prepared? A.—Yes, sir, there was one prepared." You have told us your version about that. You say that that is not so? A.—That is not so, so far as I know.

Q.—And it was not produced to you? A.—No, sir.

Q.—That you and Stratton "did not ask him to sign it particularly then." Stratton said that he "would have to sign that letter some time." Any truth in that at all? A.—No, sir.

Q.—That you and Mr. Stratton did not seem to be quite ready to carry out the full extent of the deal, "to pay over the payments I expected to get." Was there any readiness required, or anything else? A.—No, sir, I hadn't anything to do with that.

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Q.—And you knew nothing of it? A.—No, sir.

Q.—And then he says, "that was a part of the deal, that I was to sign the letter. It was another part of the deal I was to receive the payment when I signed it." Is that true or false? A.—It is not true.

Q.—Then he said, "By arrangement with Frank Sullivan I called at Mr. Stratton's office the next forenoon after the interview in Mr. Aylesworth's office?" A.—I made no such arrangement with Mr. Gamey.

Q.—And you did not go? A.—No, sir, I was not there.

Q.—That would be he says about the 11th. Then on the 11th he goes on: "Sullivan and myself went into Mr. Stratton's office and he was not in. We waited there for some time, waited around and walked around, and after quite a time he came into his office. Sullivan and I were in there together, and he spoke to us." Now you say you were not there, so that of course cannot be true? A.—No, sir.

Q.—Then, listen to this. He said: "Stratton said that everything was ready and arranged for, and seemed to be in quite a hurry for me to get through. He said, now you and Sullivan go down to the smoking room and wait there and this parcel will be brought down. He took the envelope out of his pocket and laid it on the table in his office, on his desk rather, and said, this parcel will be brought

down and left in the smoking room for you." Is that true or false? A.—I say that that is false.

Q.—"Anything you want in regard to appointments up in your riding, write and let me know at any time, and I will attend to it for you." That was in the forenoon of the 11th September,

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he says. Then he says (Page 78.) That is about the letter of the 10th September, the Aylesworth letter, if I may call it so, in Mr. Aylesworth's office. "I think I saw the letter in Mr. Stratton's office then. Sullivan gave the letter or laid it down on Mr. Stratton's table, and it was left there with him. Whether left by me or Sullivan I am not sure, but I think it was left by Sullivan." Is that correct? A.—No, sir, it is not correct.

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Q.—Then he says he stood at the window of the smoking room, you and he, and "a party came in and laid the envelope he had seen in Mr. Stratton's office, or one like it, on the table in the smoking room, and went out immediately—this party did. Sullivan went over and picked up the envelope, put it in his pocket, and him and I walked down to the washroom together and went in there. He took the envelope out of his pocket, and counted the money, and tore up the envelope, and gave me half of the money. Q.—And how much did he give you? A.—\$1500. Q.—And how much money was there in the parcel? A.—\$3000. Q.—Of what bills? A.—They were Ontario Bank bills." What do you say about that? A.—That is a lie.

Q.—Well, that is a good name to give it if it is so. Now, I am looking for the interview of the 29th January. I find it is page 126. Now I will tell you what Mr. Gamey says with reference to the deal on the 29th January he has told us about. I begin at page 124 of the evidence, at the bottom of the page. Your Lordship, the Chief Justice, will see that that is where it begins. He says: "He was with me most of the time, I fancy, while I was conversing with Mr. Stratton in regard to that interview in the first place" (that is The Globe) "and after we came out from Mr. Stratton's office that afternoon Sullivan told me if I would sign that interview we would get \$1000 cash." Did that conversation take place? A.—No, sir.

The Chancellor: Before that he says, and I would like to hear what he says on that, "Sullivan told me that the other Ministers were sort of jibing Stratton a little about his deal with

(1380)

me, and that Mr. Stratton wanted this interview so as to have the public an-

nouncement from me." What do you say as to that? A.—I never said that.

Q.—That is an earlier part.

Mr. Johnston: Yes, that is on page 119.

Q.—I suppose you did not know anything about it, whether they were or were not? A.—No.

The Chancellor: You did not say that? A.—No, I did not say that.

Mr. Johnston: Then following, on page 125 he says, "After you told him that if he signed the interview you would get the thousand dollars in cash. Then he says, 'Him and I went up to the Public Works Department together that afternoon and I left him up there some place and went into one or two of the offices. I went into one office there where there was a Mr. Doherty, and I went into Mr. Campbell's office that same afternoon I think for a few minutes.'" Then he is asked the question, "When was it in that day you had the promise of the \$1000? A.—That was after we came out of Mr. Stratton's office—Mr. Sullivan and I together." Is that correct? A.—No, sir.

Q.—"The first time I was in Mr. Stratton's office—that was the first time after I saw Mr. Stratton. Q.—And that was before you had gone over the interview and made your alterations in it? A.—Yes." Well then he went back after 6 o'clock.

Mr. Riddell: He says Sullivan and he were in there together in Mr. Stratton's office.

Mr. Johnston: He says you and he were in Mr. Stratton's office on the

(1381)

29th January. I do not mean in his main office, but his private office? A.—No, sir, I was not.

Q.—You were not? A.—No, sir.

Q.—Before he got The Globe interview he says, "Sullivan had said to me, that we would get a payment—a cash payment he thought of \$1000, if I signed that interview." That, of course, you have already contradicted. Then he says, "When I was talking to The Globe reporter, Mr. Frank Sullivan came into that office, that is the outer office of Mr. Stratton, and he said, well, I am ready now." Is that correct? A.—No, sir, it is not.

Q.—"So I got up and started out with him, and Mr. Sullivan went out into the hall ahead of me." Is that correct? A.—No, sir.

Q.—"Mr. Stratton and I spoke a moment in the vestibule between the two offices and Mr. Stratton said, I have given Frank so many fifties, and so many twenties and so many tens and so many fives, making a thousand dollars." Had he given you any money? A.—No, sir, he had not.

Q.—Then he says, "We got out into the hall and started away, Frank Sullivan said, well, they have a good deal

of money around. He said Mr. Stratton said he had \$750 of that at his own office, and he got \$250 out of the Attorney-General's Department." Is that true? A.—Why, no.

Q.—Was the Attorney-General's Department mentioned on any occasion between you and him? A.—No, sir.

Q.—Or any money? A.—No, sir.

Q.—Then he says you went out at the west entrance of the building. Now this would be after six o'clock.

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You took the envelope out of your pocket, tore it up, and counted the money, and gave him half, gave him nine fifties, two twenties and a ten, and that you and he went down to College-street together, and took a car as far as Yonge-street and he left you. Now is that true? A.—It is not true. It is all true but that money matter.

Q.—That is about? A.—Going out of the building, and the way we came out, and going down to the car is all true.

Q.—In order to get out of the building at that hour of the night, which door have you to go out? A.—Have to go out the west door.

Q.—The others are locked up? A.—Yes, sir, I know that.

Mr. Johnston: Now, I do not know my Lords that there is much more I desire to ask.

The Chancellor: What was said between you, if anything in discussing, whether Smith of Algoma could be bought or not? A.—There was never a word said about that.

Q.—Did you say you would try, and see him? A.—No, sir, I did not.

Q.—What was said about withdrawing the petition against Smyth? A.—I never discussed that with anybody.

Q.—What was discussed about sawing off his petition? A.—There was not anything discussed about sawing a petition off. There was talk about the protest against Mr. Davis.

He says that you said, "Davis will never face a trial, and will give big value to have it sawed-off?" A.—No, sir, I never said that.

The Chancellor: That is mentioned in the House. That is the reason I asked it.

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Mr. Johnston: Then coming to the meeting which my learned friend examined you about. You told my learned friend that he told you that he had been telling his friends, whether in Manitoulin or Toronto, or both, you were not very clear? A.—No, I am not very clear on that.

Q.—About this story. Now at that time when he was telling you that, was there anything said then about turning out the government? A.—Yes, he said that they would use it to try and defeat the government.

Q.—So that the object of the story would be two-fold, to satisfy himself and his friends, and to defeat the government and make him Minister of Mines? A.—And make him Minister of Mines. That was his ambition.

Q.—Then when you went down to the piano factory, where did you meet Mr. Gamey? A.—Right in front of the factory—right at the door—close to the doorway.

Q.—And how did you get upstairs? Was it dark? A.—Yes, sir, Mr. Gamey opened the door and put his hand up on a box there and got a candle.

Q.—Lit it there? A.—Yes, sir, lit it there.

Q.—And then you went up? A.—Yes, sir.

Q.—Did you see anything before you went into this room, that has been talked of? A.—Yes, sir.

Q.—What did you see? A.—I saw an umbrella lying on a work bench there—a wet umbrella.

Q.—Was it raining that night? A.—Yes, sir.

Q.—Was your attention particularly directed to that? A.—Yes, sir, I called Mr. Gamey's attention to it.

Q.—A little suspicious? A.—Yes, sir, a little suspicious.

(1383 1-2)

Q.—And what did he say? A.—He said he thought the old man had left the umbrella for him.

Q.—That would be Crossin? A.—That would be Crossin.

Q.—He thought the old man had left the umbrella for him? A.—Yes.

Q.—Then you went in? A.—Yes.

Q.—And he lit the gas? A.—I lit the gas.

Q.—Had you been up there before? A.—Yes, sir, I had been up there on one or two occasions.

Q.—And some talk about a piano company? A.—Yes.

Q.—I need not go into that. And then you sat down. What was done with the candle? A.—The candle was put out. Mr. Gamey handed me the candle while he opened the door. When he opened the door I went in and turned the gas on and lit it from the candle.

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Q.—And then you sat down near the little desk? A.—Yes, sir, I sat down with my back up against the window.

Q.—And you knew the story that was going to be told, you say? A.—Yes, sir.

Q.—The substance of it? A.—It had been rehearsed in the Parliament Buildings.

Q.—Had he said anything in the Parliament Buildings, about who had taken the money to the room, as part of the story? A.—Well he did. He said that Myers had taken the money to the room.

Q.—Did you correct him at the Parliament Buildings? A.—No, sir, I never said anything to him.

Q.—When you got down to this interview who was it that directed the conversation? A.—Mr. Gamey.

Q.—Who was it that shaped the course it should take? A.—Mr. Gamey.

Q.—Did you originate anything at all yourself, in the way of a new subject of conversation, or was it all done by Mr. Gamey? A.—Well, latterly I originated some of the ideas.

Q.—No, but I mean as to the subjects? A.—No, not as to the subjects.

Q.—Now during that period did you know that any one was in the room? A.—No, I do not think I did.

Q.—No. Did you have any suspicion at all? A.—Well, I cannot say that I had suspicions. This umbrella kind of at first—that kind of made me a little suspicious, but I went in and sat down.

Q.—Did you go over towards the piano? A.—I went over towards the

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piano latterly—yes, sir.

Q.—Were you intercepted in any way? A.—Yes, sir, Mr. Gamey got up and kind of stood between me and the end of the piano.

Q.—And did you attach any significance to that at all? A.—Well, I did—I thought.

The Chancellor: The conversation was all over then, wasn't it?

Mr. Johnston: No, My Lord, not quite.

Q.—Was the conversation all over at that time? A.—There were a few remarks after that—just a few.

Q.—Then you have heard the story that is told by these young men that my learned friend asked you about? A.—Yes.

Q.—Is that in the regular connection and sequence in which it was told? A.—No, I do not think it is.

Q.—You do not think it is. Was it told by you as a confession at all? A.—No, sir.

Q.—Gone over by you and Gamey as a story? A.—Yes, sir. That was the object of our visit to the piano factory.

Q.—Then there were only the two times that you and he were at the buildings together, in the sense in which he is putting it, that is going together by appointment? A.—Yes, sir.

Q.—That would be what dates? A.—Well, in September, and then I was with him when he gave The Globe interview.

Q.—Now are those the only occasions on which you were with him at Stratton's office, private or main office? A.—Yes.

Q.—Those are the only two. Was anything said by him in connection with that fact? A.—Yes, sir.

Q.—What was said? A.—Well, up in the Parliament Buildings he said those

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are the two dates on which you were with me to Mr. Stratton's, in which we can prove we were together there.

Q.—In which he could prove you were together? A.—Yes.

Q.—You were not disputing that at that time? A.—No, I was not disputing it.

Q.—And you talked a good deal more than appears in the interview? A.—Yes.

Q.—You talked altogether how long? A.—Oh, I do not know.

Q.—An hour we have heard—three-quarters of an hour or an hour? A.—Yes, sir, about that.

Q.—And talking all the time, I suppose? A.—Yes, sir, did not lose any time.

Q.—Was there anything said at that interview about \$100,000? A.—Yes, sir.

Q.—What was said? A.—Well, that was towards the latter part of the conversation. I drew my—I spoke—I was the authority for that statement, in this way. Mr. Gamey had told me how much we could make out of it in his way of going into the scheme, and I said, Why, you just stick to what you have done, support the government, and those schemes of ours will go through, and we can make \$100,000.

Q.—That was how that came up? A.—Yes, sir.

Q.—Then, after you left the piano place I might ask you in this connection where did you go? A.—We went down and went east on Adelaide-street and into the hotel on the corner.

Q.—Then from there where did you go? A.—Well, we were in the hotel, and Mr. Gamey and I had a drink and a cigar. We walked down Bay-street.

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The Chancellor: That same night? A.—Yes, sir, down to Bay and King.

Mr. Johnston: What was said at the time you parted? A.—Well, Mr. Gamey led me to believe he had given up the intention he had, that he was going to stick to what he had done and support the government.

Q.—You thought from what he had said then? A.—That he had given up his intention.

Q.—Given up his intention of exploding, and was going to support the government? That was the impression he conveyed to you? A.—Well, he did not make me think there was going to be any explosion. I thought he had told those things to somebody and that he was going to go and say they were not so, and that was all.

Q.—Then I was about to ask you with reference to the letter. Mr. Ford you say is solicitor for the Treasury Office? A.—Yes.

Q.—He is the solicitor for the Treasury? A.—I do not know what his position is.

Q.—He is on the same flat as you are? A.—Yes, sir.

Q.—Frank Ford. He got that appointment do you know when? A.—Well, I knew when he got it, just after Mr. McDougall left.

Q.—And how long has he been up on your flat? A.—Oh, well, quite a little while.

Q.—Some months? A.—Yes.

Q.—Before that he was on the flat below? A.—Yes. I knew him before that.

Q.—And on the occasion of writing these instructions, you say that you

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got him to? A.—Typewrite for me.

Q.—But that nobody had anything to do with it except yourself? A.—I wrote them out.

Q.—And now did Mr. Stratton know about any communication or correspondence that you were having with Mr. Gamey? A.—No, sir.

Q.—Did he know anything about the proposed deals that were going on? A.—No, sir.

Q.—Was he or any other member of the government consulted in any way with reference to these instructions, the letters or the deals? A.—No, sir.

Q.—It was a matter entirely between you and Mr. Gamey? A.—Between Mr. Gamey and myself.

Q.—Then it is not a fact that you had shown Mr. Stratton's letters or any letters to Mr. Gamey? A.—No, sir, I did not show him any letters.

Q.—I suppose if you had you knew enough—

The Chancellor: I do not know that you can ask that.

Mr. Johnston: He is not my witness, my Lord. I am cross-examining.

The Chancellor: Oh, yes, but he is not adverse to you. It does not matter, if he had shown them, what would happen.

Mr. Johnston: Not what would have happened.

The Chancellor: What was your question, then?

Mr. Johnston: Did you know, without telling me what you knew, did you know what effect the knowledge of these letters between you and Gamey would have if they were known to the Ministers?

The Chancellor: I think you can ask the Ministers that, but he cannot

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tell how the Minister would act. Each one would act differently, perhaps. I do not think you can ask that.

Mr. Johnston: Very well, my Lord.

The Chancellor: He does not know as much about the Ministers, according to his own confession, as he says in his letters.

Mr. Johnston : I think he is about right.

Mr. Blake : My learned friend asked that question after reading his letters, my Lord.

The Chancellor : He has disclaimed that.

Mr. Blake : Yes, my Lord.

Mr. Johnston : Nothing further.

The Chancellor : Do you know anything about any other Ministers of the Crown knowing anything about this matter, apart from Mr. Stratton altogether? A.—In what way do you mean.

Q.—Do you know anything about any of the other Ministers of the Crown knowing anything about this matter? A.—No, sir. I do not.

Q.—Because in the interview it was said, all the Ministers of the Crown know about it. You deny saying that. You have no knowledge of any of the Ministers knowing anything of it? A.—I said all the Ministers knew that Mr. Gamey was going to support the government.

Q.—That is not the question. About this intriguing that was going on? A.

(1390)

—No, sir.

Q.—They all knew he was going to support the government, because I suppose all the country knew it more or less, at some point of time at all events.

Mr. Blake : No doubt your Lordship's question was based upon one that I asked yesterday. Did you tell him that the rest of the cabinet were trying to sit on Mr. Stratton, and he thought he would show them what he could do.

The Chancellor : It is not only based on that, but what took place at the interview.

Mr. Blake : But still that was a very distinct affirmation of the position of the other members of the government.

Q.—Then Mr. Sullivan, if I understood you correctly yesterday, you stated that the first that you heard about the Minister of Mines in connection with Mr. Gamey was on the last visit that you had at the Parliament Buildings? A.—Yes, sir, that was the first.

Q.—That was the first and last occasion on which he mentioned that? A.—No, sir.

Q.—At the piano factory? A.—He never mentioned it in the piano factory.

Q.—That was the first and last occasion then? A.—No, there was another occasion. He mentioned it to be in front of the Walker House.

Q.—That was subsequently? A.—That was after he had made his statement in the House; on Saturday.

Q.—That is right. But on no occasion did he mention anything to you about his being the Minister of Mines until the day before he made his statement in

the House? A.—The day before he

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made his statement in the House.

Q.—And had never said anything that would have led up to that? A.—No, I do not think he did.

Q.—Nothing. How then do you say to-day, that his ambition was always to be Minister of Mines? A.—Well, I do not—that was the impression he gave me that day—I do not say it was always—I do not think I used the word always.

Q.—That was his main—I forget the words? A.—His scheme seemed to be to carry out the ambition of being made Minister of Mines.

Q.—And you gained that then from the fact of his never mentioning anything about it? A.—No, he did mention it as I say; he elaborated this scheme.

Q.—For six months you had been discussing this thing, and during that six months nothing had been said about it? A.—No. If this scheme of his, to land himself—

Q.—Never mind.

Mr. Riddell : Surely he has a right to answer.

Mr. Blake : That is a fact. That for six months you had been negotiating matters, from August on, but nothing had been said about his being Minister of Mines until the day before he made the statement in the House? A.—We had been negotiating on different lines.

Q.—Is not that the case? A.—That is the case, because we were negotiating on different lines.

Q.—You were negotiating on different lines. By the way, did you keep, or assist in keeping an hotel in Palmerston during June, July and August of 1902? A.—I was in Palmerston.

(1392)

Mr. Johnston : Does that arise out of the cross-examination?

The Chancellor : This is new matter, you can go into it afterwards.

Mr. Blake : It was the amount of his payment, what he was receiving.

The Chancellor : There was nothing mentioned about that. You can ask him.

Witness : My uncle is an hotelkeeper in Palmerston, and he went to the Old Country, and I was there for about five weeks.

Mr. Blake : Part of June, the whole of July, and part of August? A.—I was there in June, and a part of July, and then I went back again in August, just to a reception. My uncle had been married, and I went back in August for a day or two.

Q.—Ferns? A.—No. Kearns.

Q.—Thank you. Because it would be scarcely worth your while to be remaining in the employment of the government, and only getting \$2 a day.

would it not? A.—In what respect do you mean Mr. Blake?

Q.—I mean to say, that for a man of your ability, the payment would be so small, unless there was something in addition to that? It would not be worth your while to remain there? A.—While in the employ of the government I carried on my contracting.

Q.—Was that understood, that you were to be at liberty to do that? A.—I do not know. I did not have any understanding with the government.

(1393)

Q.—I did not know whether the \$2.00 was not exclusive of perquisites such as that might be given you by the influence of members, or whether that \$2.00 was the only remuneration you were to receive? A.—The \$2.00 was all I got—\$2.00 a day from the Government.

Q.—But you had opportunities? A.—I had no opportunities in connection with the government. I told you I had my contracts.

Q.—Opportunities in connection with the department? A.—No.

Q.—Which you were giving to us yesterday, the lake, and the fishing, and the timber? A.—Anybody up around the Parliament Buildings, who kept their eyes and ears open, could find those things out.

Q.—That is just what I thought. So that it was \$2.00, plus pickings? A.—There was no plus pickings? A.—There was no plus pickings in it at all. I got \$2.00 a day.

Q.—Your pay ran on of course while you were up looking after your uncle's business? A.—I took my holidays, and I was allowed two weeks' holidays, and they deducted two weeks from me.

Q.—Out of the length of time that you have mentioned that you were away? A.—Yes.

Q.—Then you stated that Mr. Ganey was disappointed about patronage? A.—Well, he seemed disappointed that none of the deals went through.

Q.—And can you tell me any matter that he had asked for that was not either granted or was being considered favorably by the government? Just

(1394)

give me any one deal? A.—The appointment of his brother as license inspector.

Q.—Had he requested that? A.—He told me he had.

Q.—Had he? A.—I have only his own word for it.

Q.—You don't know whether he had or not? A.—No.

Q.—You don't know whether he had or not? A.—No.

The Chancellor: These things are all in writhing that you are speaking of now.

Mr. Blake: I have not seen it, my Lord. Your Lordship may have.

The Chancellor: It is in evidence that two persons were appointed on his recommendation, and a great many other recommendations made by him.

Mr. Blake: I want to see what the witness says. He was disappointed in the things he got. Let him specify in regard to what matter.

The Chancellor: A great many remained in abeyance.

Mr. Blake: The reason I am asking is, because of this appearing in writing. That which the witness now gives does not appear at all. Therefore, I am asking—

The Chancellor: It is simply this, that out of the numerous applications which appeared before us, two were conceded, and the rest are either not granted, or remained in abeyance. They have not been acted upon.

Mr. Blake: Your Lordship remembers this witness has said he was disappointed.

The Chancellor: Oh, quite so.

Mr. Blake: And now for the first time we hear of another application not in these letters, my Lord.

(1395)

The Chancellor: He told us himself about his brother—Gamey did, and that he did not pursue the application, that he did not want it.

Mr. Blake: That is what I want to get at. Was there any other application that he stated he had made that was not granted? A.—No.

Q.—None. So it all comes back to that. Then you say he complained about McGregor Island. What had he done in respect of McGregor Island? A.—Well, I do not think he had done anything, but he was—

Q.—I do not think so either. He had not done anything.

Q.—And therefore what was the subject of complaint. A.—Well, we thought we could get that.

Q.—What was the subject of complaint that you are referring to here? A.—I am trying to tell you if you will give me an opportunity.

Q.—No, you are going back to an earlier period.

The Chancellor: Go on and say what you want to say.

Witness: Thank you. We led him to believe we could get that McGregor Island right away, that all we needed was his endorsement of it, and after we got into the thing thoroughly we found out we could not get it right away, and he was disappointed, as I say that we did not make what we expected to make out of it.

Mr. Blake: I see. But he had done nothing towards getting McGregor Island himself? A.—Well, he had—

Q.—What was there he could have done? A.—Well, when we would get it in shape he would have recommended it to the Government.

(1396)

Q.—But it never got into a position in which Mr. Gamey could approve of it? A.—No, and he was disappointed it had not got into that position.

Q.—But it was no disappointment with the Government, because they were not refusing him anything. By the way, I ask you this in regard to McGregor Island, because the questions have been asked you. Had you anything to do with McGregor Island before this meeting of August, 1902? A.—Nothing but discussing it with my father. I knew my father was after it. I had written.

Q.—How long before that had you been discussing it with your father? A.—Well, we had been discussing it for two or three years at different times.

Q.—Now, is there any other correspondence that you have had with Mr. Gamey other than that which has been produced here? I mean embracing that which was produced this morning? A.—I do not remember. I remember that, and I remember some telegram or something in connection with the—

Q.—That was all. Therefore we have got all the material now? A.—Yes.

Mr. Johnston: No, he is talking about another telegram.

Witness: A telegram in connection with—

Mr. Blake: That other telegram, and what is produced here now, gives us all the material.

Witness: I think it does.

Mr. Blake: You want to mention about a telegram. Do so? A.—That was in connection with this wood we tried to sell the city at the time of the wood famine.

Q.—I see. Did you write to Mr. Collier at all about pulp wood, or was

(1397)

that done by Mr. Gamey? A.—I wrote to Mr. Collier.

Q.—You wrote to Mr. Collier? A.—Yes.

Q.—What was it that you asked Mr. Collier in that letter? A.—He wrote and asked about pulp-wood and I wrote back and asked him if pulp-wood that was cut a couple of years and had lain would answer the purpose.

Q.—I see. Then the letter that is produced here in regard to that, that was a business transaction, was it not? A.—Yes.

Q.—I should judge so. That is not signed "X.Y.Z."? A.—No, sir.

Q.—Not signed "X.Y.Z.", and not registered under the name of A. B. Crossin? A.—I explained why I did that registering.

Q.—That was registered in your own name and signed with your own name in full? A.—Yes, sir.

Q.—By the way, you say that you occasionally wrote on the typewriter,

and you stated that you wrote enclosing a cheque for the payment of what? I did not catch? A.—It was \$22.00. I sent.

Q.—Payment on what? A.—My insurance.

Q.—I see. What was the date of that? A.—That was along in August.

Q.—On what bank was the cheque? A.—I do not think I enclosed a cheque. I paid in cash.

Q.—Oh, but why did you say, "I enclose a cheque"? A.—Well, if I said a cheque, I am sure it was cash, I may have said a cheque.

Q.—Are you so sure it was cash? Because you said it was a cheque? A.—Well, I made a slip there. I will stand corrected on that.

(1398)

Q.—I do not see that there was any slip about it: "Enclosing a cheque? A.—Well, I may have said a cheque, but it was cash. You can prove that by the Manufacturers' Life Insurance Co.

Q.—I dare say, but on what bank was it? A.—It was not a cheque; I am positive it was not a cheque.

Q.—Quite positive? A.—Yes, sir, I am positive. It might have been a post office order, or it would be money.

Q.—You think it was either the one or the other, because you said it was a cheque. Is that it? A.—I will not discuss that with you at all. I may have said it was a cheque, but I am positive. We can prove that by the

Mr. Riddell: We will find out? A.—Yes, the Manufacturers' Life Insurance Co.—I will look that up myself. There was no cheque in connection with it.

Mr. Blake: That is all, sir.

Mr. Johnston: Just one word. You were asked about contracting in addition to your Government work, and your pay. How did you manage the contracting? A.—I had a foreman, and I used to go out in the morning, wheel out to the Eastern Gap, and up to George P. McGann's house, where I was building a little dock, and stay around there until about 9 o'clock, and then wheel up to the buildings, and stay there until half-past four, and then, if I thought it necessary, go out again and look over the work

(1399)

Q.—And your hours at the buildings? A.—From half-past nine until half-past four, with an hour at noon.

Q.—How many weeks did you say you were at Palmerston? A.—Oh, possibly six weeks.

Q.—And two weeks? A.—I was to have holidays, and they deducted me for the other two weeks, and the way they allowed me pay for the other two weeks was on account of night work I had done. I made two or three trips back from Palmerston.

Q.—Then you were asked about the time when Mr. Gamey made the first statement in regard to Minister of Mines. Of course while the Government was in power he could not very well be Minister of Mines? A.—No, sir.

Q.—That only arose when there was talk of a change? A.—When there was a chance for him to turn the Government out, as he thought.

Mr. Johnston: That will do, Mr. Sullivan.

The Chancellor: The next witness, Mr. Blake.

Mr. Ritchie: We will call Mr. Ford.

Frank Ford, sworn. Examined by Mr. Ritchie:

Q.—You are solicitor for the Treasury? A.—Yes, sir.

Mr. Ritchie: We are just discussing the question of getting the bank books here. My learned friend, Mr. Johnston, has gone to see about that.

Mr. Ritchie resuming: Q.—When were you appointed to that office, Mr. Ford? A.—About the middle of October last.

(1400)

sir. I think that was it. I have not looked up the date.

Q.—Prior to that time, what position did you hold? A.—I had been the Attorney-General's secretary and law clerk for the Attorney-General's Department.

Q.—You had been Attorney-General's secretary for how long prior to October? A.—For all the time prior to that while Colonel Gibson had been Attorney-General, and for some time during Mr. Hardy's Premiership.

Q.—And, at all events, you were Attorney-General's private secretary during the whole of last year, with the exception of the portion spoken of? A.—Yes, sir.

Q.—Then you say that during the whole of 1902 you were secretary for the Attorney-General, with the exception of the latter period, when you became solicitor for the Treasury? A.—Quite so.

Q.—Now, the last witness, Frank Sullivan, has told us that he got you to typewrite a certain statement. Do you recollect that? A.—I do, sir.

Q.—Where was your office at that time? A.—It was on the second floor.

Q.—On the same floor as the Public Works Department? A.—Yes.

Q.—At that time—prior to that where had it been? A.—On the first floor.

Q.—So that prior to October your office was on the first floor, and, after October, when you became solicitor for the Treasury, you went to the second floor? A.—Quite so; that is not counting the ground floor, of course.

Q.—I know what you mean. Not counting the ground floor.

(1401)

Q.—You say ground floor, first floor and second floor? A.—Yes, sir.

Mr. Riddell: What he has been calling the first floor has been called the second floor.

Mr. Ritchie: How far was your office from the office in which Mr. Frank Sullivan was employed? A.—I understand the office he was employed in was in the Public Works Department. That is Mr. Edwards' office, I understand.

Q.—How far would that be from the office you occupied as solicitor of the Treasury? A.—Oh, probably half the length of the corridor—that is of the eastern corridor; about half the length of that.

Q.—Give us an idea in feet; 100 feet? A.—No, I should say a good deal less than that. I would say considerably less than 100 feet.

Q.—At this time, then, you were the head of a department—solicitor for the Treasury? A.—A sub-department.

Q.—With stenographers under you? A.—Yes.

Q.—Who do your work? A.—Yes.

The Chancellor: At which time?

Mr. Ritchie: After October, my Lord.

Q.—You were the head of a department? A.—It is hardly correct to say a department. A sub-department.

Q.—And had stenographers. Will you tell us the circumstances under which you came to typewrite this, what we call the typewritten enclosure, Exhibit 29?

The Chancellor: That is the enclosure, is it?

Mr. Ritchie: The enclosure in the "X. Y. Z." letter of February 11th. Now

(1402)

look at that exhibit, and tell me whether that typewritten enclosure was run off on the machine by you? A.—It was, sir.

Q.—Was the machine it was run off on the same one you had in the Attorney-General's Department? A.—It was.

Q.—The same machine you had while in the Attorney-General's Department? A.—Yes.

Q.—Did you go down to the Attorney-General's Department to do it? A.—I did, sir.

Q.—You went down to the Attorney-General's Department to do it; that is on the next floor below? A.—Yes.

Q.—Did you not have typewriters in your own office at that time? A.—Yes.

Q.—And you had persons there who were in the habit of doing the typewriting? A.—I have a lady stenographer there—a young lady stenographer there.

Q.—Who also does the typewriting? A.—Yes, sir.

Q.—How was it you did not get her to do this typewriting? A.—Shall I give you the circumstances?

Q.—I will be glad if you would. I am sure you will give them exactly, so you can tell it in your own way. A.—Thank you, sir. Mr. Sullivan came to me one afternoon, I presume some time about this date, and told me—he asked me rather, as a favor to him, if I would typewrite something which he had prepared. He did not tell me then what it was. I said something to the effect that I was not typewriting, but he asked me if I would do it, and he said he was in a hurry to get it off. He said he knew I was an expert. That was something more than perhaps I would say myself. He said he was in a hurry to get it; he wanted to enclose it in a

(1403)

letter that afternoon, which he wanted should catch a certain mail. He having put it to me in the sense that he wanted me to do something for him, I said, well, I will do it, and asked him to let me see it, and I took it, and seeing it was not very long, I went and did it.

Q.—You are a solicitor, of course? A.—Yes.

Q.—And you knew that Mr. Sullivan occupied a subordinate position in the Public Works Department, at \$2 a day? A.—I did not know what his position was, and, in fact, at that time I did not know his name.

Q.—Well, didn't it strike you as being a rather singular thing that a clerk in the department should ask you, by your own hands, to do that typewriting? A.—I do not remember whether he asked me to do it myself, or get it done. At all events, he was in such a hurry I went to work and did it myself. I cannot recall which it was, whether he asked me to do it myself, or get it done for him.

Q.—At all events, I suppose you knew that they had typewriters, that is machines, in the Public Works Department, where he was employed? A.—Yes.

Q.—Didn't it occur to you as being singular that he could not get the work done there? A.—At the time it did not occur to me as being singular.

Q.—Hasn't it since? A.—I must admit it has since.

Q.—Occurred to you as being a singular thing. Then, can you tell us—carry your mind back and tell us why it was you did not ask some of the staff in your own office to do it, rather than go down to the Attorney-General's Department to do it yourself? A.—My own stenographer was quite

(1404)

busy at the time. At the moment I had dictated a lot of letters to her, and she was going on with them, and while I was waiting—it was late in the afternoon—while I was waiting for her to finish them, so that I could sign them, I went away and did it myself.

Q.—What was it copied from? A.—Well, so far as I can recollect, it was from pencil notes.

Q.—From pencil notes. Did you know in whose handwriting the pencil notes were? A.—I would not—no, sir.

Q.—In fact, you would not know whether Mr. Sullivan's handwriting or not? A.—No, sir, I do not know that I have ever seen his handwriting.

Q.—Did Mr. Sullivan tell you that any person had asked him to go to you? A.—He did not, sir.

Q.—Apparently went as if he was making the request on his own behalf? A.—So far as I know.

Q.—Then did you alter his draft, or alter the draft that you got? A.—No, sir.

Q.—Or add to it in any way? A.—No, sir.

Q.—You simply run it off on the typewriter in the Attorney-General's Department? A.—Yes, sir.

Q.—Just as it is. I was going to ask you about that. Did it strike you as being singular, the subject matter you were running off? A.—It did, sir.

Q.—It did? A.—Yes, sir.

Q.—It was rather a peculiar thing to be running off in the department of an official, wasn't it? A.—Yes, sir.

Q.—Now, that struck you as being singular? A.—Yes.

Q.—Did you, in consequence of that make any inquiries as to why, or make

(1405)

any inquiry about it at all? A.—When I handed it back to him, I said—I made some remark about it—I cannot remember what it was, and he told me something that I knew before, from The Globe interview, that Mr. Gamey was supporting the Government.

The Chief Justice: Speak out, Mr. Ford.

The Witness: And that he was sending him a letter that day, giving him—I understand this to be instructions as to the stand that Mr. Gamey should take at some convention which was coming on shortly.

Q.—Just so. So that Mr. Sullivan apparently knew there was a convention to be held, and this was being sent to Mr. Gamey for his use at that convention? A.—That is what I got from him, as a result of my saying—making some remark about the document, when I took it to him.

Q.—It was certainly not the class of work you would have expected to be done by a servant in one of the departments? A.—If I had known what it was beforehand, perhaps I would have refused to do it.

Q.—If you had known before you took it, you would have refused to do it? A.—I think I would have.

Q.—You think you would have refused to do it. Then you know it was not a matter pertaining strictly to the

department, but political in its character? A.—When I read it, certainly I could not think anything else.

Q.—And you say that you connected that in your own mind with The Globe interview, which you had read before that, I suppose? A.—I connected it only in that sense, that I thought it must have been connected with Mr. Gamey. It said Mr. "G.," I understand and I was not so blind that I could

(1406)

not see it.

Q.—You saw it was something political. Didn't it occur to you as being singular that a clerk in the department should be entrusted with the preparing of a political document such as this? A.—It did, sir.

Q.—It struck you as being singular. Did you make any remark to Mr. Sullivan about it? A.—No; not on that score. I did not discuss it further with him. In fact, it was late, and I was in a hurry to get back and sign my own letters.

Q.—Did he explain to you that he had been entrusted with this work? A.—No, sir.

Q.—But simply told you it was in connection with that matter? A.—I don't remember whether he said he had a letter from Mr. Gamey or what. He said there was a convention coming on, and he was sending him some instructions.

Q.—And he was doing political work? A.—I did not discuss that with him.

Q.—But he was, as a matter of fact, doing political work, that had no connection whatever with the position he filled? A.—It looks like it.

Mr. Johnston: My learned friend is not entitled to put a witness in the box and suggest to his witness matter which he may think, at any rate, whatever other people may think of it, may be damaging to Mr. Stratton, or anybody else.

The Chancellor: The witness is able to protect himself, if anything improper is asked.

Mr. Johnston: But we are here surely to represent the clients whom we do represent, and we are here to see, if

(1406 1-2)

they are tried, that they shall be tried according to the rules of evidence, reasonably so. I am not taking undue exceptions, but this is a case—

The Chancellor: It struck him as singular that this document was issued by Mr. Sullivan?

Mr. Johnston: My learned friend is putting words into his mouth.

Mr. Ritchie: My learned friend knows Mr. Ford is a barrister, and not apt to swallow any words I may use.

Mr. Johnston: He is not being tried as a barrister.

Mr. Ritchie: No, but he has the knowledge of a barrister.

(1407)

Q.—Look at the words stricken out in pencil. Do you know anything about that? A.—No, sir, I know nothing.

Q.—Were they stricken out when the document left your possession? A.—No, sir.

Q.—That is in the document. Exhibit 29?

Mr. Johnston: It has been in Gamey's possession ever since. I do not know what Ford has to do with it.

Mr. Ritchie: Take document 29. It is composed of two pages. Were they originally joined together or did you tear them apart? Was it originally one double sheet? A.—It was originally one double sheet. I don't remember who tore them apart. I don't remember whether I tore them apart.

Q.—You have got that kind of paper? A.—Yes, sir, I know that paper very well.

Q.—What department did you get that paper from? The Treasury Department or the Attorney-General's Department? A.—I think it was the Attorney-General's Department, I am not sure.

Q.—But, at all events, do you think you tore that apart? A.—I do not remember that.

Q.—But it was originally a double sheet? A.—It was.

Q.—Did Sullivan go with you when you went down to the Attorney-General's office to do it? A.—He did not.

Q.—Where did he see you? A.—So nearly as I can recollect it was in the upper corridor, somewhere between my own office and his.

Q.—You mean he met you while passing in the corridor? A.—I think so.

(1408)

Q.—Do you know whether he was on his way to your office or not? A.—I do not know that. I might surmise some reason from what I have read in the paper for his coming.

Mr. Riddell: Do not let us have that. The Chancellor: You are not asked to give that.

Witness: Very well, sir.

Mr. Ritchie: You said something, after writing this out it was connected in your mind with The Globe interview? A.—Well, I did not say that exactly, sir. I say that now, sir.

Q.—You think that now? A.—That having done the other—of course, I couldn't say that.

Q.—The Globe interview was, as I recollect, upon the 29th of January, was it not? A.—I do not remember the date, sir. No doubt the paper will show.

Q.—And this typewritten enclosure was run off by you some time in February after the letter of the 11th February? A.—I would almost say that it

must have been on the same day it was sent away. I suppose that was so.

Q.—And afterwards you do know this, Mr. Ford, that the typewritten enclosure was subsequent to the time of The Globe interview? A.—Certainly.

Q.—Had you seen The Globe interview before you had run off the enclosure? A.—I certainly had seen that.

Q.—Seen it in the paper? Had you seen it before it appeared in the newspapers? A.—Yes, sir.

Q.—You had? Just look at Exhibit 17, please. Is that what purported to be The Globe interview? A.—Yes, sir.

Q.—And will you kindly tell us what you know about that document, Ex-

(1409)

hibit 17? A.—What I know about that document, that is so far as it is in typewriting, is that I was asked to make a copy of it, to make this copy from another draft (I may call it a draft) by the Hon. Mr. Stratton.

Q.—Where was Mr. Stratton when he asked you to do that? A.—So nearly as I can recollect I was in his office seeing him about a business matter connected with my own department, and he asked me if I would make a copy of something which he showed me, for him, that his own secretary was very busy at the time, and I said certainly, and I took it and did it.

Q.—Do you recollect that date? A.—I did not remember the date, sir.

Q.—We are told it was the 29th January? A.—It would be either the day before it appeared in The Globe or the day prior to that.

Q.—We are told that was about the 29th January. Well, then, at that time you were solicitor for the Treasury? A.—Oh, yes, sir.

Q.—And your office was on the floor above Mr. Stratton's office? A.—Yes.

Q.—Now, was this done on your own typewriter in the Treasury office? A.—No, sir, it was done on the only typewriter which I have ever used since I have been in the service, and which had become an old friend.

Q.—Was that the typewriter in the Attorney-General's Department? A.—Yes, sir.

Q.—And that was run off, Exhibit 17—that was run off on that? A.—Yes, sir.

Q.—At the time it left your hands I suppose it had no writing on it? A.—

(1410)

Nothing except the typewriting.

Q.—Now, you said this was run off from a draft handed to you by Mr. Stratton? A.—So nearly as I can recollect.

Q.—Was it a typewritten draft? A.—I think it was typewritten, I am not sure.

Mr. Riddell: It was as a matter of fact; if you want the facts we will give them.

Mr. Johnston: Typewriting.

Mr. Ritchie: Is that your recollection? A.—Yes.

Mr. Johnston: And that is a copy?

The Chancellor: He said that before.

Mr. Ritchie: What did Mr. Stratton say to you about it when he asked you to copy it? A.—He simply said as I tell you, his secretary was very busy at the time. I think they were short-handed, and he asked me if I would do it for him. I have often done work for him and for other ministers, both before and since I was private secretary.

Q.—I am not suggesting that you did not. I asked you if you recollected what he said when he handed it to you? A.—That is as I recollect what he said.

Q.—You spoke of that being a copy from some other typewritten copy? A.—Yes.

Q.—Was there any handwriting on the typewritten copy from which you copied? A.—I do not remember that, sir.

Q.—You cannot say how that is? A.—It did not leave a very lasting impression on my mind until all this came out, and, of course, I then remembered it.

Q.—I suppose you handed that back to Mr. Stratton? A.—I did.

(1411)

Q.—Have you any recollection of whether he made any remark when you handed it back? A.—Not that I recall.

Q.—You don't recollect any conversation? A.—He did not discuss the matter with me.

Q.—You do not recollect any conversation with him beyond what you have given? A.—No, sir.

Mr. Riddell: He said he did not discuss it.

Mr. Ritchie: Now, look at Exhibit 13. Did you ever see that document before? A.—Yes, sir, I have.

Mr. Ritchie: That, my Lord, is the letter signed "R. R. Gamey" to Mr. Ross, 27th of October, 1902.

Mr. Ritchie: Yes, my Lord.

The Chief Justice: Which Mr. Gamey says he got from Stratton and Frank Sullivan together.

Q.—Did you typewrite that? A.—I did, sir.

Q.—Were you at the time that was typewritten in the Treasury Department—27th October? A.—I cannot quite remember that, but I think I was. I am not sure. If I was not I was made so very shortly afterwards. In fact, I may say I am sure now that on the 27th of October I was solicitor for the Treasury.

Q.—And then this Exhibit No. 13 is typewritten on the same machine as the other two exhibits I showed to you?

A.—The only machine I can remember of using.

Q.—And typewritten by yourself? A.—Yes, sir.

Mr. Johnston: We have admitted that.

Mr. Ritchie: I am only leading up to something else, if my learned friend will have a little patience.

Mr. Johnston: I have patience. I have admitted that.

(1412)

Mr. Ritchie: Do you recollect whether the handwriting was on that document when it left your possession? A.—It was not.

Q.—Just the typewriting? A.—Just so.

Q.—Will you be good enough to tell us the circumstances under which you came to prepare that typewritten document, Exhibit 13? A.—My recollection of that is that Mr. Stratton asked me to make a copy of a letter which he had in his hand one day when I met him in, I think, the corridor on the first floor, that is, where the Attorney-General's office and Premier's office is—he apparently—I was coming downstairs on my road to the Treasurer's office, that is the Premier's office, to see him on some business matter I imagine—he is my chief, of course, now.

Q.—He is chief of your sub-department? A.—Yes, sir, and I met Mr. Stratton coming—we nearly ran into each other, in fact.

Q.—Was he coming from the Premier's office? A.—Apparently from that direction: I don't know whether the Premier's office or the Premier's secretary's office.

Q.—Was it from one of the offices connected with the Premier's Department? A.—Apparently so. I don't know that he had been in there; apparently he was coming from there, and he had a letter in his hand and asked me if I would be good enough to make a copy of it, and the reason he gave me then for asking me that was, I think, his secretary was out at lunch or something of that sort.

Q.—Can you tell us if that was the document from which you made the copy? A.—I cannot recall the typewriting, but it was from a typewritten document.

(1413)

Q.—Was it from a typewritten document run off on a type machine such as this? A.—It was different type.

Q.—I wish you could tell us if that was the document? That has been produced as a document, Exhibit 3. From whose possession was that produced?

Mr. McPherson: Mr. Ross.

Mr. Ritchie: I am speaking of the letter of the 10th September.

Witness: I have not a sufficient recollection to say that, but—

Mr. Ritchie: Was it a paper something like that? A.—It was a paper something like that.

Q.—The one you copied it from was a paper something like Exhibit No. 3. Now, then, the date on the Exhibit No. 3 is not the same as the date on Exhibit No. 13? A.—No, sir.

Q.—No. 3, as you see, is dated 10th September, 1902, and No. 13 is dated 27th October, 1902? A.—Yes.

Q.—Can you recollect now why you made the change of date, or did you make the change? A.—I do not recollect that, sir.

Q.—Was anything said to you about it? A.—Not that I recall. There may have been.

Q.—Can you say whether the document from which you made Exhibit 13 and from which you copied Exhibit 13—had it a date on it? A.—I do not remember, but I think it had.

Q.—Would it be the same date as the one you put on there? A.—I do not think it would be.

Q.—So, then, probably, or can you say whether you were told to put on a different date—told to put a different date? A.—I don't recollect that, but if

(1414)

I put on a different date I must have been.

Q.—You see you did put on a different date? A.—If the other was dated.

Q.—If the other was dated, yes. Now, you said that The Globe interview was copied from a typewritten document. My learned friends say that is right, and I would ask my learned friend to produce that.

Mr. Riddell: We have not got that. The first copy was made by a stenographer.

Mr. Ritchie: I understood my learned friend to say he knew it was from a typewritten copy.

Mr. Riddell: So it was.

Mr. Ritchie: Then my learned friends must have it.

Mr. Blake: He avers that so absolutely: where is it?

Mr. Ritchie: I would ask him to produce it if it is in existence.

Mr. Riddell: We have not got it.

Mr. Ritchie: It ought to be produced on the affidavit on production.

Mr. Riddell: I have told you all I can tell you about it.

Mr. Ritchie: If it was in existence at any time it should have been referred to in the affidavit.

The Chancellor: It should have been, but it is not. We cannot help it now. We will have to go on.

Mr. Ritchie: Then that is all, Mr. Ford.

Cross-examined by Mr. Riddell:

Q.—You were, as you say, once in the Attorney-General's office? A.—I was

(1415)

for some time, sir.

Q.—And you did some typewriting? A.—I have done a great deal of typewriting in my time.

Q.—And on a machine used in that office? A.—It is the only machine I recollect using, as I have said.

Q.—And that machine is the only machine that you think you can operate—at least, the only one you have operated? A.—I can operate others, I suppose.

Q.—Let us see the first of these papers that you spoke of. Which was the first of them? That is the first, I suppose? A.—The first in order of time was the letter.

Q.—Exhibit 13. That would be the first one of these, Exhibit 13? A.—Yes.

Q.—And that you say was struck off? You and Mr. Stratton ran into each other in the eastern corridor, and he asked you to strike this off as his stenographer was out, and you went and did so at the machine you had been accustomed to? A.—That is my recollection.

Q.—And you gave it back to him and that is all you knew about it? A.—That is all.

Q.—And the next of the letters was which? A.—The next I know about was The Globe interview.

Q.—That is Exhibit 17? A.—Yes.

Q.—And as you say you struck off only the part which is in typewriting here, and the other part you know nothing about? A.—I know nothing except what is in typewriting.

Q.—Have you told us all you know about that matter? A.—Yes, sir.

Q.—Then we will let that go. And the next that you struck off was this enclosure in the X. Y. Z. letter? A.—Yes.

Q.—That was done at the request of Mr. Sullivan? A.—Yes.

(1416)

Q.—Is there anything peculiar about this paper, or is this paper used in all the departments? A.—I do not know that. I know the paper very well myself.

Q.—Paper that is constantly being used. A.—I think so.

Q.—And the reason you went to the Attorney-General's Department to strike it off was because you knew the machine? A.—That was the only machine I would try to operate.

Q.—You know nothing, I think, about this exhibit No. 3, or do you? A.—No, sir, except that it is handed to me as what I copied from.

Q.—Are you sure now? Will you look at that and say if it was this original you copied from, or was it a copy of that. A.—I cannot remember.

Q.—You cannot say whether it was a copy of this, or exhibit No. 3? A.—I can identify my own typewriting. I can identify that as well as my own handwriting.

Mr. Ritchie: In connection with any of these documents, or the subject matter of these documents, was anything dictated to you to take down by any of the Ministers? A.—Never, sir.

Q.—Did you have any conversation with any of the Ministers in reference to it? A.—No, sir.

Q.—Apart from what you have told us about Mr. Stratton? A.—Apart from what I have told you I have had nothing.

Q.—Do you recollect what you did with the notes from which you typewrote what you call the typewritten enclosure? A.—I handed everything I had back.

Q.—To whom? A.—You mean the typewritten enclosure? That is what I did for Sullivan?

(1417)

Q.—Yes. A.—I handed everything back with the copy to Mr. Sullivan himself.

Q.—And the others you handed back to Mr. Stratton? A.—Certainly.

Q.—The Globe interview, and the letter addressed to Mr. Ross? A.—Yes, sir.

Mr. Riddell: To the person who gave them to you. A.—Certainly.

Mr. Johnston: Now I must state to my learned friend that I telephoned to the bank, not perhaps at their suggestion, but because I desired that no further delay should take place in regard to the bank accounts, so far as I was concerned.

The Chancellor: Are they coming?

Mr. Johnston: I am told they are here, or will be here in two or three minutes, the manager and Mr. Bartlett.

Mr. Ritchie: I did not ask for the manager.

The Chancellor: You said you were going to examine the bank people.

Mr. Blake: Oh, yes.

Mr. Ritchie: I have had them here day after day.

The Chancellor: It is desirable to get them relieved.

Mr. Ritchie: I thought a good deal of time might be saved if the books were produced, and my learned friend and myself allowed to examine them.

Mr. Johnston: The bank will not allow us to do it.

The Chancellor: If you have a witness we will go on with him, and break off when the bank people come.

Mr. Johnston: I think Mr. Bartlett is here.

(1418)

Mr. Blake: If we could have had the books it would have saved some time, but we will have to do the best we can, and take the books before your Lordships.

The Chancellor: Very well.

George R. Bartlett, sworn. Examined by Mr. Ritchie:

Q.—You are a teller, paying teller in the Ontario Bank? A.—Yes, sir.

Q.—And how long have you occupied that position? A.—Oh, for quite a number of years.

Q.—Then you were there during the whole of last year? A.—Yes, sir.

Q.—Now, have you got with you your teller's cash book covering the transactions in say the first half of September, 1902? A.—Yes.

Q.—Will you be good enough to let me see that? A.—They are over in the corner there.

The Chancellor: The constable will bring them.

Mr. Ritchie: You might fetch all the books here.

Q.—Have you there got what you call your supplemental cash book? A.—The supplemental cash book—the cheques that are in my book are in the supplemental cash book, therefore it is not necessary.

Q.—I do not agree with you in that. I told Mr. Barwick, the solicitor for the bank, that I specially wanted that. A.—Perhaps it is here.

Q.—We will find something more in your supplemental cash book than we will in your teller's cash book. You will find the names in one and not in the other, as we understand the banking business? A.—The initials are there.

(1419)

Q.—And the name of the person who drew the cheque there? A.—Who drew the money?

Q.—Yes.

The Chancellor: We had better have the book if there is any question.

Mr. Ritchie: Now, which is your teller's cash book? A.—This one.

Q.—Now, turn up, please. A.—To what date?

Q.—Just look up the 9th or 10th of September. A.—There is the 9th.

Q.—Say we start in the first on the 10th. Then we can go back or forward. Have you looked over these books since you have been subpoenaed? A.—I looked over these—yes, sir.

Q.—For what purpose did you look over them? A.—Just to account for any sums, any large amount.

Q.—What large amounts had you in your mind? \$3,000, for instance, or \$5,000? A.—Well, it was simply to check what large amounts there were.

Q.—You were subpoenaed to produce certain things, and you knew, I suppose, or suspected the object? A.—Oh, yes.

Q.—Of your being subpoenaed? A.—Yes.

Q.—Now, then, you looked for items, say, of \$3,000? A.—Yes.

Q.—Did you look over the 9th, 10th and 11th September? A.—Yes, sir.

Q.—Did you find any items of \$3,000 on either of those three days? Will you be good enough to take the 10th in the first place, and show us what items of \$3,000? How many for instance? A.—There is one.

(1420)

The Chancellor: On the 10th?

Mr. Ritchie: Yes, my Lord.

The Chancellor: One item is \$3,000. A deposit?

Mr. Ritchie: No; paid out.

Witness: It is a cheque. It does not follow it is a cheque cashed. That happens to be a note that was charged to that firm, "K.B." means "King Brothers."

Q.—On that day? A.—On that day.

Q.—A note had been current for some time? A.—Due on that day.

Q.—And then a cheque was given to retire it? A.—Yes.

Q.—Now can you tell us—there is an item there of \$5,000—can you tell us what that is? A.—That is also a note.

Q.—What is "C. and R." A.—It is only an initial. It is "C. and R." again there you see. It is a note in any case.

Q.—Did you look it up to see if it was a note? A.—Yes.

The Chancellor: A note?

Mr. Ritchie: A note became due on that day.

Witness: A note became due on that day.

The Chancellor: And retired by cheque?

Mr. Ritchie: A cheque was given for it when it became due.

Mr. Riddell: Or it might have been charged up.

The Chancellor: It represents some cash transaction. What is it, Mr. Bartlett? A.—It represents that it was due that day, and charged to "C. and R." whatever that initial is.

Q.—It does not represent any money paid out? A.—No, no money paid out.

Mr. Ritchie: Then an item of \$6,000 there on that date. That is, the 10th

(1421)

still? A.—Yes. That represents a note for \$6,000.

Q.—That came due that day. A.—Yes, sir.

Q.—When was it made?

The Chancellor: Is it important to dwell on this? They are not pertinent here.

Mr. Ritchie: I cannot tell what may develop from them. I have to trace them back.

Witness: There is \$6,000. Of course, ordinarily, that would be a note due on that day, but it so happens that is the date it was due—the 5th.

Q.—Ryan. That was a note due? A.—Due on the 5th, and not being arranged I held it.

The Chancellor: Speak a little louder.

Witness: It was due on the 5th, and I held it on the 5th, not having been settled that day; \$6,000.

Mr. Ritchie: Do you recollect what day the note was—how many months? A.—That I would not know without referring to the discount register.

Q.—Can you find that out for us? A.—That could be found out.

Q.—You will find that out for us when we get the discount register. Is the discount register here? A.—There were a lot of books brought.

Q.—You will be able to tell whether the discount register is there or not?

A.—It would be labelled on the back. I do not think so.

Mr. Riddell: Send a messenger down for it.

Mr. Ritchie: He can have it here at the adjournment hour.

(1422)

The Chief Justice: Have it here at 2 o'clock.

The Chancellor: Go on now, please.

Mr. Ritchie: You think that is Ryan, \$6,000? A.—Yes, sir, and on the 10th it goes out.

Q.—Then what you assume is that on the 10th there was a cheque given for it? A.—Either that or the note was charged.

Q.—Or the note was charged up. You can find that out, whether it was a note or a cheque? A.—I do not see that there is any way of finding that out at all.

Mr. Riddell: The only way is by turning up Ryan's book to see if a cheque is out that day. He cannot find it. He must see Ryan.

Mr. Ritchie: Your ledger will show it? A.—The ledger will show an item of \$6,000 charged. I do not know that it will show a cheque or a note. One is to all intents and purposes the same as the other in charging.

Mr. McPherson: Was he treating that as specie that day? A.—Oh, no, just as bills payable.

Mr. Riddell: You must speak so the reporter can hear you.

Witness: Just as a bill held. There is a heading, if the man does not settle we know it has to be held.

Q.—Now, what is "F. & Co.," \$4,500? A.—Fairweather & Company. That is a note.

Q.—Came due on that day? A.—Came due on that day. I do not think it shows the date. It was due that day and charged.

(1423)

Q.—And what is "G. M. & Co.,"? A.—Gordon, McKay & Company. They were notes. There may have been several.

Mr. Ritchie: You need not take all this down.

Mr. Johnston: Oh, yes, let us have it all down.

Mr. Ritchie: All right.

Mr. Johnston: We want this bomb-shell exploded.

Mr. Ritchie: Is this 10th September where the payment goes out? A.—Yes, this is the debit column. This is the list of cheques.

Mr. Riddell: Or debits? A.—This is the debit column. This would be the debits, and these are the credits, and these are the cheques.

Mr. Ritchie: These are debits for what purpose? A.—Charging for instance, to a branch, or anything like that.

The Chancellor: Call attention to anything that you think important.

Mr. Ritchie: I had hoped to have been able to do this when your Lordships were not in session. There is \$5,000 there. Have you looked up these two items? A.—I know what they are without referring to any other book. \$5,000—that means a parcel of money sent to Alliston branch, and \$5,000 sent to our Aurora branch. That comes in another column.

Q.—Then this \$2,869? A.—These are items charged to that third teller, and that to the second, and that to the second.

Q.—Why is this charged? A.—For instance, take payment of notes, that may be either in cash, or a marked cheque. Marked cheques are given to the second teller, because he makes up the bank parcel going through the Clearing House, and that would be a

(1424)

number of such things added together, and charging the total.

Q.—That is the whole of the 10th? A.—Yes.

Q.—What is this over here on the 10th? A.—This is the cash statement. This of course is supposed to balance with that. That balance is supposed to tally with this, otherwise it will be over or short, as the case may be.

(1425)

Mr. Riddell: These are not transactions at all? A.—Oh, no; that is just a balancing up.

Mr. Ritchie: That is your cash specification here? A.—Exactly.

Q.—Do you mean that you paid out \$9,100? A.—No, this is all on hand.

Q.—You only paid out one \$100 bill? A.—Oh, no; that does not follow at all. You see, I received as well all Ontario Bank notes, coming through the Clearing House, and on that day I show eighty-nine \$100, that is on the 9th September. I may have taken in half a dozen or a dozen or two dozen, and added to that, and then I pay out also, and that is the balance that is left. It only happens to be a difference of one bill.

Q.—Have you any means of showing the number of \$100 bills you would take in on the 10th? Is there no way by which you can ascertain that? A.—That is almost impossible. People sometimes come in and change notes.

I simply change them and do not take any further note of them.

Q.—I am asking you now. You had eighty-nine \$100 bills on the 9th September. Now, apparently, on the 10th you had only ninety. If you did not take some in, you could only have paid out one \$100 bill? A.—Taken in one.

Q.—You say you would probably take in on the 10th a number of \$100 bills? A.—I might.

Q.—Have you no means of showing that? Is there no book that will show it? A.—No.

Q.—Is there any slip that will show it? A.—There are slips—little bordereau slips.

(1426)

Q.—You keep them. Where are they? A.—Sometimes they are thrown away.

Q.—As a rule, banks keep all those?

A.—Not all the bordereaus, because if we kept everything we would have the house full.

Q.—Do you keep these slips? A.—Yes, I think those are kept.

Q.—So that you would be able to tell us from these. You have not got those with you? A.—No.

Q.—You can produce them immediately? A.—Yes.

Q.—Then they will be here at the adjournment hour?

Mr. Riddell: Is that so? Let us have no misunderstanding. Can you look up all the slips of the various depositors and have them here by 2 o'clock? A.—Well, the slips I refer to are the slips only that come from the Clearing House. I have nothing to do with the depositors.

Q.—That is clear enough.

Mr. Ritchie: Then, look at the 11th September. Is this the 11th? A.—Yes.

Q.—Then you have gone through the items there, have you? A.—Yes.

Q.—What large items do you find paid out there on that day? A.—There are no large items, I think.

Mr. McPherson: 1,500 or over.

Mr. Ritchie: 2,853.81. What is that? A.—Western. I fancy that is the Western Assurance Company.

Q.—There is \$2,000 here? A.—That is a note.

(1427)

Q.—You have looked that up? A.—Yes, sir.

Q.—Those that you have ticked off you have looked up? A.—Exactly.

Q.—And this \$12,000 is what? A.—D. D. Hawthorne & Co. That is a note.

Q.—And this is Fairweather & Company? A.—Yes.

Q.—So that those you have looked up on that day? A.—Yes.

Q.—That Fairweather & Company \$4,000—can you look up that and tell us what note that is? A.—It is their own promissory note to us.

Q.—Did you look it up? A.—Certainly I did. I did not see the number. It was looked up in the diary of that day showing a note of Fairweather & Company for \$4,000 due. You may notice a day or two ago there were one or two more.

Q.—What I want to ascertain is this: Could you tell from your diary what date that note had to run? A.—The term?

Q.—Yes? A.—We could only tell the term from the register.

Q.—Then you say you have looked all this up? A.—Yes.

Q.—Noow, then, what is the K. \$3,000?

A.—That means a credit to our Kingston branch, \$3,000, a collection sent to us which was paid and we credited.

Q.—Have you looked that up? A.—Yes, sir.

Q.—And this item, second teller, is similar to the explanation you gave about the other item? A.—Yes, sir. I credited him with what he gives me, made up of different items.

Q.—Then, on this side, what have you got here?

Mr. McPherson: How many \$100 bills did you begin business with that morning of the 11th?

(1428)

Mr. Ritchie: 72.

Witness: I begin with what is left on the 10th. I began on the 11th with that.

Mr. Ritchie: 90.

Mr. McPherson: 90 \$100 bills, and he closes that day with 72, and the bordereau will show how many you took in during the day? A.—Exactly.

Mr. Riddell: From the Clearing House.

Mr. Ritchie: Exactly. Now, have you any recollection just about this time of having paid out \$3,000 in hundreds and fifties? A.—No, none.

Q.—No recollection? A.—None whatever, and there is nothing to show that that was done.

Q.—Nothing to show that on these dates? A.—Nothing to show on those dates there was an cheque of \$2,000 cashed.

Q.—Then, let us look back to the 9th September. What do you find there? Did you look that up? A.—Which is that?

Q.—The 9th September? A.—Yes, we had that.

Q.—I thought it was the 10th we had? A.—We have the 9th, 10th and 11th. Perhaps we did not have the 9th.

Q.—I don't think we did. We did not have the item of the 9th? A.—Perhaps not.

Q.—There is an item of \$5,800? A.—Those are two notes charged—either two notes charged or a cheque given for them—one or the other.

Q.—J. B. M.? A.—J. B. Miller. The Parry Sound Lumber Co.

(1429)

Q.—Both came due on that day? A.—Yes, sir.

Q.—Now, there is an item of \$5,000—What is that? A.—James Lumbers. That is a note also.

Q.—Are these the only three dates you have looked up? A.—The only three.

Q.—Now, is this the 8th you have got here? A.—That is the 8th.

Q.—What have you got on the 8th? These are your deposits here? A.—Yes.

Q.—What are these items in here?
A.—Those are branches: \$5,000 Mount Forest, \$3,000 Tweed and \$5,000 Alliston, \$5,000 Lindsay and \$10,000 Peterborough. Those were all parcels of money sent away on that date to the branches.

Mr. McPherson: Will you produce the bordereau for the \$10,000 parcel? A.—There is no such thing as a bordereau for that. The bordereau goes with the money. I keep no copy. They would have a bordereau in Peterborough.

Mr. Ritchie: What is the \$1,500? A.—Yonge street branch legals. They got \$1,500 in small legals, meaning tens and twenties, for their own use.

Q.—Then, come to the next one. What is the 4,100 here? A.—Of course, I have not looked on the 8th at all.

Q.—You will look between now and the adjournment hour? A.—Yes.

The Chief Justice: Are you pretty near a break now?

Mr. Ritchie: Yes, my Lord. If you will look up any big item on the day the 8th.

Mr. Ritchie: And bring the discount register.

(1430)

Witness: And no other day than the 8th?

(Adjournment 12.55 until 2 p.m.)

(1440)

AFTERNOON SESSION.

Friday, April 24, 1903.

Miss Sarah Dobson, sworn. Examined by Mr. Ritchie:

Q.—You are the postmistress of Yorkville? A.—Yes.

Q.—And have been for a great many years? A.—Yes.

Q.—Do you recollect receiving a registered letter, addressed to Robert Gamey, Gore Bay, in February of this year? A.—Well, I did not receive it. My assistant received it.

Q.—Did you make the entry in the book? A.—No.

Q.—Is your assistant here? A.—No.

The Chancellor: This is admitted, is it not? That he sent this letter?

Mr. Ritchie: It is admitted that he said he registered it in the name of A. B. Crossin, the A. B. C. and X. Y. Z. letter. We simply want to show, as a matter of fact, the book is here, and my learned friend will perhaps admit that this is registered as J. B. Crossin, from the Walker House. He said it was A. B. Crossin? A.—She may not have understood the initials. It may have been A. B. Crossin. I did not receive it.

The Chancellor: She cannot tell anything about it.

Mr. Ritchie: It is in the book, "J. B. Crossin, Walker House." There were two other letters sent to him, do you

know about them? A.—I don't remember the dates.

Q.—There is one on the 20th February? A.—Yes.

Q.—Addressed to Mr. R. R. Gamey and the name of the sender given as "F. J. Sullivan"? A.—Yes.

Q.—What is the other letter, the 27th? The Chancellor: That is admitted.

(1441)

Mr. Ritchie: I do not think they have admitted the names of the registration. The one on the 27th of February is also registered, "F. J. Sullivan"? A.—Yes.

Cross-examined by Mr. Riddell: Q.—You do not know how that came to be J. B. Crossin? A.—No.

Q.—Your assistant may have misunderstood the initials? A.—Yes.

Mr. Bartlett, recalled. Examined by Mr. Ritchie: Q.—Is this the teller's cash book? A.—Yes.

Q.—What is this item that is struck out? A.—There is the item. It was late in being settled that day. I put it in there first, and it came out afterwards.

Mr. Riddell: Is that "Bills Held"? A.—Yes.

Mr. Ritchie: Look up for me that item of the 9th of September of \$6,000. Look at the ledger, please? A.—The deposit ledger?

Q.—It will appear in the ledger account of some particular customer? A.—Do you mean the original credit?

Q.—Yes, take the customer's account. You have a ledger account with each customer? A.—Yes.

Q.—That man is a customer of yours? A.—Yes.

Q.—Then I want to see his ledger account with respect to that item? A.—Well, I don't think the deposit ledger is here. I did not know it was wanted. It does not relate to me, of course.

Q.—If you will make a note of that \$6,000, 9th of September, you know the name, look at the deposit ledger in connection with that item. How many ledgers will there be? A.—A to L and M to Z.

(1442)

Q.—Would the ledger in use in September last be in use now? A.—Most likely a new ledger. That is about seven months ago.

Q.—So it would not embarrass the bank to have the both ledgers here? A.—No.

Q.—I want the two deposit ledgers of September, 1902. Now, this is the 8th here. Did you go over this before? A.—No, I only went over the 8th, 9th and 10th. When I went down, this book was here, and I could not do anything more.

Q.—What is that P. M. & Co., \$4,100? A.—I don't remember what that is.

Q.—Make a note of that P. M. & Co under date of 8th September. And

there is \$4,700. What would that be?
A.—That would be a note.

Q.—You are sure of that? A.—They sometimes have a large pay-sheet. I could not swear to that.

Q.—What is that J. L.? A.—That is a note.

Q.—You are sure of that? A.—I am satisfied that it is a note.

Q.—Make a note to look that up. The same date, the 8th. What is this? A.—That is a note, too, \$4,000 and \$3,500, two notes.

Q.—What is this one, \$5,000? A.—You remember you asked what C. and R. was and I could not tell you. That is Cockburn and Rae.

Q.—Is that the same amount carried over there? A.—No, another note. Is the amount exactly the same?

Q.—Yes? A.—Then it is another note. Of course, as I have said, they have a pay-sheet occasionally, and I cannot

(1443)

say whether it was a note or cheque
Q.—What is J. D. K.? A.—J. D. King & Co.

Q.—And this? A.—D. A. V. I don't know.

Q.—Make a note to find out what D. A. V. is on the 6th September, \$1,500. What is this G. M. Company? A.—Gordon, Mackay Company.

Q.—What is that? A.—K. B. King Brothers.

Q.—And that Sv.? A.—Savings department. That refers to the upper amount.

Q.—What is that P. S. M.? A.—Parry Sound Lumber Company.

Q.—This is the same thing, Gordon Mackay & Co? A.—Yes.

Q.—And this, W. & B.? A.—Westman and Baker. That is a note.

Q.—Then, let us look at the 12th September in this book, the 12th is Friday. What is this N. W. Company \$5,000? A.—I will have to make a note of that one.

Q.—There is an entry here, \$4,338? A.—That is a note.

Q.—And O. W. E.? A.—Ontario Wind Engine. That is a note.

Q.—And what is W. G. or W. S.? A.—I think it is William Graham. He is a miller.

Q.—Make a note of that, will you please? A.—\$5,500, W. G., on the 12th.

Q.—What is F. & Co.? A. Fairweather.

Q.—Now, subject to what you are going to give me, that is all I want to ask for the present about this book. This is your teller's cash book? A.—Yes.

Q.—Now, before I look at the supplementary cash book, I want to ask you, suppose you handed out the cash for a cheque not on your bank, but on a branch of your bank, where would that appear? A.—It would appear in this debit column. We would charge

(1444)

it to that branch.

Q.—Would it always appear in the teller's cash? A.—Yes, always appears in that column in every case, it could not take any other course very well.

Q.—Suppose you cash a cheque upon an outside bank, that is, some customer of yours comes in with a cheque upon the Dominion Bank in Oshawa and you cash that for your customer, where would that appear? A.—That would go through the Dominion Bank.

Q.—Would it appear in your teller's cash? A.—No.

Q.—Where would it appear, cash items book? A.—No, it would appear in the teller's entry; anything I pass through is charged to the other teller, and would be included in that total.

Mr. Riddell: Which teller? A.—The second teller who makes up the parcels for the Clearing House.

Mr. Ritchie: What is his name? A.—Kelso.

Q.—Does he keep a book for that purpose? A.—We have a book between us.

Q.—Is that book here? A.—Yes.

Q.—You understand what I mean, you are cashing a cheque, say that I am a customer and I have a cheque given to me, not on your bank, but some other bank, and for my convenience you cash it. Where would that appear? A.—This is a book between the first and second teller. Anything that properly belongs to him comes in this list, it is added up, and I charge him with the total amount. There is an instance. Receiving teller, I charge him \$6,842 that day, the list that is shown in that book.

Q.—Are these the items you have paid out in cash? A.—Oh no, that does not

(1445)

follow. I take the payment of notes as well as pay, and most of these items represent the payment of notes, marked cheques on other banks, which I pass over to the second teller.

Q.—Suppose it was not a marked cheque on another bank, but simply the manager told you to cash that for another customer? A.—It would appear in this.

Mr. Riddell: All cheques on other banks which are neither cash or credit you put in this book? A.—Yes, because the second teller makes up the package for the different banks to go through the Clearing House.

Mr. Ritchie: Can you distinguish between moneys received for notes and cheques cashed in the way I speak of for the accommodation of a customer? A.—Not always I cannot.

Q.—What is this \$289.10 on the 9th? A.—That means that it was an item returned from another bank through some error, was not properly endorsed or something of that sort.

Q.—How does that show? A.—Returned to us. It was an item sent into

a bank and they sent it back to us on account of some discrepancy.

Q.—Do you know what that \$1,096 is? A.—It is most likely a note for that amount.

Q.—What is that \$210.61, and what is that item? A.—\$210.61 and \$608.44, those are all notes.

Q.—And what is this on this side here? A.—This is what I received from the other teller. On that side is what I charge the other teller. These are my initials.

Mr. Riddell: What are these blue marks? A.—That is the receiving teller's initial, "K." I pass these items (1446)

over to him and he initials them.

Mr. Ritchie: There is an item \$3,265.33? A.—No, that is the addition of that column.

Q.—Then you say that this little book—what do you call it? A.—Oh, it is a book between the first and second tellers.

Q.—Is not that what you call a cash item book? A.—Well, you could call it that. I don't know that it has any special name. It is just a memorandum book.

Q.—At all events, this book you produce you say contains entries of all the cash that you paid out on cheques of other banks? A.—Exactly.

Q.—And you can go as broad as that, that it covers all cash paid out by you not entered in the teller's blotter? A.—Yes.

Q.—There are only two books to show the cash paid out by you? A.—There is a third teller, but there is nothing in this of any account. He just hands these little amounts over. They are small amounts. He only takes a small portion of the receipts and he just hands me over small amounts.

Mr. Riddell: Legals, apparently? A. Yes, legals, ones and twos.

Mr. Ritchie: I will take your general statement, then, if you had paid out cash on any day in September it would appear in this teller's cash book or in this other book, and that is equivalent to a cash item book? A.—Yes, or in that column. If it went to a branch. Of course that includes items paid. For instance, that parcel is really money paid out. It was sent to our Newmarket branch.

(1447)

Q.—Suppose you cash a cheque on your Newmarket branch, where would that appear? A.—Right here. We charge it to Newmarket.

Q.—It would not appear in the other column? A.—No, not at all; these are all cheques and notes.

Q.—Then I will have to trouble you to go over this other column of the branch cheques. This is the 12th here. What is that \$5,000? A.—A parcel to Newmarket. "N" means Newmarket.

Q.—Is that money you paid out? A.—Money I paid out.

Q.—What did you pay it out for? A.—Oh, we keep the branches supplied with cash. Of course they could not transact business without.

Q.—It was not paid out on a cheque? A.—No.

Q.—Just in the ordinary way to keep your branch supplied with cash? A.—Exactly.

Q.—What about this \$6,693? A.—That means Clearing House. The balance may be either in favor or against the bank. It was against us that day, so we charge it to the Clearing House.

Q.—What is this, "Y. S."? A.—Yonge Street branch, a parcel of \$8,000, which they got from us. That is at the corner of Richmond and Yonge.

Q.—When did you open your branch at the corner of Carlton and Yonge? A.—Last fall.

Q.—What time. A.—I think it was in October.

Q.—Not before? A.—I don't think so.

Q.—It was not open in September at all events? A.—The office, I think, was not ready then.

(1448)

Q.—Were they doing any business in September at all? A.—I would not be sure of the day it was in September; I know there were two or three days set down for finishing up the office, and it was not finished. Then finally it was finished, but I don't remember the date.

Q.—You cannot say whether they were doing business in that branch in September or not? A.—No, I cannot say, but I do not think so.

Q.—Would you mind making a note to find that out for me? Then there is \$12,000 there; what is that? A.—The west end.

Q.—What is that \$3,000 there? A.—That is an item charged to the second teller.

Q.—Why? A.—Because it was on another bank, and I passed those out of my hands to him.

Q.—Can you trace that up and tell me what it was? A.—There it is. It is that credit, a collection from the Kingston branch.

Q.—Do you know on whose account? A.—It was drawn upon W. D. Matthews & Co., a demand draft on them, a grain firm. He has them constantly, all through the book you will find them.

Q.—There is another \$3,000 on that date? A.—That is a parcel sent to our Tweed office. "Tw." That means Tweed, an abbreviation.

Q.—Is that in the ordinary way, supplying them with money? A.—Exactly. No cheque; that was a parcel of money.

Q.—And that \$5,000? A.—That is to Lindsay; that is the same.

Q.—What is that? A.—The total of cheques brought forward.

Q.—\$2,864.98; where do you trace that, 10th September? A.—\$2,864.98;

(1449)

that means the total of that.

Q.—And this is your Alliston branch? A.—Yes.

Q.—What are these in here? A.—Those are collections credited to the different branches when paid. That means Kingston a collection for that amount. And that is credited to Bowmanville and that to Peterborough, and so on.

Q.—What is that "L. B."? A.—Local bills. The total of the bills discounted that were due that day. We credit them in total.

Q.—And this is the Clearing House? A.—Yes, that is the amount I received in cash that day from the Clearing House, \$8,000.

Q.—And that you say is a cross for this, the same thing? A.—Yes, here on the 11th you will see this charge to this teller. I had made up a total there of all these, and this was late in coming, so that was just added afterwards.

Q.—Now this \$10,000 that you sent to Peterborough upon the 9th day of September? A.—Yes.

Q.—That would be in your own bank bills of course? A.—Yes.

Q.—Have you any means of telling the denominations? A.—No, I could tell you very closely, but I would not swear to it.

Q.—Give it to me as closely as you can? A.—I usually send them \$5,000 in fives and \$5,000 in tens when I send them \$10,000.

Q.—You do not send them large bills? A.—No, we don't send them large bills.

Q.—Would not the Peterborough branch have \$100 bills? A.—No, the

(1450)

branches don't require them. If they wanted them they would ask for them, but they never do.

Q.—You don't recollect them asking for them at that particular time? A.—No, I know they didn't. It would be so unusual that I would remember.

Q.—It would be so unusual that you could pledge your oath that that did not represent one hundred bills and fifties? A.—I can swear to that.

Q.—Then what is that, Peterborough \$10,000. A.—That is another parcel.

Q.—Is not that a little unusual to have \$10,000 one day and \$10,000 the next? A.—No, that often happens. they pay out a lot of money there.

Q.—Would you say the same thing as to that, that these were bills of small denominations? A.—Yes.

Q.—They would not be \$100 bills? A.—No.

Q.—That is the 8th of September. These are branches? A.—Yes, parcels sent to those branches.

Q.—Is this the same thing? A.—That is Newmarket, a parcel, and that Aurora, a parcel.

Q.—\$3,239, let me see that in your small book? A.—That is the total there.

Q.—Now, you have the second teller on the third? A.—There it is, \$5,282.41.

Q.—That is the total of all these collections? A.—Yes.

Q.—What is that? A.—Mount Forest, \$5,000, a parcel.

Q.—Now, will you kindly get me your supplementary cash book? I understand that is taken from the receiving teller's and paying teller's? A.—Yes, the cheques in my book are in this.

(1451)

Q.—And in this you give the names of the particular depositor? A.—Yes, in the blotter it is not necessary.

Q.—You simply put in the initials? A.—Yes.

Q.—In some banks they don't even do that, I understand? A.—Well, I don't know that.

Q.—The 12th does not appear to be here.

Mr. Riddell: There are two books used on alternate days.

Mr. Ritchie: Are those cheques drawn by these various customers? A.—Yes.

Q.—Is William Graham a customer of yours? A.—Yes, that is the W. G. you were speaking of.

Q.—Fairweather & Co., what would that be; can you turn that up? A.—I could turn to my book, but I could not swear that that would be in my book.

Q.—Under date of 11th September, 1902, \$4,000, Fairweather & Co. What is the name of this company, S. B. Co.? A.—The Heine Safety Boiler Company.

Q.—Where does that company do business? A.—They do business with us. Their establishment is down at the Polson's Works.

Q.—What is the Atlas Loan Company, \$3,000? A.—Are not they in St. Thomas?

Q.—Are they customers of yours here? A.—Yes.

Q.—Make a note of that; that is on the 9th of September.

Q.—Has that anything to do with this item on the same date? A.—No; that is a separate thing.

Q.—Now we will take the other A to L on the alternate dates. That is the Atlas Loan Company, that \$3,000? A.—Yes.

(1452)

Q.—What would this Whitby item be? A.—A note.

Q.—(After looking through this book)—That disposes of your two supplementary books A to L? A.—Yes.

Q.—Then you have two supplementary M to Z? A.—Yes.

Q.—The Trusts and Guarantee, is that a deposit? A.—Those are deposits made by the tellers. Both deposits and cheques are in this book.

Q.—Petty loans account, what does that mean? A.—That is a discount. Petty loans mean really people who don't have accounts, who come in and get a note discounted.

Q.—That is not a petty amount, \$2,000? A.—No.

Mr. McPherson: It means a transient practically? A.—I don't know.

Mr. Ritchie: There is just one other book, is there? A.—Yes.

Q.—Have the Dominion Guarantee Company an account with you? A.—No.

Q.—That is all I want to trouble you with these books. Now if the deposit ledgers are here, would discounts appear in any of the books that come under your charge, suppose there were discounts made? A.—No.

Q.—They would not appear in your book at all? A.—No.

Q.—Where would they appear, in the discount register? A.—Yes.

Q.—In any other book? A.—They would appear to the credit of the party who had the discount.

Q.—In the ledger account of the person who had the discounts made? A.—Yes.

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Mr. Riddell: I am taking no objection on behalf of those who are accused, but it does seem to me that to turn up the accounts of the bank, of a private customer, that the customer ought to be heard.

Mr. Ritchie: I have not given the names of any of them. I have purposely abstained from doing so.

Q.—Look at folio 629. Can you tell anything about that \$3,000 cheque that appears there? A.—I do not know how to trace that. It has passed out of our hands.

Q.—Is there no other entry? A.—No.

Q.—All you have got besides this is the supplementary cash book, which gives the name? A.—Exactly.

Q.—Now, what is that information you have there? A.—All Ontario bank notes must find their way to me, and this is, for instance, on the 2nd September the amount of Ontario Bank notes that came to me through the clearing house.

Q.—From all sources? A.—No, from the clearing house from all the other banks.

Q.—Take the 9th? A.—The whole thing is on the first page. The other pages are the details.

Q.—On the 6th of September the Ontario Bank's circulation included 12 fifties and 6 one hundreds? A.—Yes, that is right.

Q.—And on the 8th there were 24 fifties and no hundreds? A.—Yes. On the 9th 4 fifties and 2 hundreds. On the 10th 10 fifties and 2 hundreds. On the 11th 10 fifties and 2 hundreds. On the 12th 3 fifties and no hundreds. On the 13th 14 fifties and 14 hundreds.

Q.—Will you pick out the Traders' Bank slip from that bundle of the 13th?

(1456)

A.—There is one day on which the Traders' slip was taken out. That is not here.

Q.—Then, in this package of the 13th of September the Traders' Bank circulation coming through the Traders' Bank does not appear to be there? A.—The slip is not there. I don't know where it is.

Q.—Then I produce this slip from the custody of the manager, Mr. Smith,

and we may as well put it in. It is just to show that this is the return from the clearing house from the Traders' Bank, 10 fifties and 10 hundreds, which went in on the 13th of September. That is what you got through the clearing house from the Traders' Bank. A.—Yes.

Mr. Riddell: That was one of them. Mr. Ritchie: Certainly, but these are the large bills.

Mr. McPherson: What do the red ticks indicate? A.—These are cheques on us. The cash is always kept separate from the bills. The receiving teller takes this and separates them from that and counts the cash.

Q.—This slip produced shows that the Ontario Bank received through the clearing house from the Traders' Bank on the 13th of September, 1902, 10 fifty dollar bills and 10 one hundred dollar bills? A.—Yes.

Q.—And these bills would be bills of the Ontario Bank? A.—Yes.

Q.—This \$1,500 was in one parcel, was it? A.—Yes.

Q.—The same day the Ontario Bank received through the clearing house 69 five-dollar bills of the Ontario Bank circulation? A.—Yes.

Q.—And 46 four-dollar bills? A.—That is five-dollar bills.

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Q.—Forty-six five-dollar bills and 17 ten-dollar bills? A.—Yes.

Q.—Also twenty \$5 bills and 12 \$10 bills and two \$20 bills. Also 21 five dollar bills, 25 ten dollar bills and 5 twenty dollar bills. That is the whole? A.—That is correct.

Q.—Was the 14th Sunday? A.—The 7th is missing, and the 14th is missing, so I suppose it was Sunday.

Q.—Apparently the 13th of September was Saturday? A.—Yes.

Q.—On Monday, the 15th day of September, the Ontario Bank received through the clearing house 17 one hundred dollar bills? A.—Yes.

Q.—Ontario Bank circulation? A.—Yes.

Q.—And then on the same day you received 8 fifty dollar bills? A.—Yes.

Q.—We want to see what bank these came from? A.—They may have been divided between all the banks.

Q.—Apparently there is a slip in the parcel of slips received by the Ontario Bank from the clearing house on the 15th of September, there is a slip headed "Ont." and showing that there was 17 one hundred dollar bills? A.—Yes.

Q.—Making a total of \$1,700? A.—Yes.

Q.—Now, what bank did that come from? A.—There is nothing on the slip to show what bank it came from.

Q.—The same slip that shows the 17 one hundred dollar bills shows 7 fives and 3 tens? A.—Yes.

Q.—What is the number of banks shown? A.—Twenty-six items.

Q.—So that this parcel of slips contains slips from twenty-six different

banks. A.—No, there are not that many here. There are several slips from one bank. Each one of these

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slips is entered separately, and there are twenty-six different slips, or there should be.

Q.—Each slip, with the exception of this one, which embraces the 17 one hundred dollar bills, shows the bank from which the money was sent through the clearing house? A.—Yes.

Q.—Now can you explain why in this particular one there is nothing to indicate the bank that sent the money to the clearing house? A.—This is evidently an old form that has been picked up.

Q.—Then, perhaps, we had better have this one marked as an exhibit, then exhibit 63 is a slip included in the returns from the clearing house to the Ontario Bank of the 5th of September, 1902, and which embraces the 17 one hundred dollar bills. Can you ascertain from which bank these 17 one hundred dollar bills came; is there any means of tracing that up? A.—Yes, there is the slip that contains the cheques, it ought to contain the totals of these cash items.

Q.—I do not follow you? A.—There is the regular deposit slip, of course, there is none here, but there is a regular deposit slip on which all the cheques are entered. We would have to turn up the vouchers for that day. It is not here. It can be turned up, of course. We will have to ferret it out at the office.

Q.—Hake a note to do that, please. You can follow that out, and tell us from what bank that \$1.700 came? A.—Yes.

Q.—Now your summary shows that on that day you had in addition to 17 one hundred dollar bills, you got in 8 fifties? A.—Yes.

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Q.—From what bank did that come? A.—I could only tell by referring to the slips. There is one of them. They are scattered.

Q.—One of these fifties came from the Dominion Bank? A.—Yes. There is another from the Dominion.

Q.—Of those eight five came from the Dominion Bank, two from the Sovereign Bank and one from the Imperial Bank, that makes the eight? A.—Yes.

Q.—Where is the 16th? A.—The 16th is not here. The 1st to the 15th was what I was told to bring.

Q.—If you will let Mr. McPherson look at those during the next couple of days? A.—Yes.

Q.—Mr. Smith tells me that he has no objection to allow someone to look at the clearing house slips for the 16th and 17th. Now, have you your specification of cash? A.—The blotter, do you mean?

Q.—Yes. A.—It is here.

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Q.—Start at the Sth. On the Sth you appear to have had on hand 70 fifty dollar bills and 88 one hundred dollar bills at the close of the day's business? A.—Yes.

Q.—And you are now, of course, speaking of Ontario Bank circulation? A.—Exactly, that is what that represents.

Q.—Then at the close of the 9th September you had 53 fifty dollar bills and 89 one hundreds? A.—Yes.

Q.—At the close of the 10th you had 63 fifties and 90 one hundreds? A.—Yes.

Q.—At the close of the 11th you had 52 fifties and 72 one hundreds? A.—Yes.

Q.—On the 12th of September at the close of the day you had 26 fifties and

(1460)

75 one hundreds? A.—Yes.

Q.—And at the close of the 13th 25 fifties and 74 one hundreds? A.—Yes.

Q.—And on Monday, the 15th of September, you had 48 fifties and 78 one hundreds? A.—Yes.

Q.—And on the 16th you had 51 fifties and 96 one hundreds? A.—Yes.

Q.—And on the 17th 70 fifties and 100 one hundreds? A.—Yes.

Q.—And on the 18th 72 fifties and 111 one hundreds? A.—Yes.

Q.—Then the differences between the different dates would not show the number of bills that you had sent out that day of those denominations? A.—No.

Q.—Because you would from day to day be receiving in some fifties or hundreds which you might use in payments? A.—Yes.

Q.—And you would not know till the end of the day how many you had in hand? A.—No.

Q.—So that in addition to what you had in hand at the end of any one day you might have received five or six or seven of the fifties or the like number of the hundreds? A.—Yes.

Q.—And you would make no entry of these in your books? A.—No.

Q.—You would use them for paying out? A.—Yes.

Q.—And would not make up your cash until the end of the day? A.—No.

Q.—This is the only book you have that is a specification of cash? A.—The only one.

Q.—What other book have you here besides the deposit ledgers, specification of cash, cash blotter, teller's cash and supplementary cash. Have you any other book here? A.—No.

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Q.—Would the clearing house blotter show us where those 17 one hundred dollar bills came from? A.—No, the clearing house blotter is what we send out. That belongs to another teller.

Q.—And that would not aid us at all in deciding where the 17 one hundred dollar bills came from? A.—Not at all.

Q.—Would the blotter of the clearing house show. A.—No, they only deal

in totals, lump everything and the parcels are not open until they reach their destination; they are not opened at the clearing house at all.

Q.—Now that came from the Western Bank. There is no Western Bank in Toronto? A.—No.

Q.—The head office is in Oshawa? A.—Yes.

Q.—What branches have they? A.—I don't know. In a lot of small places, they have not an agency here.

Q.—You think you can find out for us where these 17 one hundred dollar bills came from? A.—The slip ought to show.

Q.—Kindly make a note of that. Seventeen one hundreds on the 15th of September; what bank did they come from. Subject to your getting that information, I think that is all I wish to ask you.

Mr. Riddell: I shall not cross-examine this witness until he has the remainder of the information.

Thomas E. B. Yates, sworn. Examined by Mr. Ritchie:

Q.—You are the discount clerk in the head office of the Ontario Bank in Toronto? A.—Yes.

Q.—And were you discount clerk in the month of September last year? A.—Yes.

Q.—Have you got with you the discount register of that bank for September? A.—Yes.

Q.—Turn up the 9th of September. "Bills discounted remitted." What do you mean by that? A.—Bills payable out of Toronto.

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Q.—These, you say, are what? A.—Bills payable outside of Toronto.

Q.—What is your other book? A.—Bills payable in Toronto.

Q.—Let us take that first. As a guide, without looking at the names of customers, we will take the amounts first. This is the 8th and 9th, is it not? A.—Yes.

Q.—I suppose this is a case in which you discount the customer's own note and take customer's notes collateral, or perhaps the firm is good enough, and you discount their note alone? A.—Yes.

(Adjourned to 10 a.m. Saturday 25th April.)

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ELEVENTH DAY.

Saturday, April 25th, 1903, 10 a.m.

Tribute by the Honorable Chief Justice Falconbridge to the memory of the late Honorable Mr. Justice Lount.

The Hon. Chief Justice Falconbridge: Again, and after so brief an interval has pallid death, with equal foot, knocked at the door of one of those in high places, and with "spectral hand and voiceless tongue," beckoned him forth from the haunts of men.

Though we all knew that our late brother Lount was a very sick man, little did my colleague (whose sorrow I now try to express with my own) or I, think when, a few days ago, he sat beside us on this bench, taking a lively interest in the proceedings, that the sad end was so near.

The amiability and sweetness of disposition of William Lount were so marked as to be the subject of observation by the most casual acquaintance, and were such as to endear him to his brethren at the bar and his brethren on the bench.

And these lovable qualities were accompanied and balanced by an equal and judicial equipment of mental faculties. The apprenticeship which every man, no matter how eminent his abilities or how profound his learning must go through when he first undertakes the office of judge, it seemed to be hardly necessary for him to

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serve, and during his brief judicial career, he gave high promise of excelling in it. Those of us who had the privilege of his friendship and who had long marked his career, look forward, on his appointment, to his enjoying many years of happiness and usefulness in the service of his country.

But it has, alas, been otherwise decreed.

This Court will adjourn its morning sitting at half-past eleven on Monday in order that we may pay the last tribute of respect to our departed brother

Tribute by Mr. E. F. B. Johnston K.C., on behalf of the members of the bar present.

Mr. Johnston: I have been asked, my Lords, by my learned friend Mr. Blake representing the members of the bar present, to say to your Lordships that whilst the bench has lost a very bright ornament, a very faithful judge, the bar has lost a friend in the late Mr. Justice Lount.

After the eloquent words that have fallen from the lips of your Lordship, it would be idle on my part to say more than a few words.

The late Mr. Justice Lount was known throughout the length and breadth of this province as a man who had fought many a hard legal fight, a man in whose keeping the interests of his clients were ever safe and yet I venture to say that, from one end of the province to the other he stood without an enemy, and without an unkind feeling against him.

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The bench has suffered a great loss, the country is equally the sufferer; he was a man known to us for many years, he occupied many important positions, and the loss is very great, and will be felt seriously by ourselves and those

who had the honor and the privilege of claiming his friendship.

The Chancellor: As my brother has said, the Court will adjourn at an early hour on Monday, but will resume its sittings in the afternoon, at some hour we can better fix on Monday. There will just be an intermission during part of the day.

The Chancellor: There was some gentleman being examined. He was to get some papers. Are you ready, Mr. Mr. Ritchie.

Mr. Ritchie: Yes, my Lord. Mr. McGill, the general manager, is here. I want to ask him two or three questions. He is anxious to get away.

Charles McGill, sworn. Examined by Mr. Ritchie

Q.—You are the general manager of the Ontario Bank? A.—I am.

Q.—And you have filled that position for quite a number of years? A.—Yes

Q.—Your office is in Toronto? A.—Toronto.

Q.—And who is the local manager? A.—Mr. Smith.

Q.—Mr. W. H. Smith? A.—Yes.

Q.—And the teller was Mr. Bartlett who was here yesterday? A.—Yes, sir,

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the paying teller.

Q.—Do you recollect in September last initialling for any person a cheque for \$3,000, or in that neighborhood? A.—I did not.

Q.—Are you able to say whether you initialled any cheque which the paying teller cashed in September last? A.—No.

Q.—Are you able to say? A.—Any cheque?

Q.—Any cheque for an amount for over \$1,000? A.—Not that I know of.

The Chancellor: You mean that you did not do it; or that you do not remember it? A.—I do not remember. It is not usual for me to do it. If a man comes in I would take him in to Mr. Smith, and Mr. Smith would initial it.

Mr. Ritchie: The ordinary person to initial a cheque for a customer would be Mr. Smith? A.—If a man came from Peterborough whom I knew, and wanted \$50, and the manager was not in, I would put my initial on it, but it is a very rare thing.

The Chancellor: Mr. Smith is what? A.—Local manager. That is at the principal office.

Mr. Ritchie: So that if you did anything of that kind you would be apt to recollect it? A.—Yes.

Q.—Are you able to pledge your oath that you did not, in September, initial any cheque for say over \$1,000? A.—Well, I do not remember initialling any at all. It is very seldom I do it.

Q.—But you would remember if you initialled a cheque for so large an amount as \$1,000. A.—I am sure I did not.

Q.—You are sure you did not. Do you recollect of any payment out say in

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the first half of September last from the bank to any person of a sum of \$3,000? A.—No, I do not know anything about those transactions.

Q.—Did you have any conversation with any person, or give any directions as to payment out? A.—No.

Q.—Either directly or indirectly? A.—It would not come to me. It is not in my department.

Q.—And, therefore, not being in your department, you would have a very clear recollection if anything of that kind happened? A.—I would.

Q.—And you pledge your oath it did not happen? A.—Yes.

Cross-examined by Mr. Riddell: Q.—You were subpoenaed some time ago? A.—Yes.

Q.—And you have made a most careful and elaborate search in the bank in order to see if any trace could be had of any such transaction? A.—As soon as I got the subpoena, I called our solicitor, and showed it to him, and he said—

Q.—At all events, you have made a search? A.—Yes. He instructed me to make a thorough search in the bank and see if there was anything in relation to this transaction. We have looked through. I have gone through the tellers and different men, to find out any bills he paid out. I would be glad if we could get a list of them. He said the cheques were gone away, and then to this transaction. We have looked into everything, and have not been able to find anything in connection with it.

Q.—Have you an agency in Sudbury? A.—Yes.

Q.—Has your bank a large circulation in that district? A.—Very large.

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Mr. Ritchie: And you say the result of your inquiry was that you could not find out? A.—Anything in connection with this transaction.

Q.—That any large sum, \$100 bills and \$50 bills, had been paid out in September? A.—Could not find out, because the teller had not the vouchers.

Q.—It was not possible to get the information? A.—I could not get the information.

Q.—You could not tell whether it was so or not? A.—No, I do not know anything about it.

Q.—You do not know anything about that?

Mr. Riddell: Would it be convenient now to take Mr. Coffee? He was down there at a quarter to 9.

Mr. Ritchie: I had not any appointment.

Mr. Riddell: I was told he had an appointment. He has come up and has

not even had his morning mail opened I thought he should be called, particularly in view of certain articles in the newspapers.

Mr. Ritchie: I have not seen any article in the papers.

Mr. Johnston: The papers published an article this morning. It is time the Court's attention was called to the facts, because it implicates private men.

The Chancellor: I think you will have to put the matter in the shape of an affidavit, as is the usual course.

Mr. Blake: My learned friends know perfectly well that we have nothing to do with that.

Mr. Johnston: Oh, clearly.

Mr. Blake: We deny it, as they do and will assist in any way in putting

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it down.

The Chief Justice: It is hardly necessary that you should give that assurance, Mr. Blake.

Mr. Ritchie: On the contrary—

The Chancellor: The same difficulty arose in the Parnell investigation. There was the same difficulty there, and it was suppressed. Whatever is put before us on affidavit, we will deal with.

The Chief Justice: Put it in form and lay it before us.

Mr. Riddell: It is scandalous.

Mr. Ritchie: Then I will take Mr. Coffee, if he desires to be examined.

Thomas P. Coffee, sworn. Examined by Mr. Ritchie:

Mr. Ritchie: I was going to look at the books.

The Chancellor: I thought you would tell us who he was before asking about the books.

Mr. Ritchie: I was going to look at the books without saying anything first.

(Counsel looks at books produced by Mr. Coffee.)

Mr. Riddell: The \$3,000 matter having been mentioned in the evidence yesterday, and there being so much made of it—

The Chancellor: I did not even hear it.

Mr. Riddell: It is in the evidence here. It is taken down.

The Chancellor: That is Mr. Johnston's charge. He spoke about that.

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Mr. Johnston: Yes, my Lord.

The Chancellor: When it is put on affidavit we will attend to it.

Mr. Riddell: I am desirous, without mentioning any names, having it also put upon the notes, what this transaction is.

Mr. Ritchie: I have no objection to my learned friend doing it now, if he wishes.

The Chancellor: After Mr. Ritchie is through, you can take it up.

Mr. Ritchie: All I can say about that matter is this. After investigating it I am satisfied it has nothing to do with this matter. Therefore, I do not pursue it.

The Chancellor: Do you mean what Mr. Riddell has spoken of?

Mr. Ritchie: Yes.

The Chancellor: Mr. Riddell perhaps wishes it to be taken down. However, you can do that.

Mr. Ritchie: I wish to be perfectly fair to my learned friend.

After further examining the books. Mr. Ritchie said:

I may say, my Lord, that I have investigated certain matters with my learned friend Mr. Riddell here in connection with Mr. Coffee, and, subject to some explanation, he says he will give me, about a couple of cheques. I have finished with him.

The Chancellor: Nothing is taken down.

Mr. Ritchie: There will be no necessity of taking anything down. He says he will let me see what I wish to see

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at his office. He has not got it here.

The Chancellor: Do you wish to ask anything, Mr. Riddell?

Mr. Riddell: Yes, my Lord, I will be very brief, and I will not mention any names if I can avoid it.

Mr. Riddell: I understand, Mr. Coffee, that you have not any personal account with Mr. Stratton or the Trust & Guarantee Company? A.—There is an account which is closed out. Perhaps you had better bring the book up, and I will show you.

Mr. Riddell: It is the big book in the corner there.

(Large book produced.)

Mr. Riddell: Closed out in July, 1901. A.—This is the only account we held of Mr. Stratton's.

Mr. Riddell: It was closed out in July 1901.

Mr. Riddell: Small sums.

The Chancellor: It was closed out.

Mr. Ritchie: I was not going to ask Mr. Coffee about it. He says he had none, and I am taking his word about it.

Mr. Johnston: What was that?

Mr. Riddell: Private deposit account; trust account of Mr. Stratton's.

Mr. Ritchie: His drawings as president would not appear in the books would they? A.—No. One payment a year, I guess. Yes, it would appear in the books, too, but not in this book.

Mr. Ritchie: That is a payment that would appear in your expense account? A.—Yes.

Q.—Not in any account with Mr. Stratton? A.—No.

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Cross-examined by Mr. Riddell.

Q.—There are a couple of matters I wish to ask you about. Mr. Stratton is your president? A.—Yes.

Q.—Who is your vice-president. A.—Mr. C. Kloeffer of Guelph.

Q.—Then without mentioning any names, the \$3,000 transaction which has been mentioned more than once, is this transaction. A certain company had issued bonds, of which you were trustee? A.—Yes.

Q.—And they had drawn upon you for a certain amount as against the amount in your hands belonging to them? That is the \$3,000 transaction? A.—Yes.

Q.—And that is all there is in that transaction? A.—That is all of that transaction.

Q.—And the other transactions mentioned here are purely legitimate business transactions? A.—Certainly.

The Chancellor: Nothing whatever to do with this case? A.—There is nothing whatever in the books to do with this case.

Mr. Riddell: And the \$1,660 was a sum paid by you for your vice-president, and also a perfectly legitimate transaction? A.—Yes.

Q.—And nothing to do with this case? A.—Nothing to do with this case.

Q.—Mr. Stratton had nothing to do with any of those transactions? A.—No, sir.

Mr. Ritchie: That is all, Mr. Coffee. I will see those entries either to-day or to-morrow morning. If there is anything I wish I will let you know.

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John McGill, sworn. Examined by Mr. Ritchie:

Mr. Ritchie: I am calling Mr. McGill, the manager of the Branch Bank. Mr. Barwick says he is most anxious to get away.

Q.—You are the manager of the Queen Street branch of the Ontario Bank? A.—Queen and Portland Streets—yes, sir.

Q.—And you have been manager for how long? A.—Three years.

Q.—What books do you produce here? A.—Teller's blotter, supplementary cash book, two teller's blotters. They work together.

Q.—Alternate days? A.—No, the same day. They register the cheques issued on other banks.

Q.—One is for payments out of your bank? A.—Yes, sir. And the other is memoranda of other cheques payable at other banks.

Q.—So that all payments out by the teller ought to appear in either one or the other of these books? A.—Yes.

Q.—Now, will you turn up the teller's cash book, first for September? A.—What days?

Mr. Ritchie: You need not take this down yet. There is no use cumbering the notes.

(Counsel and witness look over book.)

Q.—You know nothing of any payment of fifties or one hundreds out of your bank in September last? A.—No, sir.

Q.—As a matter of fact, you did not have any bills of that denomination during September? A.—No, no fifties or one hundreds.

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Cross-examined by Mr. Riddell:

Q.—Then you received instructions to make a thorough and exhaustive search throughout your bank to see if you could find anything bearing upon the matters we are investigating here? A.—Yes.

Q.—And have you done so? A.—Yes.

Q.—And have you been able to find anything which bears upon the matter at all? A.—No, sir.

Q.—Nor can you assist us in this enquiry? A.—No, sir, I know nothing whatever.

Mr. Ritchie: Then, perhaps, we can get Mr. Yates, the discount clerk.

The Chancellor: That is the man we had last night?

Mr. Ritchie: Yes, my Lord.

Mr. Riddell: You are through with Mr. McGill?

Mr. Ritchie: Oh, yes.

Thomas E. B. Yates, recalled. By Mr. Ritchie:

Mr. Ritchie: Now turn up, please, where I left off with you last night in September?

(Counsel and witness look through books. The reporter is instructed not to take notes until directed.)

Mr. Ritchie: That is all I wish to ask you, Mr. Yates.

Cross-examined by Mr. Riddell:

Mr. Riddell: If your Lordships will allow me I will have something taken down which may not turn out to be im-

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portant. We wish to make further enquiry. No one will get this except the reporter.

On the 8th September, 1902, notes of The World Newspaper Company, limited, endorsed by W. F. Maclean, producing \$2,606.80 are discounted.

On September 6th a note of the Might Directories, Limited, for \$2,000 is discounted, producing \$1,958.90.

On the 11th notes of The World Newspaper Company, endorsed by W. F. Maclean, producing \$169.

Mr. Ritchie: The item re World, September 11th, \$169, is the total of four small notes discounted? A.—Yes, discounted against contracts.

Q.—The item of The World under date September 8th, \$2,606.80, is the aggregate of twelve small notes for advertising contracts, discounted in the usual way by the company? A.—Yes.

The World Company had a regular account with our bank for several years.

The note entered in book under date September 6th, Might Directories Company, is one endorsed by E. R. C. Clarkson, payable in four months from date, September 6th. I cannot say whether this was paid when it came due or was renewed. This will appear in current ledger.

Mr. Ritchie: That is all I have to ask this witness, my Lord.

George R. Bartlett, recalled. By Mr. Ritchie:

Mr. Ritchie: I wish to cross-examine

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him. He has not been cross-examined at all yet.

(Counsel and witness go through books. Reporter is instructed not to take down until directed.)

Mr. Johnston: Do you want Mr. Yates any more?

Mr. Ritchie: No.

Mr. Johnston: Then, Mr. Yates, you can go. You are not further required.

Mr. Ritchie: Q.—The branch of the Ontario Bank on the corner of Carlton and Yonge was opened for business on the 15th October last? A.—Yes.

Q.—You say that the seventeen \$100 bills referred to yesterday as coming from the Clearing House on the 15th September came from the Merchants' Bank? A.—Yes.

Q.—Came from the Merchants' Bank in Toronto?

The Chancellor: That is the seventeen \$100 bills—the Ontario bills?

Mr. Ritchie: Yes, my Lord, I asked the witness yesterday, having found a Clearing House return of seventeen \$100 bills, but the return not showing the bank from which they came through the Clearing House, I asked him to find that out, and he says he has now found that these seventeen \$100 bills came from the Merchants' Bank in Toronto on the 15th. (Referring to Exhibit slip 63.)

He thought yesterday they came from the Western Bank, owing to being apparently sandwiched in between two returns from that bank.

Witness: Yes, the Western have no agency in Toronto.

Q.—Now, just one general question. I wish to clear this matter up. Have you any knowledge or any reason to believe that you paid out in the early part of September any sum of \$3,000 or an approximate sum in \$100 bills or \$50 bills? A.—No.

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Q.—Have you any recollection of it? A.—No recollection whatever.

Q.—And you are not in a position to assist the Commissioners in giving them any idea as to where this money came from? A.—No.

The Chancellor: Would that be an unusual payment to pay out? A.—Oh no, it is very common—very common.

Mr. Ritchie: But still tellers usually recollect these things for several months—large amounts? A.—I do not know. I pay out large amounts every day.

Q.—But tellers have very good memories? A.—Yes.

Q.—But you have no idea at all? A.—No.

The Chancellor: He says this is not a large sum.

Mr. Riddell: Large for us, but not for a teller of a bank.

Mr. Ritchie: There is one other thing I wish you to get for me, and then I shall have done with you. You have your specifications of cash? A book called specification of cash which shows the number of bills you have of particular descriptions at the end of each day? A.—Yes.

Q.—Then having that, supplemented by the return from the Clearing House, you will be able to tell us, will you not, how many hundred dollar bills, and fifty dollar bills you paid out on particular days? A.—Yes.

Q.—Say the 9th, 10th and 11th September? A.—Yes.

Q.—I wish you would look that up.

Mr. Riddell: I want him to return, because I wish to cross-examine him upon that.

Mr. Ritchie: At all events you can make that up from the information you now have? A.—Yes.

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Mr. McPherson: It will not take long will it? A.—No.

The Chancellor: Can you do it in the building here?

Witness: I think I can.

Mr. McPherson: I think he has all the data.

Mr. Ritchie: It is only a matter of taking up time.

The Chancellor: You can go on with some other witness.

Mr. Ritchie: I want to know from the two sources. You can tell how many you must have paid out on these two days? A.—I can take the balance of a certain day, and I can add to that what I received from the Clearing House.

Q.—And therefore you must have paid out on this day a certain number? A.—Yes.

Mr. Riddell: Is that not subject to this correction, that you might have changed some bills? A.—I might have done that.

Q.—However, get it as nearly as you can. A.—All right.

Mr. Ritchie: Is Mr. Smyth here? I did not think I would get anything from him, but I thought I ought to ask him formally if he has any idea where these bills could come from. It is a public matter. I just merely wish to clear it up. There is no hurry now. I will call another witness.

Statement With Reference to a Newspaper Article.

Mr. Johnston: My Lords, in accordance with the practice, I ask your Lordships' permission to bring this matter before the Court. In the matter of this

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Royal Commission, I will read an affidavit made by Mr. McEvoy, who says he is acting as solicitor and as junior counsel, and that whilst the proceedings before this Commission were in progress, and on the 25th day of April, in a newspaper called The Daily Mail and Empire of Toronto, published at the

City of Toronto, unfairly, untruthfully and improperly published certain comments and certain alleged evidence touching and concerning matters herein.

Mr. McEvoy further says "that the evidence given by the said newspaper as evidence before the said Royal Commission was not, so far as I am able to discover, in fact so given, and there is no reference on the notes of evidence taken by the official stenographers to any company of which James Robert Stratton is president.

"I believe that the publication of said comments and alleged evidence was made for the purpose of injuring the said Stratton and interfering with and prejudicing his position in the estimation of the public in this investigation.

"The said newspaper is now produced and shown to me and marked Exhibit 'A.'"

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And the matters which are complained of in that newspaper are, without reading it all, set forth on the first and second columns of the title page of the newspaper, which is referred to in the affidavit.

The Chancellor: Read the parts which you think objectionable, Mr. Johnston.

Mr. Johnston: Yes, my Lord. "Startling Discoveries Made by Lawyers in Gamey Case. Ontario Bank Cash'd \$3,000 Cheque Two Days Before Date on Which Gamey was Bribe'd." This is the comment: "Ontario Bank Cash'd \$3,000 Cheque Two Days Before Date on Which Gamey was Bribe'd." "Cheque was Drawn by Trust Company. Fact That Stratton is President of This Corporation Awakens Expectations of Surprising Developments. The Bills Banked by Gamey are Traced. Another \$1,700 in Ontario Bank Bills of Large Denomination was Deposited About the Same Time." That is the heading.

Then the parts which we say convey the improper innuendo are these:

"A discovery made by counsel for the prosecution at yesterday afternoon's session of the Gamey enquiry gives promise of bringing to light one of the most astounding surprises yet provided by the case, which has furnished so many sensational and incomprehensible developments during the past six weeks.

"The discovery was made by counsel a few minutes before adjournment, and there was no time to follow it up but it will be probed to the bottom to-day, and should it bear fruit, the result will be the most direct corroboration yet offered of Mr. Gamey's charge that he received bribe money from the very

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hands of a Minister of the Crown."

Then they refer to a couple of hours being spent. Then, in a further paragraph, in somewhat heavier type:

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"A further personal scrutiny, however, of the bank books was made by counsel, and at a few minutes to 4 o'clock, in looking over the teller's blotter, it was found that on September 9th, one day before Mr. Gamey signed the letter to the Premier, in Mr. Aylesworth's office, and two days before the date on which he says \$3,000 in Ontario Bank bills were divided between himself and Frank Sullivan, a cash payment of \$3,000 was made on cheque.

"Reference to the supplementary cash book showed that," (in heavier letters) "the cheque was one drawn by the Trusts and Guarantee Company, of 14 King-street west, Toronto, a financial institution of which Hon. James Robert Stratton is president.

"The next step in tracing this payment, after making the discovery a matter of court record, will be the production of the cheque. It will probably prove to have been signed by the company's manager, Mr. T. P. Coffee, but, most important of all, it will also bear upon its face the name of the individual or corporation to whom the money was paid. It may be found that the payment was one in no way traceable to any of the chief figures in this perplexing case, but until this is proven the circumstance will undoubtedly furnish food for much speculation."

Then the comment goes on to trace up these 17 one hundred dollar bills, and ends by a reference to Mr. Barwick, K.C.

We are of course entirely in the hands of your Lordships. Your Lordships

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may or may not think it proper to direct that anything further should be done. We thought it proper that this matter should be brought to the notice of your Lordships, and we ask to be advised accordingly. Whatever your Lordships direct will be carried out, so far as we are concerned.

The Chancellor: Let me see the paper. Is that in your affidavit, that there is no connection with this \$3,000.

Mr. Johnston: No reference to the Trust Company at all.

The Chancellor: It has appeared before us to-day that the \$3,000 referred to in this article has no connection with this enquiry.

Mr. Johnston: Absolutely none.

Mr. Riddell: Absolutely none.

The Chancellor: That is not in your affidavit. You had better put it in a supplemental affidavit.

Mr. Johnston: I thought it was unnecessary, that being a matter of evidence to-day.

The Chief Justice: We can proceed upon our own record.

The Chancellor: The proceeding will be to call upon The Mail and Empire to show cause. It is a matter that ought to be on affidavit, I think.

Mr. Johnston: Then I also refer to this incidentally. "The prosecution, while keeping silent on this point, evidently expect that it will be found to have been Frank Sullivan, or some person acting on his behalf." That is in regard to the 17 one hundred dollar bills to which I referred your Lordships.

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I marked the whole paragraph. That does not concern Mr. Stratton except indirectly, but it is a paragraph that your Lordships should be seized of.

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The Chancellor: I think Mr. Johnston, we will direct you to issue a notice calling on this newspaper, the proprietors of it, to show cause why they should not be committed for contempt in commenting on evidence which is in the course of being investigated, incomplete evidence which is being investigated by the proceedings in this court, and unduly interfering with the proper administration of justice in this enquiry. Put it upon those lines. Let them show cause, say on Monday, or Tuesday, if you think there is not time before, if you cannot get your material ready.

Mr. Johnston: Then, Mr. Butcher, you will kindly give me the exact directions of His Lordship.

Mr. Riddell: Your Lordships having seen fit to do that in connection with that newspaper, I will bring before your Lordships another paper, in which very much the same kind of remark has been made. I will set it out on affidavit. I have not the affidavit yet.

The Chancellor: You will have to make that upon affidavit before we can act upon it.

The Chief Justice: Mr. Grant, you will file this affidavit, and these papers. They are not filed as exhibits in the ordinary course. They are simply filed with you.

The Chancellor: Now you may call your witness.

Mr. Ritchie: I will call Mr. Passmore.

Harris M. Passmore, sworn. Examined by Mr. Ritchie:

Q.—You are one of the reporters engaged on The Toronto Telegram? A.—Yes.

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Q.—Did you at any time recently have a conversation with Mr. Frank Sullivan? A.—The last conversation—

The Chancellor: You are asked had you? A.—Yes, sir.

Mr. Ritchie: Do you recollect having a conversation with him on Tuesday, the 21st April last? A.—Yes.

Q.—Will you tell us shortly what that conversation was? A.—That morning my efforts were directed if possible to find out—

The Chancellor: Tell the conversation without giving a long history. You are asked to tell the conversation.

Witness: I met Frank Sullivan at the Walker House with his father. I asked Cap. Sullivan if he knew where Mr. Gamey had gone, and if it were true he had gone after him, and he said Mr. Gamey had gone mining in Mexico.

The Chancellor: This is Captain Sullivan. We are not concerned about him. You are asked about Frank Sullivan.

Mr. Ritchie: It was Frank Sullivan I asked you about. Never mind about what conversation you had with Captain Sullivan. A.—While we were talking Frank Sullivan was there, and as we talked we moved towards the Front street—no, the York-street door of the Walker House. While there we continued to talk along that line.

The Chancellor: You three, you mean? A.—Yes.

Q.—Go on? A.—The conversation turned upon Gamey being crooked, and I had said to Frank Sullivan that my friends had warned me not to take too much stock in what Mr. Gamey had said, and not to trust him too far, and Frank Sullivan said he believed that

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Mr. Gamey was the crookedest man alive. Then something was said about the money, if I remember correctly—

Mr. Johnston: What is that? A.—Something was said by Mr. Frank Sullivan about the money, to the effect that the \$900 came from the same place as the \$3,000. Then that was followed up by his voluntary statement, that he had received—his words were, "I got 1,500 of it up to to-day."

Q.—That is dollars, you mean? A.—Yes, sir, 1,500 out of it, or 1,500 of it. "Out of it," I think, were the words.

Q.—What did you say to that? A.—Well, he looked at me while he was saying that, and I looked at him, half inclined on the spur of the moment to doubt what he said. I said you did, eh? And he said, "Yes, you bet I did." Now, it was not the fact of

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him having said that, making the first statement, that carried conviction with it. It is what he said afterwards.

The Chancellor: You are to tell not about your conviction, but about the conversation? A.—That was the whole of the conversation so far as he was concerned.

Q.—Was that before he had given his evidence in court or afterwards? A.—That was on the 21st—on the morning of the 21st.

Cross-examined by Mr. Johnston:

Q.—You are a reporter of The Telegram? A.—Yes, sir.

Q.—And you have been taking a somewhat active interest in the prosecution of this case? A.—No, sir.

Q.—No? Have you been writing the articles for The Telegram? A.—I have been writing some of them.

Q.—Some of the summaries that have appeared there? A.—No, sir.

Q.—None of them? A.—None of the summaries.

Q.—Just the evidence, or some of the summaries? Which? A.—Well, I have been writing some articles, but none of the evidence.

Q.—You have been writing some articles, and all your articles have been adverse to the defence? A.—I think not.

Q.—Name one, and name your paper in which there has been a single article that was favorable to the defence? Name one, please, and I will get the paper? A.—The article that I have a distinct recollection of now was the article of the 21st. I suppose that might be admitted as a fair sample.

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Q.—The article of the 21st. What article was that, will you please tell me? What was it about?

The Chancellor: I suppose you can get the paper?

Mr. Johnston: Yes, My Lord.

The Chancellor: You had better have it instead of his recollection.

Mr. Johnston: "Let the facts speak." Is that your article? A.—No, sir.

Q.—Is this your article, "Frank Sullivan's admission"? A.—Yes, sir.

Q.—And that is the only article on the 21st? A.—No, sir.

The Chancellor: Is that relevant to this?

Mr. Johnston: Yes.

Witness: That is part.

Mr. Johnston: Where is the rest of your article? Let me see what your article is.

The Chief Justice: Is this the issue of the 21st?

Mr. Johnston: Yes, my Lord.

Witness: I wrote that, and I—

The Chancellor: Are you marking it?

Mr. Johnston: He is marking what he wrote.

Witness: Yes.

Q.—What else did you write? A.—On that day?

Q.—In that paper? A.—I wrote that to there. (Indicating.)

Q.—Run your pencil through what you wrote.

(Witness does as requested.)

Q.—That is marked already. Now, that is what you wrote. A.—Yes.

(1489)

The Chief Justice: Then the marked copy will be put in as Exhibit 64.

Mr. Johnston: Yes, My Lord.

Witness: I would have no reason to take any active part in it.

Mr. Johnston: Do not say anything, but just answer the questions. Let us see what you wrote.

The Chancellor: Has he put in the first part, "As being the crookedest man in creation?"

Mr. Johnston: No, my Lord.

The Chancellor: He has put in the last part, about the money?

Mr. Blake: Have you a second copy of that, Mr. Johnston?

Mr. Johnston: We have in the libel suit, but not here.

Mr. Ritchie: What is the particular portion in that that he says he wrote?

Mr. Johnston: I will show it to you in a moment. It is marked.

Q.—Now you professed then to give a fair report of what Frank Sullivan said on that occasion, did you? Did you or did you not? A.—As far as I could, the purport of his statement.

Q.—Then why didn't you put in his remark about Mr. Gamey? A.—Well—

Q.—Why didn't you put it in, please? A.—Because it was late when I had finished the article—it was late when I got back to the office.

Q.—It was late when you got back to the office, and you did not put in that Gamey was crooked, and that you told him that your friends had warned

(1490)

you not to trust him too far, and that Frank said he was the crookedest man alive? You did not put that in? A.—I would not put anything in the paper or everything in the paper that Frank Sullivan would tell me.

Q.—You would put in just what suited yourself? A.—Frank Sullivan—

Q.—You would put in just what suited yourself? Did you or did you not?

A.—I put in—

Q.—Did you or did you not put in just what suited yourself? That is a simple question? A.—I put in what I thought was right.

Q.—Did you put in just what you thought suited yourself, or did you not? A.—I put in all I thought there was any news in.

Q.—It would not be news, then, you think, to say that this man was the crookedest man on earth? A.—Well, I did not think there would be much news if Frank Sullivan said so.

Q.—Let us see what your story is. You knew that the whole case hinged upon the payment of \$1,500 to Frank Sullivan—largely? A.—I did not know anything of the kind.

Q.—What did you know about it, as a newspaper reporter? Will you swear to that? A.—I simply knew that—

Q.—Answer the question? A.—That there had been an allegation made that he received this money. What his defence was going to be I had no means of knowing.

Q.—Will you swear that you did not know that this case was largely turning upon the question whether, first \$3,000 was paid, and, secondly, whe-

(1491)

ther Frank Sullivan got half of it? You knew that, didn't you? A.—I knew—

Q.—You knew that, did you, or did you not? A.—Well, I will answer—

Q.—Did you or did you not know that fact? A.—If you will permit me, I will answer that question this way—

Q.—You will not answer it in any way except the simple question I am asking. Did you or did you not know the fact that the case turned largely upon the payment of \$3,000 to Gamey and, secondly, upon the fact that Frank Sullivan got half of it? Did you or did you not know that as a fact? A.—Yes.

Q.—Did you not know that efforts had been made to interview Frank Sullivan, by yourself amongst others, upon this very fact, prior to this time? Did you not know that? A.—No, I cannot say that I did.

Q.—Had you seen him before? A.—I had seen him.

Q.—Had you talked to him? A.—Before this time?

Q.—Before Tuesday night? Had you ever spoken to him in your life before? A.—I spoke to him for the first time in my life the morning after these charges were made in the House.

Q.—Where did you speak to him? A.—In the corridor at the Parliament Buildings.

Q.—You did not know him up to that time? A.—I did not know him up to that time, and he denied that his name was Frank Sullivan at that time.

Q.—Because he did not want to be interviewed by newspaper men like

(1492)

you? A.—Why didn't he say so?

Q.—Why didn't he say so? Was that your question to me? A.—Yes, sir.

Q.—I am asking you, was that the reason given, because he did not want to be interviewed by newspaper men like yourself and others? Reporters. I mean? A.—He gave me no reason.

Q.—And you asked him if he was Frank Sullivan? A.—Yes.

Q.—And he told you no, and went on? A.—I left him standing there.

Q.—I think it was a very wise answer, perhaps. Then did you ever speak to him since? Did you ever speak to him since up to the time you met him in the Walker House? Will you answer me, please A.—I am trying to think. I may have, but I certainly had no conversation with him.

Q.—You had no conversation with him, and you are not in any sense confidential with Frank Sullivan? A.—No.

Q.—And he was to all intents and purposes a stranger to you, and you to him? A.—He knew who I was.

Q.—Will you answer my question? As far as personal relations were concerned, he was a stranger to you, and you were a stranger to him? A.—Yes.

Q.—Certainly. And you tell this story, that Frank Sullivan, the man who swore

in the box he never got a dollar the other day, you say that deliberately, and of his own accord, he makes the confession in the Walker House to you last Tuesday, that he got \$1,500 of this money? Do you swear to that, sir? A.—Without any—

Q.—Do you swear to that? A.—I swear to that without any mental reserva-

(1493)

tion, hesitation or equivocation of any kind.

Q.—Of course, you bolt the whole thing. Do you tell the public and tell the Court, that Frank Sullivan, the man who had not apparently opened his mouth to anybody, tells you in the Walker House, a stranger, that he is the man who got \$1,500? A.—He said so.

Q.—And he knew then that you were a reporter? A.—Well, I suppose he did. I do not know.

Q.—If he did not know that you were a reporter, what did you think he did know about you? Anything? Did you see Mr. McEvoy on Wednesday evening following? Did you or did you not? A.—I may have.

Q.—Did you or did you not? You may have seen many things. You may have seen visions in the meantime? A.—Well, probably I did see him.

Q.—Did you go down to the Walker House with Mr. Buchanan to see him? A.—Mr. Buchanan and I were down there.

Q.—Did you go down to see him? A.—No. I did not go down to see him.

Q.—In the meantime, you were aware that a writ for libel had been issued in respect of this statement? A.—Yes. I knew that.

Q.—You knew that? A.—Yes, sir.

Q.—Issued promptly on Wednesday morning? You knew that? And served? A.—I did not know it at that time.

Q.—On Wednesday evening? A.—Oh yes, I knew it on Wednesday evening.

Q.—On Wednesday evening you knew that a writ for libel had been issued by Frank Sullivan against John Ross Robertson of the Telegram? A.—Yes.

(1494)

sir.

Q.—And you were at once called to account for this admission in The Telegram? A.—I was asked as to its truth.

Q.—Then you went down to see Mr. McEvoy, did you? A.—Well, when—

Q.—Did you go down to see Mr. McEvoy in connection with that same matter, or did you not? A.—Mr. Buchanan felt a little uneasy about the matter, because he had passed the matter and the writ had been issued, and I suppose he felt a little—

Q.—They will try that out again in another court.

The Chief Justice: Who is Mr. Buchanan? A.—City editor.

Mr. Johnston: They will try that out in some other court. I ask you if you and Buchanan went down there in consequence of the writ having been issued in the libel suit, to see McEvoy? A.—I saw McEvoy.

Q.—Did you go down there for that purpose? Cannot you answer a straight question? Did you go down for that purpose? A.—I went down there to see Mr. McEvoy, or Mr. Buchanan rather, and Mr. Buchanan wanted me to see Mr. McEvoy.

Q.—Did you go down to see McEvoy in consequence of the libel suit? That is my question. Will you answer my question? Did you or did you not go to see McEvoy on account of the libel suit? You can answer me, yes or no? A.—I went down to meet Mr. Buchanan there, and he said, you had better see McEvoy, or asked me if I had seen McEvoy, and I said no, and then he said to Buchanan, well, I will see Mr.

(1495)

McEvoy if you like.

Q.—What did you want to see McEvoy about? What did you go to see him for? A.—In connection with that.

Q.—In connection with the libel suit? A.—Yes.

Q.—And you talked to Mr. McEvoy and you wanted to publish an explanation? A.—No, not at all.

Q.—No proposition of any statements? Listen to me, sir. No proposition of any statement made, that what you said was, "The next thing it will be shown that the money came from the Tories"? A.—No.

Q.—And that Frank said, "Then I got \$1,500 Tory money"? A.—Not at all.

Q.—Now, these words were not stated on that occasion? A.—They certainly were not.

Q.—Did Mr. McEvoy say to you, Publish the best thing you could, and he would see about stopping the libel suit? Did he say that? Do not get away from the question? Did he say that or did he not? A.—If you will permit me to state just what took place—

Q.—I am not asking you what took place? A.—I refuse to have you put words in my mouth.

Q.—Did Mr. McEvoy say to you, "You publish the best thing you can, and I will see about withdrawing their libel suit." Did he say that? A.—The proposition—

The Chancellor: You can say whether he said that or not, yes or no? A.—Those words were not mentioned, my Lord, but in this connection. I said I have not been very long on The Telegram, and I wanted Mr. Robertson and Mr. Buchanan to be thoroughly satisfied that the statement was right. I

(1496)

went to see Mr. McEvoy. Mr. McEvoy

had said, well, Hank—he has known me for many years, and he said, if I had known it was you, the thing might have been steered in some other way. That was Mr. McEvoy's statement to me. Then when I saw Mr. McEvoy in the presence of Mr. Buchanan, I stated that I was quite willing to state that Frank Sullivan said that he did not say that and that was as far as I was willing to go, and Mr. McEvoy turned around

(1497)

and said, well, then, all right, fight it out.

Q.—Then why were you going to make a statement in The Telegram if Frank Sullivan did not say it, or said he did not say it, when you had not Frank Sullivan's word for it? A.—I say I had Frank Sullivan's word for it.

Q.—That he did not say it? A.—That he did say it.

Q.—Why were you willing to publish in The Telegram a statement that Frank Sullivan said he had not made use of these words? Why were you willing to do that? A.—I said that I would say that Frank Sullivan had stated that he did not say it.

Q.—Now, what ground had you for saying that Frank Sullivan ever said such a thing? You were willing to publish that statement in The Telegram, but in the meantime you had not seen Frank Sullivan, had you? A.—

—That would not be—

Q.—I am asking you if you had seen Frank Sullivan in the meantime? A.—No, sir.

Q.—Then you were willing to publish a statement that Frank Sullivan denied having used these words without knowing what he had said about it, were you? A.—I had heard that Frank Sullivan had denied it.

Q.—Were you willing to publish those words, "Frank Sullivan denies that he made that statement," without having seen Frank Sullivan at all? Were you willing to do that? A.—On the strength of what Mr. McEvoy said.

Q.—You were willing to publish a statement one day by yourself and contradict it by a statement of Frank Sullivan's the next? A.—Not at all.

(1498)

Q.—Well, why were you going to publish anything about Frank Sullivan on the Wednesday? A.—That would not have been retracting anything, or denying anything.

Q.—Why were you willing to publish anything about Frank Sullivan on the Wednesday after your statement to the contrary on the Tuesday? A.—That is what I stated to Mr. McEvoy, that if he liked—I said if you like I will state that Frank Sullivan says that he did not say it.

Q.—If you like, I will state that Frank Sullivan said he did not say it? A.—Or words to that effect.

Q.—I see. Then did you have any talk with him about Mr. Gamey at all?
A.—Who?

Q.—Mr. McEvoy? A.—I may have.

Q.—Did you say to him that Mr. John Robinson, the editor of The Telegram—I will recall it to you in this connection, as to what you said about Frank Sullivan—that John Robinson, the editor of The Telegram, not the owner and Mr. Hanna, a member of Parliament, had gone over to Buffalo to bring Gamey back? Did you tell him that on that occasion? A.—No, sir.

Q.—Would it have been true, if you had told him? A.—I did not know that.

Q.—Did you know it? A.—No, sir, I did not.

Q.—Did you understand that that had been done, so that you could have said it to McEvoy in that connection? You knew they were there, I suppose? A.—I did not know Hanna was.

Q.—Didn't know later on he was there? A.—I did not until this minute.

(1499)

Q.—Now did you say to McEvoy on that occasion in connection with this statement that Mr. John Robinson, the editor of The Telegram, had gone over to Buffalo to try and get Gamey back? A.—No, sir.

Q.—Was it so, if you said it? A.—Well, I cannot say what I did not know.

Q.—You knew from the office I suppose that he had gone to Buffalo? A.—I did not know that.

Q.—Did not know it afterwards? A.—I did not even know he had gone to Buffalo.

Q.—You knew he did go to Buffalo later on, didn't you? A.—I knew he was in Buffalo, at least, I heard he was in Buffalo.

Mr. Ritchie: What this witness heard is not evidence.

Mr. Johnston: I am bringing his mind to it. Then did you say to McEvoy on that occasion, or to anybody in his presence, that that would be something that would help Gamey in coming back, the fact that this man had admitted getting \$1,500 of this money? A.—I did not.

Q.—Did you say it to anybody? A.—I never said it to anybody.

Q.—Then I ask you again, why you did not state the whole conversation when you were publishing your interview with Frank Sullivan? A.—As I stated to you—

Q.—State it again. A.—Time is limited, and when I wrote this article—that was the whole of it—I wrote this first, and I think that was the—I will not say which of those paragraphs I wrote last, but it was getting late all the time, and as the time was nearly up, something

(1500)

after two o'clock, I had to get anything

that remained to be written in as short a space as possible.

Q.—Now when did you see Frank Sullivan and his father at the Walker House? A.—On Tuesday morning.

Q.—At what time? We can fix the time by many witnesses. Let us see what your version is? A.—I was down there early that morning.

Q.—Tell me at what time you saw Frank Sullivan and his father when this conversation took place, please? That is all I want. A.—It was between—I will say half past eight and half past nine.

Q.—In the morning? A.—As near as I can tell.

Q.—And you got that information from Frank Sullivan, there and then, that you speak of? Answer my question, please? A.—I only saw him the—

Q.—Between half past eight and nine you saw them at the Walker House? A.—If my memory serves me correctly, I will not state positively as to the time.

Q.—It was in the morning before the court opened? A.—In the morning before the Court opened.

Q.—And it was a very important admission, no doubt, in view of the evidence? A.—What I thought of it afterwards going to the office, if Frank Sullivan had said that he got the money from Mr. Gamey, or if he had got it from the Conservatives, or that there had been any admission as to where the money came from, the statement might have been more important but he simply said that he had got that much out of it, and as there had been only the two amounts mentioned in connection with it, the \$3,000 and the \$1,500, when I wrote the paragraph, I

(1501)

summarizing it, I said that he had admitted getting \$1,500 of the money that had been alleged to—

Q.—Now listen. You knew Mr. Gamey had given his evidence? You knew that? A.—I knew that.

Q.—You knew Mr. Gamey swore he got \$3,000, or that \$3,000 was paid upon the 10th September, or the 11th? You knew that? A.—Generally, I knew it.

Q.—You did? A.—Yes.

Q.—Probably you knew it you say? A.—I did not read it.

Q.—You knew he said he only got \$1,500 of it? You knew that as everybody knew it? A.—That who got?

Q.—That Gamey only got \$1,500 of this money? You knew that? That was the pretence anyway. A.—I heard Mr. Gamey make the statement in the House.

Q.—That he only got \$1,500? You heard that? A.—If I remember rightly, the statement Mr. Gamey made in the House was that he got the \$3,000, and had divided it with Frank Sullivan.

Q.—You see if your recollection of that is as correct as your recollection of this conversation, I don't wonder

that you blunder. Now you understand that Gamey got \$1,500 out of that \$3,000? That that is what he claimed? You understood that, didn't you? A.—That Frank Sullivan got \$1,500?

Q.—Are you deaf, or did you hear the question? A.—I heard.

(1502)

Q.—Then for the fourth time. That Gamey got \$1,500 out of the \$3,000? That is what Gamey claimed to have been the fact? A.—The money was divided.

Q.—And that Frank Sullivan got the other \$1,500? A.—Yes.

Q.—And that Frank Sullivan was the agent and emissary of the Government? You knew that was his claim? A.—Yes.

Q.—And that Stratton had paid the money to these two men? You knew that was his claim? A.—Yes.

Q.—Then you knew how important it was to show where that money had gone to? A.—What money.

Q.—The \$3,000 coming from Stratton as alleged? A.—There was not anything in his statement about that.

Q.—You knew that was an important matter? A.—I certainly did, yes.

Q.—And you knew that the question was raised, whether, first of all, there was any money paid at all, or not? You knew that? A.—No, I never heard that.

Q.—Is the first you have heard of that to-day the denial of the payment of the money? A.—The only time I heard anything about the money, Mr. McEvoy told me himself that Dr. Beattie Nesbitt put up the money; that was the first thing. Then, at the Walker House that morning or that night Mr. McEvoy said the money was obtained at a Tory caucus, at the Conservative caucus held here a couple of days before.

Q.—Do you know that the whole object for the last two weeks has been to trace the \$3,000? You knew that if you have been sitting in the Court? A.—I have not. I have not been reading the evidence.

Q.—You know nothing about it? A.—I know something about it. I do not

(1503)

know all about it.

Q.—Did you know that the object of this Court was, and the great enquiry in the public mind was, did this man get \$3,000, and where did it come from? Did you know that much, or are you innocent of all this? A.—I am innocent so far as this is concerned.

Q.—Did you know that that was one of the great objects of this enquiry? A.—The great object of this inquiry was to find out, as I understand it, whether the \$3,000 which Mr. Gamey alleged to have received, came from Mr. Stratton.

Q.—And whether he got the whole of it or not? A.—Of course I do not know anything about that. It does not make any difference whether he got the whole of it or the half of it.

Q.—Of course it does not make any difference. And you knew if Frank

Sullivan admitted getting \$1,500 of that money it would support Gamey's story—the main issue? A.—I suppose I might have considered that if I had thought.

Q.—Did you or did you not know it as being one of the important elements? A.—As a matter of news, I knew there was something in it.

Q.—And you got this important information between 9 and 10 o'clock in the morning, and you do not write it up until too late practically for the paper in the afternoon, according to your story? A.—Oh, but that was—

Q.—According to your story? Is that correct? A.—As a matter of news it was not any more important than the rest of it.

Q.—We will see. Was it more important, as a matter of news, to say, "If it

(1504)

should turn out that Mr. Gamey has gone for good, I (Mr. Crossin) would be the most surprised man in Toronto." Was that more important as a matter of news? A.—I beg your pardon, did I mark that?

Q.—I will read you some more. Was that more important news? Was it more important? A.—I did not write that. If I marked that I marked it by error.

Q.—"Gamey has the reputation among his friends of being a good fellow and a man who never told anything." Was that more important than Frank Sullivan's admission of \$1,500? A.—Read it all?

Q.—Was that more important? A.—That is part of the story.

Q.—Was that more important than Frank Sullivan's admission? A.—If I had made that bald statement in the newspaper, as you are making it now, there would not be anything in it.

Q.—"While at Mrs. Peek's place Gamey had no confidential chats with his wife, so Mr. Peek says." Was that more important than Frank Sullivan's interview? A.—Read the whole interview.

Q.—Is that fact more important than the part published about Frank Sullivan? Is it or is it not? You are under oath? A.—I know that.

Q.—Then let me have an answer without mental reservation, equivocation, etc., whatsoever. Was it more important to write about this than Frank Sullivan's admission that he had got \$1,500 of the bribery money? Was it or was it not? A.—As a matter of news I think it was just as much.

Q.—You think it was just as much? "Mrs. Gamey seldom said anything

(1505)

about relatives, but sometimes referred to an aunt in West Bay City, Michigan." Was that more important, as a matter of news, than Frank Sullivan's alleged admission? A.—Understand—

Q.—Was it or was it not more important, as a matter of news, or will you answer me? A.—I will answer you

this, that the interview as a whole I thought was just as good news as Frank Sullivan's admission that he got the \$1,500.

Q.—And you seriously swear to that? A.—I seriously swear to that, certainly.

Q.—And you think that that is an honest answer, do you, that Mrs. Gamey's relatives were equally important, as a matter of news, to Frank Sullivan's admission that he had got half the bribery money? A.—You must take into consideration—

Q.—Do you or do you not? Please answer my question. Do you or do you not? A.—You must take into consideration—

Q.—Make your speech. A.—That at this time no one knew where Mr. Gamey had gone, and it was an important thing that they should know where he was gone. For that reason his relatives were interviewed, and the fact that Gamey's whereabouts were published—I think that came in at a late hour, and I think it was equally important as the statement that Frank Sullivan had made.

Q.—Some of your own writing, and in the same breath you put this in "On Saturday Mr. Gamey walked to and fro on King Street East near the King Edward Hotel. He was engaged with a sharp-looking individual in earnest conversation. To The Telegram." That was you? A.—Yes, sir.

Q.—"To The Telegram, a few minutes later, Mr. Gamey said he knew that

(1506)

Frank Sullivan would deny everything." Now, you published that as an interview with Mr. Gamey? A.—Yes, sir.

Q.—And yet in the face of that you go down and in the door of a public hotel, in the presence of his father, with anybody else that might be around, he owns up to having received half the bribery money? A.—While this conversation was going on—

Q.—Is that the fact? A.—That Mr. Gamey said that?

Q.—That Mr. Sullivan owns up to getting half the bribery money? A.—Certainly.

Q.—Certainly he did? A.—He made the statement voluntarily. He was not asked for it.

Q.—Now, who was the first man that spoke? Let us see how that conversation arose? A.—That I cannot say.

Q.—What was the first thing said? A.—I was talking to a great many men there.

Q.—Tell me where you and Frank Sullivan were talking? What was the first thing that he said, or that you said to him? Tell me what was the first thing that took place between you? Let me get the connection of this conversation? Go on please? A.—If I remember rightly, I asked Mr. Sullivan, Senior, if he knew where Gamey had gone.

Q.—Then what? A.—We talked about the matter. As least that was his version of it. He said he had gone mining

in Mexico, which I knew, of course, was a joke.

Q.—Now, then, you start in as a joke. What is the next thing said? A.—I cannot remember everything that was said.

(1507)

Q.—Give me the next thing said that you can remember? Go on please. We have got a part of the joke. Tell us the next thing that was said? A.—I cannot reiterate it.

Q.—It is only last Tuesday night? A.—I know.

Q.—You cannot tell me what next was said? A.—Tuesday morning.

Q.—What was said by you or Sullivan next that you do remember? Go on please. A.—I asked Mr. Sullivan if it were true he had gone to Gamey, and why he went, and things like that.

Q.—You said, "I asked Cap. Sullivan if it was true he had gone after Gamey and thinks like that?" What other things like that did you ask him about? Go on and tell us about the conversation. A.—I tell you I cannot tell you word for word all of the conversation that took place.

Q.—I am not asking it word for word at all. I am asking the substance of the conversation. You asked Captain Sullivan if he had gone after Gamey, and things like that. What things like that did you ask him about? A.—Well, if I was to take a walk with you over to the door, and ask you, well is it true you went after Captain Sullivan, or went after Gamey—I asked him why he went to the Bridge. I asked him which way he went, that is another thing.

Q.—What did he say? A.—He said he went to the Bridge.

Q.—And then what? A.—Then I asked him why he had gone to the Bridge.

Q.—And what else? Go on. A.—And some more conversation—

Q.—Tell me what it was—the substance of it? A.—Just permit me, Mr. Johnston. Do not—

Q.—Go on? A.—There was some more conversation about—I think I

(1508)

mentioned to him that—I do not say he said so—that my information was that the trains had been watched going west in order that if Gamey went away—he was supposed to go up to some friends up near Stittsville—that he was to be summoned with a subpoena, and for that reason the trains were watched. Then I asked Captain Sullivan why the trains were watched, and wanted to know how he could get to the Bridge without going west. Then it was after that he said, that it was only a joke, that he had gone to the Bridge.

Q.—Then what took place after that by Captain Sullivan that was only a joke? What took place? A.—Well, that concluded the conversation so far as Captain Sullivan was concerned.

Q.—I want it down in detail here? A.—You are getting it, sir, as near as I can give it to you.

Q.—Then Captain Sullivan stopped talking. Who talked next? It will make a useful record. We must have your statement? A.—Frank Sullivan.

Q.—What did Frank Sullivan say? A.—Frank Sullivan, if I remember correctly, I don't know whether it was he or whether it was I, but—I think, if I remember rightly, I had said something about Gamey going away, and not coming back.

Q.—You have told us all that. A.—Then that is it.

Q.—Tell me what was said by Frank Sullivan after the old man said it was a joke about going to the Bridge? That is what you have sworn to? A.

—Well at this time Captain Sullivan had walked away, was some distance down the street, and mind, they were

(1509)

both going away at this time.

Q.—I am not asking you that. I am asking what was said after the old man made the statement that it was a joke. A.—And I said to Frank, that my friends had said that Gamey was crooked, and this kind of thing, and that Frank said, well, Gamey was the crookedest man alive, or some words to that effect.

Q.—Or some words to that effect. Just wait a moment. Let us get it in order. Then Frank Sullivan, having said that he was the crookedest man alive, what did you say? A.—Well, I said that my friends had warned me—

Q.—You have told us that. Did you repeat it? You are not giving us the same story? A.—If I understood you, I am.

Q.—You told us that you said your friends had warned you against Gamey. Frank Sullivan stated that he was the crookedest man alive. Then I ask you what further was said? A.—There was more conversation about—

Q.—What was it? A.—If I remember rightly, Frank Sullivan said the \$900 came from the same place as the \$3,000.

Q.—Frank Sullivan said Gamey was the crookedest man living, and then Frank Sullivan said, the \$900 came from the same place as the \$3,000? A.—If I remember rightly.

Q.—And there was nothing said about money up till that time? A.—Nothing at all.

Q.—That was the first word that was said about money—a voluntary statement on Frank Sullivan's part, not in answer to a question of yours at all? A.—No.

Q.—Not in answer to a question of yours at all. He says this, he is the

(1510)

crookedest man living, and the \$900 came from the same place where the \$3,000 came from. Tell me what else. Go on, please? A.—Well, he said that

Q.—I do not care where you were. Q.—Go on? A.—Then he said—I was standing on the step—

standing. A.—He looked up and said, well, I got \$1,500 of it up to to-day, those were his words, and then I looked at him, and I said, you did, eh? And he said, yes, you bet I did. That is all there is in it.

Q.—Now, what else took place between you? A.—I came away then. Sullivan then moved off with his father, or followed his father.

Q.—Then your story is this, and I want to know if you are going to add anything to it? A.—I cannot add or take away from it.

Q.—I want to know if you want to add or take away. "I said to Frank Sullivan, my friends had warned me not to trust Gamey too far, warned me against Gamey; Frank Sullivan said he is the crookedest man alive to-day, the \$900 came from the same place where the \$3,000 came from, and I have got \$1,500 out of it up to date." That is your story? A.—I can remember that part of it.

Q.—That is the whole of it? A.—I will not say that that is the conversation as it actually took place.

Q.—Oh, I see. A.—Certainly not.

Q.—What will you swear to as having actually taken place? A.—I will not say that that, for instance, was all that was said.

Q.—Give me something else that you can supply at the present moment? A.—I cannot think of anything else.

(1511)

Q.—You cannot think of anything? A.—I cannot remember everything I said, and did Mr. Johnston.

Q.—I ask you if that was in answer to a question of yours about the money? Was it or was it not? A.—His admission?

Q.—When he said about the \$900? Was that in answer to a question of yours, "\$900 out of that \$3,000—out of the same fund?" A.—I cannot remember, but—

Q.—Was it or was it not, giving the best recollection you have? A.—I think it was his statement.

Q.—That is without any question on your part? A.—Yes.

Q.—You have sworn to that already, and you still stick to it? A.—Yes.

Q.—And the \$1,500 was also his statement, voluntary? A.—Yes.

Q.—No answer to any question? That is the story you are telling us? A.—The statement was made absolutely voluntarily, without even a suggestion from me.

Q.—It was a simple, absolute voluntary statement, made openly to you, a newspaper reporter, in the Walker House, between 9 and 10 o'clock on Tuesday morning, by Frank Sullivan? Is that right? A.—Yes, sir.

Q.—That is your story. Well, then, it was so surprising to you that you

doubted it? Was it or was it not?
A.—Men sometimes joke over serious things.

(1512)

Q.—Will you answer my question? Was it so surprising to you that you doubted it at the time—doubted the truth of the statement? A.—The way he looked.

Q.—I am asking you the question. Was it so surprising to you that you doubted the truth of the statement? A.—If he had said nothing more.

Q.—Will you answer my question, or can you answer a simple question when it is asked? A.—If he had—

Q.—I asked you, when he made that statement, was it so surprising to you that you doubted the truth of it, when he made it? A.—It was an important admission, and the way he said it I thought that—he was feeling pretty good, and he had been smiling, and half-smiled when he said this. It was the smile. I did not know whether he was smiling from good humor or smiling because he had said this as a joke.

Q.—Was it surprising to you? Was it so surprising when he said it to you first that you were inclined to doubt it? Is that true or is it not true? A.—On the spur of the moment—

Q.—On the spur of the moment, when he said it, you were inclined to doubt the truth of what he said? A.—When he smiled I did.

Q.—Were you inclined to doubt the truth of the statement when he made it to you on the moment? Cannot you understand my question? A.—Yes, I have stated that.

Q.—Let us get on. Then at that moment you were inclined to doubt, because he said it with a smile on his countenance, and you were not taking it seriously just at that moment? A.—Things like that do not take an hour to perform. You know that.

(1513)

Q.—Wait a moment, please, witness. The Chancellor: This is taking an hour, I think, to perform. Just answer the question.

Mr. Johnston (resuming): Then the only reason that you thought it was serious was because you said, "you did, eh?", and he said, "You bet your life, I did?" A.—Yes, sir.

Q.—And that changed your opinion? A.—The smile went off his face.

Q.—That changed your opinion? A.—Yes.

Q.—The smile went off his face. I should have thought it would have gone off when he saw you around there. Then we will put that in as your report. (Exhibit 64.)

Q.—Did you make a note of it at the time? A.—No, sir.

Q.—Did you make any note if it at the time in your book? A.—No.

Q.—Did you walk from there with Mr. McEvoy up to the Court House? A.—Yes.

Q.—Did you mention a word about it to him? A.—About what?

Q.—About the confession of Frank Sullivan? Did you or did you not? A.—Well, if I remember rightly, it was not made at that time.

Q.—Oh, what time did you walk up with Mr. McEvoy? A.—I was at the Walker House that morning on two occasions.

Q.—What time did you walk up to the Court House with Mr. McEvoy? A.—Mr. McEvoy was going to the Court House at that time. I am only fixing the time now by circumstances.

Q.—You came up about a quarter to 10 to the Court House with McEvoy? A.—Mr. McEvoy came up before that.

(1514)

Q.—Was it after you walked up to the court with McEvoy that the admission was made, or before? A.—I cannot say positively whether that was made or not—

Q.—You cannot say whether it was made before you came to the court or afterwards, because Frank Sullivan was here? A.—I cannot say whether the interview with the Sullivans took place the first time I was at the Walker House or at the second time, and that is the reason I cannot fix the time positively.

Q.—Let me get the time. We will see what these other people say about it perhaps. Between 9 and 10 o'clock you told me that this interview took place? A.—I think I said between 8 and 10, or, if I remember correctly, between 8.30 and 9.30.

Q.—And, then, that was before Mr. McEvoy came to the court that morning? A.—That the statement was made?

Q.—Yes, it must have been? A.—But I cannot say that for the simple reason that I was down at the Walker House, and that statement may have been made before I left the Walker House with Mr. McEvoy.

Q.—Or it may have been made? A.—Afterwards, because I took a car at Yonge-street, and went back to the Walker House.

Q.—You took the car at Yonge-street and went back to the Walker House? A.—Yes, sir.

Q.—And it may have been made on the second interview? A.—It may have been made on the second visit to the Walker House.

Q.—And it was so important an admission that you remarked it at the time? A.—As a news item, I certainly did.

(1515)

Q.—Now will you swear as a matter of fact, from what Mr. McEvoy advises me—will you swear as a matter of fact that this admission—this so-

called story, was made seriously, intending to be believed? Will you swear to that? A.—How do you mean, sir?

Q.—That Mr. Frank Sullivan made a statement such as you attribute to him, seriously intending it to be believed? A.—That he made that statement?

Q.—Yes? A.—Well. I cannot say what he said—

Q.—You cannot say what he intended or whether he intended it seriously, or the other way? You cannot say as to that? A.—No, but my impression—

Q.—Never mind your impression. You cannot say as to that. That will do. Re-examined by Mr. Ritchie:

Q.—Did you believe when he made his final statement that he was serious? A.—Yes, I believed the statement when he said, in response to the second question, that he did.

Q.—You did believe it. Now you say that you were at the Walker House twice on the 21st? A.—Yes, sir.

Q.—The first time between 8.30 and 9.30? A.—I cannot say what time it was I went there first.

Q.—That was your recollection as to the time. Now when did you go on the second occasion? A.—I had been at the Walker House, as I say—I cannot tell whether this conversation took place the first time I was there or the second time.

Q.—Then I will try to get from you when you were there the first time, at what time or what hour? A.—Well,

(1516)

the second time must have been between 9 and 10 o'clock some time.

The Chief Justice: In the morning?

A.—Yes, sir.

Q.—They were both in the morning? A.—Yes.

Mr. Ritchie: Then how long were you absent from the Walker House between the first and second visit? A.—Mr. McEvoy and I walked up York-street, up to the corner, right opposite the Hall here, that is where I left him; and I was anxious to find out where Mr. Gamey had gone, if possible, and I thought that the Walker House was the best place to get any information along that line.

The Chancellor: You had better answer yes or no. Do not make a long speech.

Witness: Well, I went back to the Walker House then.

Mr. Ritchie: Did you go back to the Walker House after you had walked up to the Court House with Mr. McEvoy? A.—Yes.

Q.—Had you known Mr. McEvoy for some time? A.—Yes, sir.

Q.—Had you been warm friends? A.—Yes, sir.

Q.—Both good Liberals, I believe? A.—Yes, sir.

Q.—Both good Liberals and warm friends. A.—Yes, sir.

Mr. Johnston: He shows it now. Mr. Ritchie: Just one moment. You said that Captain Sullivan moved away during the conversation? A.—Yes.

Q.—Where did he move to? A.—He was going out. They were both going out as I stated, when the conversation was going on. The conversation only took two or three minutes.

Q.—Did he take any part in the conversation with reference to the receipt by Frank of the \$1,500—when Frank said that he had got the \$1,500 out of

(1517)

it? A.—He could not say anything because he was not within talking distance at that time.

Q.—Oh, I see, at the time that was discussed he was not within talking distance. Then was he within hearing distance? A.—Well, I do not think so—not on a noisy corner like that, with cars going along.

Q.—So that, as you understood, he did not hear that part of the conversation? A.—I do not think it was possible for him to hear. I do not know whether he did or not. I do not think he did.

Q.—You said Captain Sullivan told you in the first place that Mr. Gamey had gone to Mexico mining? A.—That was in the hotel.

Q.—That was when? A.—That was in the rotunda of the hotel.

Q.—And then afterwards you say he stated that that was not so, that that was a joke. Do I understand you aright? A.—Yes. He said it was a joke—well, he did not say that that was a joke, because he supposed I had sense enough to know that, but it was about the bridge he said it was a joke.

Q.—Then you say you went down afterwards with Mr. Buchanan and saw Mr. McEvoy? A.—I think that was the next night.

Q.—You say you went down to see him, that he was a friend of yours? A.—Mr. McEvoy—yes.

Q.—Did he tell you at that time that Frank Sullivan had denied that he had made the statement? A.—Yes, sir. Mr. McEvoy said that the whole point had been up to that time—

(1518)

Q.—Never mind. He denied that statement? A.—Yes.

Q.—He said Frank Sullivan denied it, and did he want you to contradict it in the paper? A.—To satisfy Mr. Buchanan, I saw Mr. McEvoy, and asked Mr. McEvoy what he wanted me to do. He said, well, what can I do? I said, surely you do not think I am crazy enough to go there and come back and write a thing like that, when the man really did not say it? and Mr. McEvoy said, well, I shouldn't think so; I wouldn't like to think so, or words to that effect.

Q.—And what did you say to Mr. McEvoy? Did you say to him, whether Frank Sullivan had made that statement or not— A.—I said positively that he had said it, and it did not make any difference whether—

Q.—In your interview, did you ever recede from your position? A.—No, sir on no occasion.

Q.—Then you said that you were willing to do this, to put in the paper that Frank Sullivan said he did not do it? A.—Yes, sir, because if I had had the least suspicion that I would have been dragged into the thing I would sooner have left it out altogether.

(1519)

Q.—But it did not change your recollection? A.—Not at all.

Q.—As to the fact? A.—Not at all.

Q.—Have you been taking the evidence in court here on behalf of your paper? A.—No, sir.

Q.—You attend principally to the parliamentary work? A.—My time now is at the Parliament Buildings.

Q.—How long have you been on the newspaper staff—The Telegram? A.—I came here from Ottawa—I think I started the second week in March, if I remember correctly.

Q.—Of this year? A.—Yes.

Q.—An you had been an employee of the Ontario Government? A.—Well I went from the Ontario Government I quit the service I think about the 1st of February, and went to Ottawa.

Q.—That is all.

Mr. Riddell: Perhaps your Lordships will hear my application now. I have here an affidavit on the part of Mr. McEvoy, solicitor on behalf of the accused:

"I am and have been acting as solicitor for those accused in this inquiry

"2. Now produced and shown to me and marked 'A,' is a copy of The Toronto World, of date the 25th April, 1903, the said Toronto World being a newspaper published in the city of Toronto.

"3. In the article headed, 'Tracing the Boodle Fund Paid Gamey by the Briber' are printed and published certain allegations which, as I verily believe,

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are intended to be injurious to the persons accused; and, as I verily believe the same are a gross contempt of Court.

"4. In the evidence given yesterday there is, so far as I can discover, no reference whatever to the said alleged cheque, given by the Trust and Guarantee Company, nor any hundred dollar bills near to the Minister's hands."

The article, my Lords, is this: This is the heading: "Tracing the Boodle Fund Paid Gamey by the Briber." Then another heading: "Three Thousand in Hundred Dollar Bills Very Near the

Minister's Hands." "Charles Ritchie K.C., with the aid of the paying teller of the Ontario Bank and the books of that institution, tried for two hours yesterday afternoon to trace the \$3,000 which R. R. Gamey alleges he and Frank Sullivan obtained from Hon. J. R. Stratton. It was a fishing expedition. For some time the luck did not seem to run with Mr. Ritchie. Page after page of huge ledgers were thumb-ed over, slips were examined and entries scrutinized with searching thoroughness. Their Lordships leaned back in the upholstered chairs. The well-filled court-room displayed a languid interest in the proceedings. It seemed as if nothing but an orchestra could give swing to the occasion.

"Getting Next to the Item.

"Then, all at once, the exertions of Chas. Ritchie appeared to have fruit. Assisted by W. D. McPherson, and closely watched by W. R. Riddell, K. C., who bent eagerly over the searching expedition, Mr. Ritchie found what he wanted, an entry of \$3,000 money paid out on the 9th September, the day before that amount, according to R. R. Gamey, was divided between Frank Sullivan and himself.

(1521)

"Was This the Cash?

"To the prosecution, a significant feature of this entry is that the \$3,000 was taken out by the Trust and Guarantee Company, of which institution Hon. J. R. Stratton is president."

Then it goes on:

The Chancellor: It is of the same tenor or as the other? Did Mr. Johnston say, or is it in the affidavit, that this particular passage about the \$3,000 was not taken by the stenographic reporter?

Mr. Johnston: Yes, my Lord.

Mr. Blake: Did he say it?

Mr. Johnston: Yes.

The Chancellor: It was a private investigation, not taken down by the reporter, and not intended to be evidence unless found to be relevant, and being found not to be relevant it is not in the evidence.

Mr. Johnston: The Trust Company's name was not mentioned yesterday.

The Chancellor: You can take the same rule nisi; serve notice to show cause, in the same terms as the other. Will you have it returnable on Monday or on Tuesday?

Mr. Johnston: Monday, my Lord.

The Chancellor: Then the next witness?

Mr. Ritchie: Mr. Bartlett.

The Chief Justice: You will mark that affidavit and paper.

Mr. Riddell: Yes, my Lord; I have done so.

(1522)

George R. Bartlett, recalled by Mr Ritchie:

Mr. Johnston: Mr. Blake intimated that Mrs. Wilson should be here, and I sent a special messenger after Mrs. Wilson. I got no notice whatever until I found a letter this morning on my table from Mr. McPherson, which was delivered some time or another late last night, perhaps, asking for two or three other witnesses. It was utterly impossible for me to deal with that. I sent a special messenger to get Mrs. Wilson here.

The Chancellor: Is she here?

Mr. Johnston: She is eleven miles away, attending a case of childbirth, of some relative or friend, and the moment that that is over I have instructed that Mrs. Wilson should be produced here by special conveyance, not waiting for trains, or anything else, but to be here.

The Chancellor: Will she be here to-day?

Mr. Johnston: No, she cannot be here to-day. As to Mr. Wilson being here, he is not my witness.

Mr. Blake: No, Mr. Johnston, there is no ground of complaint at all against you, so far as Mr. Wilson is concerned. When he left the box I stated, Mr. Wilson, you will stay here, as these two witnesses are coming from Rochester, and I desire that you shall be confronted with them? That was all that passed. There has been no responsibility upon Mr. Johnston in connection with it.

Mr. Riddell: My learned friend Mr. Blake stated that he had expected to have them here that day.

The Chancellor: What has this arisen about? I do not know what the ap-

(1523)

plication is.

Mr. Blake: They were expected by five o'clock, therefore it involved the remaining over until the next day.

Mr. Johnston: They want Mr. Wilson produced, they say.

The Chancellor: For the purpose of examining him?

Mr. Johnston: Identifying two people from Rochester.

Mr. Riddell: To whom he is alleged to have said something. That cannot be evidence.

The Chancellor: I do not know how far you can go on that line. You can let him look at the men, but I question whether you can go any further.

Mr. Blake: I wanted the two men from Rochester for that purpose, but if there has been a misunderstanding, my Lords, it is very easily rectified. We can get Mr. Wilson.

The Chancellor: Has Mr. Wilson returned to Penfield?

Mr. Johnston: There is no misunderstanding between Mr. Blake and myself, not in the slightest. We know where we are at, but I got a letter, as I say, this morning, and solicitors seem to think it proper to deliver a letter which reaches me or my partner

at ten o'clock this morning, or half-past nine, telling me to deliver a witness from Newmarket.

The Chancellor: You cannot do that, but it will put you on the *qui vive* to have him next week, I suppose.

Mr. Johnston: I have spent a good deal of time getting witnesses for the other side, and I am willing to continue.

Mr. Blake: Mr. Johnston told me he would wire up and endeavor to get the

(1524)

witness here, sending a special messenger, which he did no doubt, and now has intervened what Mr. Johnston did not foresee, and what we did not foresee. The difficulty has arisen. I was told of it only this moment, my Lord. As to Mr. Wilson, I thought he was in court. I thought I saw him. I thought he was remaining here, and that except for examining the bank books, and taking so long, that he would have been examined.

The Chancellor: Then, Mr. Bartlett is waiting to be relieved.

Mr. McEvoy: I do not think any conduct money has been paid to Mr. Wilson.

The Chancellor: Oh, go on.

Mr. Ritchie: Q.—Have you got that information, Mr. Bartlett? A.—Yes.

Q.—That is what I asked for? A.—Yes.

Q.—On the 9th or the 8th, is it? A.—It begins with the 8th September.

Q.—You paid out 17 one hundred dollar bills? A.—Yes.

Q.—Then on the 9th you paid out 21 fifty dollar bills? A.—Yes, sir.

Q.—And one one hundred dollar bill? A.—Yes, sir.

Q.—On the 10th you paid out one one hundred dollar bill, and apparently no fifty dollar bills, and on the 11th you paid out 21 fifty dollar bills and 20 one hundred dollar bills? A.—Exactly.

Q.—This is on the 11th. Now, have you any means of showing to whom you paid the 20 one hundred dollar bills upon the 11th? A.—No.

(1525)

Q.—Can you say that went out in one payment or not? A.—I cannot say that.

Q.—It might or it might not? A.—If it went out in one payment, there would be a cheque for a corresponding amount.

Q.—There might or might not. You might have had other small bills in with it. That would not follow? A.—No.

Q.—So that you have no means of ascertaining whether it went out in one lump sum—whether two thousand in one hundred dollar bills went out—that is twenty bills of \$100 each? A.—No.

Q.—Now, are there any means by which you can ascertain that? A.—No.

Q.—By a search in the books? A.—None whatever. My blotter is the only thing you can refer to, and it is here.

Q.—And that would not show it? A.—No. It would show it if there was a cheque for that amount.

Q.—For that amount? A.—Yes.

Q.—But that \$2,000 might be included in a cheque for \$2,500 or \$3,500? A.—Yes, or there might have been four or five cheques paying out one hundreds.

Q.—That cannot be demonstrated. You did pay 20 one hundreds, and so many fifties, and can you tell what time of the day you paid those out? A.—That would be impossible.

Q.—All you can say is they were paid out on that day? A.—I had so many less at the end of the day than when I started.

Mr. Ritchie: That is all.

(1526)

Cross-examined by Mr. Riddell:

Q.—And had you also received instructions to make an exhaustive search through the books in order to see if you could trace anything which would bear upon this matter? A.—Not any other dates than those.

Q.—Then I will have to look at these books. I want to get the books. A.—They are here, but I will have to get my blotter.

Q.—That will not assist me any. I want the supplemental. I want to see the persons who drew the money out. Give me each one of them. Start the 1st of September.

The Chancellor: You want persons who drew out large sums of money?

Mr. Riddell: Yes, my Lord. Start 1st of September, and look for the persons who drew out large sums of money, or who chequed large sums of money. I will begin at the 1st of September if I can. Take September 2nd, for instance. We will begin here.

(Adjournment 12.55 p.m. until 2 p.m.)

(1550)

AFTERNOON SESSION.

Saturday, 25th April, 1903.

Mr. Bartlett, recalled. Examined by Mr. Riddell:

Q.—Is this your memorandum? A.—Yes.

Q.—I just want two or three things. September 2nd, folio 757, The World. Amounts checked out that day \$105.38, \$500 and \$34.50. That is correct? A.—Yes.

Q.—Did you get the name of 1,127 petty loans? A.—No: when I got down there I found that the book where I would get the information from is here. I will look that up.

Q.—And if anything turns upon that we will have it extended, and if not we will let it go. That is an item of September 2nd, folio 1127, petty loans account, \$2,000. Then on the 4th of September, opposite folio 40, The World Printing Company, \$500, that is a cheque out? A.—Yes.

Q.—And on the 8th of September, folio 757, sixteen notes in all, amounting to how much discounted that day? I will give you them: \$175, \$300, \$140, \$100, \$82.32, \$92.20, \$75, \$500, \$500, \$500, \$200, \$39.68, \$157.50, \$325.95, \$150 and \$175. These would be notes discounted of that date, September 8th? A.—No, maturing on that date.

(1551)

Q.—And are those notes made by these people? A.—Yes. That is the full list, all due on that day, customers' notes.

Q.—And when did that company receive credit for them? A.—That requires looking back in the discount register.

Q.—At all events, it would be prior to that? A.—Oh, yes, certainly. That is the due date. They fell due on that day.

Q.—Then it would be anywhere from? A.—Just depends on the term of the different notes, one month or two months.

Q.—A month or two months at all events? A.—Yes.

Q.—Then I need not trouble about that.

Mr. Ritchie: These are not cheques paid out at all? A.—No, they were all cheques, but they took up notes corresponding to them.

Q.—That you had discounted previously to that some time? A.—Yes.

Mr. Riddell: You told me that you had gone through these books with great care? A.—Well, these books have nothing to do with me, the supplementary books. My own book, which I have to do with, of course, I have gone through that with great care. The going through this one consisted in going through it with yourself.

Q.—You have gone over your own book with great care to see if you can give us any assistance in this matter? A.—Yes.

Q.—And can you find anything that bears upon this matter directly or indirectly? A.—Nothing.

Mr. Ritchie: Let me see your cash book of the 13th September. Did this

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\$5,000 go through your teller's cash on the 13th? A.—That is something that passed through on the 13th.

Q.—Is that represented by that? A.—No, that is a parcel to the Lindsay branch.

Q.—What I want to get at is whether you paid it out or whether it went through the Clearing House? A.—If it went through the Clearing House it would be in there.

Mr. Riddell: That is the date of the cheque. It would not get through the Clearing House until the 15th. Look at Monday, the 15th. Here it is.

Mr. Ritchie: Is that right, that went through the Clearing House on that date? A.—Yes, as far as I can see it did. It did not go in my book. It must have been the clearing.

Q.—That is it on the 16th. I think that is the only one I want to ask you about, or look at the 18th? A.—There is the 18th.

Q.—That went through on the 19th. The returns of those seventeen one hundred bills were included in the Clearing House receipts that you got of the 15th of September, 1903? A.—Yes.

Q.—From the Merchants' Bank? A.—Yes.

Mr. Ritchie: Subject to the two Wilsons being here, there is a matter that I cannot enquire into to-day owing to the closing of the banks at 12 o'clock. That is the tracing up of the seventeen one hundred bills. If anything turns upon it I will ask to call a witness and ask a question on it. Then, as to Mr. Coffee, he is to allow me to see the two cheques we have spoken about. That is

(1553)

arranged. I am also going to ask that this \$3,000 cheque which has been referred to, which was said to be in payment of a draft, the cheque and the draft should be put in and left in Court.

The Chancellor: Is that the amount that is said to be irrelevant?

Mr. Ritchie: As far as I can see it seemed to go in payment of that draft. I see that that was a sight draft, and I may want to enquire as to the parties to it, that is all. Further enquiry may be required.

The Chancellor: Then the only oral evidence you wish to call to-day is that of the two Wilsons?

Mr. Blake: The wife and the husband. Then, my Lords, I may say this, that some communications have been sent to those that are engaged in this matter, some private and confidential, and others that have been simply mentioned by people who thought that their communications should receive consideration and attention, and should lead to possibly their examination or the examination of others. My learned friends and myself, my Lords, have investigated these as well as we can, and we do not find that we would be justified in pursuing any of the avenues that are suggested in these communications; but I do not want hereafter that it should be said that in and through us any matters that were material to the investigation have been excluded, and I want just to mention here and now that if any persons desire to give any further evidence that they think will be material, that your Lordships, of course, I presume, will be ready to receive it. I do not desire hereafter that it shall be said we were the means of

(1554)

blocking or preventing or excluding any matter that was relevant to the investigation.

Mr. Ritchie: There is one matter, of course, I have only learned it just now, my learned friend Mr. McPherson has subpoenaed a witness in response to some information he has got. If called his evidence would not take five minutes. He is not here, but will be here on Monday. What I wished to say to your Lordships was that I wanted to confer with my learned friend and investigate what the witness says, and perhaps we will not call him at all. If called, he won't take five minutes.

Mr. Johnston: The remarks made by my learned friend, your Lordships, will perhaps be good enough to note in connection with ourselves. Like my learned friends, we have received many communications. We have endeavored to trace them up, and have, we think, traced them up to a legitimate source and found nothing whatever relevant to the issues presented before the Commission. We are exactly in the position that my learned friend is in, that if any one has any evidence whatever, either for or against the accused in this matter, we should be very glad indeed to have the opportunity of being put in communication with these people, if they desire to communicate with us further in the matter, and we shall give them all the consideration to which their statements may be entitled.

The Chancellor: There is no doubt that in a case of this kind a great many people pretend to have knowledge and communicate alleged knowledge—as occurred in the Parnell Commission—for the mere purpose of being brought to

(1555)

Court and having the notoriety that accompanies it without really possessing any information at all. These people are not witnesses at all, and they merely occupy the time of the Court to no purpose. A great many, I suppose, are of that class, but if any communication is sent which is likely to lead to any relevant result which is material, this Commission will be open at all times to receive that evidence. As was said in the Parnell Commission, the enquiry here has proceeded along the ordinary lines of litigation. That is, it has been left to counsel on each side to bring forward such evidence as might seem to them to support their contention and to throw light upon the matter in dispute. While that is the general rule over and above that we have recognized the duty cast upon us to get at the real truth of the matter in regard to any branch of the enquiry, and in regard to any subject on which evidence has not been called, and if we find that there are any witnesses brought to our knowledge at any time who have not been called by either side, it is to my mind clearly our duty to have those witnesses before the

Court, to the end that the truth may be ascertained as far as human intelligence and skill can ascertain it. Therefore, there will be no difficulty on the part of the Commission in receiving this evidence on either side at any time if it is ascertained that there is such. Subject to that, then, Mr. Blake, and subject to what you have mentioned, you close your side of the case?

Mr. Blake: Yes, my Lord.

(1556)

The Chancellor: Then the evidence on your behalf will be open to receive this additional witness when he comes and so on, and the one Mr. McPherson spoke of. That being so, Mr. Johnston, are you in a position to go on now with your side?

Mr. Johnston: The fact that the Wilsons are inevitably absent to-day, and knowing at any rate that one of the Wilsons was required by my learned friend, Mr. Blake, in the prosecution of this case, we expected that the taking of the evidence on that side would have occupied the whole of the day.

The Chancellor: No explanation or apology is needed. I can well understand why you should not be ready. If you say you are not ready, we will adjourn until Monday. It does not need any explanation. You have been most diligent, no doubt, and the enquiry, considering the immense mass of material, has gone on very promptly, sufficiently so for any man who is not too avaricious for work.

The Chief Justice: Our intention is on Monday to sit until half past eleven and then from half past two to half past four or five.

Mr. Johnston: Then we may perhaps understand this before the Court rises; my learned friend has Mr. and Mrs. Wilson, two witnesses, the evidence of whom he desires to present to the Court?

The Chancellor: Mr. Wilson has been examined. There may be something supplementary. Mrs. Wilson has not been examined.

Mr. Johnston: If we are able to produce Mrs. Wilson on Monday morning

(1557)

you will be able to go on with the examination. Otherwise, we shall be ready to go on.

The Chancellor: Mrs. Wilson cannot be very long.

Mr. Blake: There are the applications, your Lordships have allowed.

The Chancellor: They may be enlarged or we will take them.

Mr. Blake: Shall we have Wilson here?

Mr. Johnston: If Wilson and his wife can be here both on Monday morning, they will be here.

Mr. Ritchie: It is more important to have Mr. Wilson if possible. In any event, the evidence will be short.

(Adjourned to 10 a.m. on Monday, the 27th of April, 1903.)

(1558)

TWELFTH DAY.

Monday, April 27, 1903, 10 a.m.

The Chancellor: Now, Mr. Blake, you had closed your case, subject to certain witnesses. Can you go on now?

Mr. Blake: Yes, my Lord.

Mr. Ritchie: Is Mr. Wilson here?

The Chancellor: Do you wish to speak, Mr. Johnston?

Mr. Johnston: The notice directed by your Lordship to be served could not be served until this morning on the newspapers. It will come up to-morrow morning.

The Chancellor: As soon as it is returnable you will mention it.

Mr. Johnston: Yes, my Lord.

The Chancellor: Do you call Mr. Wilson?

Mr. Ritchie: Yes, my Lord.

George B. Wilson, recalled, by Mr. Ritchie:

The Chancellor: You are sworn, Mr. Wilson, already? A.—Yes.

Mr. Ritchie: Q.—You were over in Rochester this month? A.—I was.

Q.—And you were there on Friday, the 10th April. A.—I was there on Friday, the 10th April.

Q.—That is right? A.—That is right.

Q.—Do you recollect meeting any person on that day on Main-street in Ro-

(1559)

chester, and asking him to direct you to the National Hotel? A.—I do.

Q.—Do you know the name of that man? A.—I do not.

Q.—Did he direct you to the hotel? A.—He did.

Q.—Did he see you after that? Did he go with you to the hotel? A.—I rather think he did.

Q.—You rather think he did. Did you ever see him after that? A.—Not to my recollection.

Q.—Will you swear you did not? A.—I will.

Q.—Not to your recollection? You will swear you never saw him after that? A.—Not to my recollection. I might have saw him after that.

Q.—Surely you would recollect that. That is not very long ago?

The Chancellor: Do you mean to speak to him, or merely to see him?

Mr. Ritchie: To speak to him, my Lord.

The Chancellor: He may have seen him without speaking.

Mr. Ritchie: Did you ever speak to him after that? A.—I did not.

Q.—You swear you did not speak to him? A.—I did not speak to him.

Q.—Perhaps I can refresh your memory about that. Do you recollect on the 10th April having a conversation with him in Rochester, after he had directed you to the hotel in which you said that they were having a great time in Ontario? A.—I never mentioned it.

Q.—I am trying to refresh your recollection now. That he asked you what it was about, and you said that a man

(1560)

named Stratton, who was in the Government, had bought a Tory by the name of Gamey, or Gammey, and that Gamey charged Stratton with the crime? A.—I never conversed with any man.

Q.—You did not say anything of that kind? A.—I had no conversation of that kind.

Q.—To Mr. Davis? Do you know what Mr. Davis' business it? A.—Mr. Davis?

Q.—Do you know Mr. Davis? Did you know Mr. Davis was the man who directed you to the hotel? A.—I did not.

Q.—Did you see him there at all? A.—I did not.

Q.—You did not see him? A.—I never saw him.

Q.—Now, perhaps this will refresh your memory. Did you tell him that you knew all about the business, as your son-in-law, Frank Sullivan, had told you about it? A.—I never had such a conversation with him.

Q.—Did you tell him that Frank Sullivan had come out to your place at Newmarket, and had told you that Stratton had bought up Gamey, or Gammey, and that the buying had been done through him? A.—I never had any such conversation, on oath.

Q.—Never heard anything about that. Now, did you ever see an agreement signed by Gammey, by which he agreed to support the present Government? A.—I never saw it, nor never knew Gammey's name until I saw it given out in the papers.

Q.—Now, did you tell Mr. Davis that Frank Sullivan had showed you the agreement which Gamey, or Gammey, had signed, in which he agreed to support Ross, and the Reformers, in Parliament? A.—I never told him anything of that kind, on oath—I never told it.

(1561)

Q.—Neither on the 10th April, or any other day? A.—Or any other day.

Q.—I am calling your attention to this because I am instructed Mr. Davis will say that? A.—I never told it.

Q.—Perhaps this refreshes you. Did you tell him that Frank had to resign his job in the Parliament Buildings, and that he came out to your house so as to avoid being subpoenaed? A.—Never.

Q.—Never said anything of that kind? A.—On oath, I never held any such conversation.

Q.—You never said that Frank was to get \$5,000 for swearing this matter through? A.—Never.

Q.—Never? A.—Never.

Q.—And did not tell him you were to get \$500 to keep out of the way to

avoid giving evidence? A.—Never, for I should not have went out of the way had I known I was going to be subpoenaed.

Q.—Did you tell him you did not have the agreement, but that your wife, before she left Buffalo on the return trip, had got a memorandum in writing, agreeing to pay the \$500 in case you kept away? A.—I never told my wife any such thing, and I never told it in Buffalo.

Q.—Now, then, do you recollect being at the National Hotel on the 18th April—National Hotel in Rochester on the 18th April? A.—I might have been there. I was at the National, but I would not swear whether it was the 16th or 18th. I might possibly have been there on those days.

Q.—Now, do you recollect seeing Mr. Leavitt of the city of Toronto there,

(1562)

and Mr. Davis also on that occasion? A.—I never saw them.

Q.—You never saw Mr. Leavitt? A.—I never saw him.

Q.—Now then, directing your attention particularly, because I want to have your attention particularly directed to it, so that you will not make any mistakes—A.—I will not make a mistake.

Q.—Now, then, on this occasion, on the 18th April, or whatever day it was, at the National Hotel in Rochester, when Davis and Leavitt were there, as they allege, did you say to them that if you did not get that \$500 you were going back, and would give up the whole conspiracy, and smash the Government? A.—I never told it, for I never held such a conversation with any gentleman.

Q.—Now without going over all these things again, did you on this occasion, in the presence of Leavitt, while he and Davis were together, make any of these statements similar to those I have examined you about, as having been made to Davis? A.—I never made them.

Q.—Or anything of that kind? A.—Never anything to that effect.

Q.—Never, directly or indirectly? A.—No.

Q.—So that the whole thing is a fabrication if they state so? A.—It is a fabrication.

Q.—Now do you know a man by the name of Palmer of Rochester? A.—I never heard the name.

Q.—Perhaps I can recall your recollection, or refresh your recollection. I am instructed that Mr. Palmer, the one I refer to, is the agent of the Express Company in Rochester—agent or

(1563)

manager. A.—I never knew him.

Q.—Now, you recollect your son-in-law, Frank Sullivan, being over there? A.—I do.

Q.—Staying two or three hours, and then going away? A.—I do.

Q.—And then just after that you left for Penfield? A.—I went out to my old home.

Q.—After your son-in-law departed you went to Penfield? A.—I intended going there anyway.

Q.—He says Sullivan remained long enough to give you some money. Is that correct? A.—That is correct.

Q.—And then you moved to another town, and Frank took the sleeping car at 1 o'clock Sunday morning for Toronto? A.—He came back.

Q.—That is right, is it? That is correct? A.—That is correct. Now will you allow me to explain the money part of it?

Q.—We do not want to go into that.

Mr. Johnston: Yes, go on.

Mr. Ritchie: Give the fullest explanation you wish then. A.—I wished my wife to send me some money, and she sent it to Mr. Sullivan in preference to sending it by mail, and he brought it.

Q.—And it was \$5, was it? A.—I think so.

The Chancellor: He spoke of that before. We had that before.

Mr. Ritchie: That would not carry by mail, by registered letter? A.—Yes it would.

Q.—But Frank was the special messenger? A.—He wished to see me at

(1564)

the same time.

Q.—Then you recollect the night that Frank left Rochester? A.—I do.

Q.—Now then, do you recollect going to Mr. Palmer's room that night in the National Hotel, or that morning about 2 o'clock in the morning, and telling him about the interview that you had with your son-in-law, Mr. Sullivan? A.—I never went into his room.

Q.—Did you ever speak to him—Palmer? A.—I might, but not knowing him by that name.

Q.—Then you would not go into a man's room whom you did not know by name? A.—Well, I did not go into his room.

Q.—Did you speak to him? A.—I say I did not speak to him. I might have spoke to him in the house—at the table.

Q.—Now this is something. I am instructed this was about 2 o'clock in the morning—that Frank left about 1 o'clock in the morning for home, and this was about 2 o'clock in the morning when you had the conversation with him? A.—I never went into his room.

Q.—Did you speak to him about 2 o'clock in the morning? A.—No, I never.

Q.—Were you up at that time—at 2 o'clock? A.—I was up until Mr. Sullivan left for Toronto.

Q.—That was about 1 o'clock? A.—Then I went to my room and went to bed.

Q.—How long were you up after Mr. Sullivan left? A.—Probably twenty minutes.

Q.—Did you have any conversation with any person from the time Mr. Sullivan left until you retired that night or that morning? A.—I had not.

(1565)

Q.—Not with anyone? A.—Not with any person.

Q.—You did not tell Mr. Palmer on that night that Frank had come there to move you away, and that you were going off—that Frank said the Reformers were going to win? A.—I never, on oath, uttered such language in the city of Rochester.

Q.—Did you tell Mr. Palmer also that Frank had got an agreement from Gamey, by which he was to support the Government, and that he afterwards destroyed that agreement? A.—I never did.

Q.—Never did? And you did not tell him that you were to move away, because you were to get \$500 to keep out of the road? A.—I did not. I did not move.

Q.—But you did go to Penfield? A.—I did.

(1566)

Q.—But you did go to Penfield? A.—I did.

Q.—And did you also tell him that if the true facts did not come out, if the conspiracy did not come out, if the conspiracy did not come out, that your son-in-law, Frank, was to get \$5,000? A.—Never.

Q.—Never told him anything of that? A.—So help me God, I never.

Q.—Nor anything of that kind, to that effect? A.—I never conversed on that subject to a soul.

The Chancellor: Just answer the question. You say you did not. That is enough.

Mr. Ritchie: Now, Mr. Davis, stand up and look at this gentleman.

Witness: I met that gentleman in the city of Rochester, but never, on oath, conversed with him on that subject.

Q.—You never had any conversation with him in connection with the subject of this investigation, or the subject matter of this investigation?

Mr. Johnston: What is his first name?

Mr. Ritchie: C. Davis, is it?

Mr. Davis: Yes.

Mr. Johnston: Where does he live?

Mr. Ritchie: In Rochester.

Mr. Johnston: Give us the residence. It may be handy for us. What is his address in Rochester, the street number?

Mr. Davis: We were moving just as I came away. It was 196 West-avenue.

Mr. Johnston: What is the first address? A.—19 Woodward-street, corner Conky-avenue.

Mr. Ritchie: Is Mr. Leavitt here?

(1567)

Now, look at Mr. Leavitt, did you ever see that gentleman before? A.—I never met that face before to the best of my knowledge, so help me God.

Q.—I see. Perhaps your memory is a very poor one? A.—Not poor at all.

Q.—This is something that has happened within the last couple of weeks? A.—Nothing to do about it.

Q.—You never met him? A.—I never met him to the best of my knowledge.

Q.—I want you to swear positively that you met him or that you did not?

A.—Well, that is a rather hard oath I might meet a person—

Q.—Did you ever speak to him? A.—I never spoke to him.

Q.—You never spoke to him about this subject or any other subject? A.—I never did.

Q.—That you swear to positively. That will do.

Mr. Johnston: Wait a moment. One question.

Cross-examined by Mr. Johnston:

Q.—Are you in the habit of proclaiming to strangers and the world generally matters connected with yourself or other people? A.—Not at all.

Q.—I should think not. That will do.

The Chancellor: The next witness.

Mr. Ritchie: I will call Mr. Davis Archie C. Davis, sworn. Examined by Mr. Ritchie:

Q.—Where do you reside? A.—Rochester, New York.

(1568)

Q.—What is your business? A.—Insurance agent.

Q.—Do you know the last witness, George B. Wilson? A.—I met him.

Q.—Where? A.—In Rochester.

Q.—How often? A.—Why I met him—I wouldn't be just prepared to say how many times, but it must have been over a half a dozen anyway—half a dozen at the least.

Q.—Where did you first meet him? A. I was going up West Main street—

The Chancellor: Is this inquiry about this last witness—about his movements and the story he was asked about?

Mr. Ritchie: Yes, my Lord.

The Chancellor: How can you possibly make evidence of that?

Mr. Ritchie: I suppose we could if it were the case of an adverse witness. It is a question for your Lordships to say. Of course I admit without your Lordships' permission we could not do it.

The Chancellor: Even with permission, we must have a limit somewhere. We would have an inquiry then about the antecedents of Mr. Davis. It is a collateral matter entirely. It is not like a statement made by Frank Sullivan, who is an important witness

Here is something which Frank Sullivan is said to have told to G. B. Wilson, and G. B. Wilson is said to have told some one else. Where are you ever going to end such a chain as that? It is all covered by authority.

Mr. Riddell: Your Lordship will remember—

The Chancellor: I am speaking to Mr. Ritchie now, Mr. Riddell.

(1569)

Mr. Ritchie: Undoubtedly, in a case of this kind, we could not put in evidence to discredit in a general way Mr. Wilson, but it seemed to me that, with your Lordship's permission—

The Chancellor: It is plainly, it seems to me, beyond all rules of relevancy. I suppose the other side, Mr. Johnston would at once concede that the whole evidence in chief might be struck out of this record.

The Chief Justice: That is it.

The Chancellor: It is really a negative. He knows nothing. You are putting up a witness for the purpose of pulling him down. What is the use of that? Then, again, all the authorities are against it. Here is a case of the highest authority, The Attorney-General v. Hitchcock. "In an information under the revenue laws, a witness, who had given material evidence as to the fact in issue, was asked, on cross-examination, whether he had not said that the officers of the Crown had offered him a bribe to give that evidence. He denied that he had ever said so." There you have a witness put in by one side, as if Mr. Johnston had put this man in, and as if he had given material evidence—

Mr. Ritchie: I concede—

The Chancellor: I wish to have it made plain. There is to be no hampering of this inquiry because evidence is not taken, but it must be evidence reasonably relevant. If Mr. Johnston had put in Mr. Wilson, and had got material statements from him, and if you on the other side had asked him this question, about his saying so and so to these gentlemen in the box, and he had denied it, this case says that even in that case you could not have

(1570)

called a person to deny it. He has given material evidence, and was asked on cross-examination whether he had not said that the officers of the Crown had offered him a bribe to give that evidence, he denied that he had ever said so, and evidence was sought to be introduced to show he had made such a statement.

Then, again, there is a case of, if possible, still higher authority, a case in the Scottish Appeals of 1839, Tennant v. Hamilton, 1 McLean and Robertson, 833, where Lord Chancellor Cottonham says the rule in Scotland, al-

though they are more liberal there than in England, is just the same, that you cannot as a matter of collateral bring in an examination of this kind. In that case there was a witness put in for the prosecutor, and the cross-examination sought to bring out this sort of evidence to contradict him. The Lord Chancellor says the cross-examination was not for the purpose of testing the truth or accuracy of anything he had said. It was suggested that it might be put as a matter of inquiry, to test his credit. That is the contention. We have nothing material said by this witness.

It is suggested that it might test his credit, but if it be not evidence it is an inquiry perfectly collateral. It is an inquiry into a matter which is not relevant to the subject matter in dispute; it would be relevant if it were admissible in evidence, but it is not. It does not relate to the subject matter, and it is an acknowledged rule of evidence that you cannot go into a collateral irrelevant inquiry for the purpose of raising a collateral issue to discredit a witness produced on the other side. Nor, a fortiori, in this case the witness is not produced by the other side, and if Mr. Johnston accedes that

(1571)

this witness is purely irrelevant, you can strike him off the record, and leave it just as it is. You cannot call a man to discredit him and knock him over. He has not proved anything.

Mr. Ritchie: Of course we called him in the first place. He was called in the first place to show he was being spirited away by those whom we understood represented the defence, that he was being got out of the way as a witness. It occurred to me, while we could not clearly put in general evidence, that he was not worthy of belief under oath, that we on this specific issue might be permitted to do it.

The Chancellor: It will not help us. It does not tend to prove the bribe.

Mr. Ritchie: That being your Lordship's view, I will not press it.

The Chancellor: I think my brother concurs with me?

The Chief Justice: I concur entirely. It was manifest from the course of the examination that this class of evidence would be tendered. We considered the matter very carefully. I entirely agree.

Mr. Ritchie: Then that is the only purpose I had Mr. Davis here for, so that he may step out of the box. Mr. Leavitt was also for the same purpose, so that his evidence will be excluded.

The Chancellor: Then there is some outside witness you said you might call.

Mr. Ritchie: After the adjournment on Saturday, and after talking to him, I saw the evidence was not relevant.

The Chancellor: Then there is some bank evidence.

(1572)

Mr. Ritchie: I will have to ask your

Lordship's permission to allow that to stand until further investigation.

The Chancellor: Then the evidence is closed on your part?

Mr. Ritchie: There is Mrs. Frank Sullivan.

The Chancellor: Oh yes. Then call her. I thought it was Mrs. Wilson.

Mr. Ritchie: Both were spoken of.

Mr. Johnston: I have Mrs. Wilson here at the request of my learned friend, Mr. Blake.

Mrs. Melissa Wilson, sworn. Examined by Mr. Ritchie:

Q.—You are the wife of George B. Wilson who is a witness here? A.—I am.

Q.—And you reside near Newmarket? A.—Yes, sir.

Q.—Did you recently go to Buffalo? A.—I did.

Q.—What day did you leave for Buffalo? A.—I left on Thursday from my home.

Q.—What day of the month? A.—It was the day before Good Friday.

The Chief Justice: That would be the 9th April.

Mr. Ritchie: Who went with you? A.—My daughter.

Q.—Who else? A.—My husband.

Q.—And how far do you live from Newmarket? A.—About three miles.

Q.—And did you come in by the regular train to Toronto? A.—I came in on the car.

Q.—Which car? A.—On the Metropolitan.

(1573)

Q.—That is the electric line? A.—Yes.

Q.—You drove from your place to the Metropolitan? A.—Yes.

Q.—Now what time of the day was it that you left your home? A.—I think it was in the afternoon some time.

Q.—Or the evening? A.—In the afternoon.

Q.—What time? A.—I think it was the 5 o'clock car.

Q.—You think it was the 5 o'clock car? A.—I am not certain.

Q.—The 5 o'clock car from where? A.—From Mr. Mulock's corner. That is right on Yonge Street.

Q.—Had any person driven out to your house that day before you left? A.—No.

Q.—Quite sure? A.—Quite sure.

Q.—Had your son gone out? A.—Not that day.

Q.—When did he go out? A.—That I could not tell you. I do not remember.

Q.—Where is the livery book? Now, did your son go out there at all that day? A.—No, I do not remember seeing him.

Q.—Didn't he drive out there? A.—He was there the fore part of the week.

Q.—Wasn't he there the very day you left? A.—No.

Q.—You swear to that? A.—I will swear to that.

Q.—Who was it arranged for the conveyance to take you to the Metropolitan car? A.—My daughter.

Q.—When did she arrange it? A.—She asked Mr. Somerville.

Q.—When? A.—Well, it was that day, I think, or the night before, when she came up.

Q.—When did she go out? A.—The night before.

Q.—Was your son with her the night before? Did your son drive out with her? A.—No.

(1574)

Q.—And she had arranged for the conveyance you say the night before? A.—Yes, for him to take her.

Q.—How long before that time had you seen Mrs. Frank Sullivan? A.—I do not remember that either. They were up very often.

Q.—Was it a week or ten days or two weeks? A.—A few days.

Q.—Then she drove out, you say, in the evening? A.—Drove out in the evening.

Q.—And stayed at your house? A.—Yes.

Q.—Who drove back the horse—the livery? A.—Mr. Somerville's boy.

Q.—It was Mr. Somerville's boy that went out with her and not Mr. Somerville? A.—They always hire his rig.

Q.—Did you know your daughter was going out? A.—No, not particularly.

Q.—You did not know that. Then she had arranged with Somerville before she left Newmarket about having the conveyance there the next day? A.—Yes, to take us down to the car.

Q.—And who were to go to the car the next day? A.—Myself, my daughter and my husband.

Q.—How soon after your daughter got to your house did she tell you that she had arranged for the conveyance to come the next day? A.—She did not say. I never heard her say anything about it till the next day.

Q.—It was not until the next day, and what did she tell you then? A.—She said, we will take a trip to Buffalo. My husband was talking of going.

(1575)

Q.—Then she said, we will take a trip to Buffalo. A.—Yes.

Q.—And did she then tell you she had arranged for the conveyance to go out? A.—I heard her talking about it. She did not particularly tell me.

Q.—That is the first you heard of it at all events? A.—Yes.

Q.—That is the first you heard of the conveyance to take you there, when she spoke of it the next day, and said, we will take a trip to Buffalo? A.—Yes.

Q.—Can you tell me how long before this it was that Mrs. Sullivan was out at your place? A.—I cannot remember.

Q.—How long? A.—I cannot tell you.

Q.—How long before this day had you any conversation with your daughter? A.—I do not know. It was when she was up there. I could not remember.

Q.—Would it be a week? A.—I could not tell exactly. It might be a week or ten days or two weeks.

Q.—It might be two weeks? A.—Yes.

Q.—Was Frank Sullivan out there in the meantime? A.—No.

Q.—Had you seen him in the meantime? A.—I do not think so. I do not remember that either, for they were there very often.

Q.—At all events you had no conversation with your laughter until this evening? A.—No, sir.

Q.—For some week or ten days before that? A.—No.

Q.—Or two weeks, possibly. A.—No.

Q.—Did she write to you that she was going out? A.—No.

Q.—So that her visit was an unexpected one? A.—Yes, her visit was. Well, we had talked about having a little trip on Good Friday, when she was up there.

Q.—But she was not there on Good Friday? A.—No, no; but I say she talked about having a trip on Good Friday.

Q.—When did she talk about that? A.—When she was up there, some time through the spring.

Q.—Talked about having a trip where? A.—Well, my place.

Q.—On Good Friday? A.—Yes, sir.

Q.—For herself? A.—Well, particularly for herself and I, too.

Q.—Then you say on this occasion, when she was at your house, the next day after she got there she told you she had arranged for this conveyance? A.—She said—

Q.—Did she map out where you were to go? A.—No, she did not say particularly.

Q.—You did not know where you were going when you went away? A.—Oh, yes; she said we will take a trip.

(1576)

Q.—Where did she say to? A.—My husband was talking of going away.

Q.—Did she tell you where she was going to take a trip to? A.—And we would go part of the way with him.

Q.—Did she tell you where she would take a trip to? A.—To Buffalo, she said.

Q.—Take a trip to Buffalo, and any thing further said? A.—No, nothing.

Q.—Who arranged about the expenses of the trip? A.—Well, every fellow paid his own expenses.

Q.—Did you pay yours. A.—Yes.

Q.—Did she pay hers? A.—Yes.

Q.—Who bought the tickets? A.—Well, I do not know. I do not remember that.

Q.—You would remember whether she paid them? A.—I bought my own.

Q.—Will you swear to that? A.—Yes, sir, if I didn't, I gave her the money to do it.

Q.—You would recollect. Which was it, now? A.—I don't remember.

Q.—You would surely remember—that is not so far—whether you bought the tickets yourself, or gave her the

money? A.—I did not expect to ever be questioned over this thing, so I did not keep count.

Q.—Do you mean to tell us you don't know whether you bought the ticket yourself, or gave your daughter the money to buy it? A.—I do not remember.

Q.—Do you remember what the ticket cost? A.—Yes, I know what they do cost.

(1577)

Q.—Do you remember what was paid for this particular ticket? A.—Yes, sir.

Q.—How much? A.—Well, it was a holiday ticket, you know, an excursion ticket.

Q.—How much was it? A.—Eighty cents, I think.

Q.—To where? A.—To Toronto here.

Q.—You did not buy a ticket right through to Buffalo, then? A.—Oh, no.

Q.—Who bought the tickets for Buffalo? A.—Well, my daughter bought them.

Q.—For the three of you? A.—For the three.

Q.—Bought them where? In Toronto? A.—Yes, I suppose she did.

Q.—At all events, you did not buy them? A.—No; I did not buy the tickets. She bought them, but I paid for my own.

Q.—How much did you pay? Just tell us what the fare is? A.—I do not know. I do not remember.

Q.—You do not remember? A.—No, I do not remember.

Q.—You do not remember? A.—No, I do not remember. I gave her so much money and she bought the tickets.

Q.—You do not remember? A.—For my husband and myself.

Q.—Did your husband give her any money? A.—No.

Q.—You gave her money? A.—I gave her money enough for both.

Q.—And you have no idea what the tickets cost? A.—No, I have not.

Q.—But the tickets were bought to Buffalo? A.—Yes, sir.

Q.—And how long did you intend to remain in Buffalo? A.—Only just for one day.

(1578)

Q.—Do you know a Mr. Lloyd, a Division Court clerk? A.—Well, I know of him.

The Chancellor: The lawyer?

Mr. Ritchie: Another gentleman. That is the father, I think, or some relative. Do you know Mr. Lloyd, Division Court clerk? A.—Mr. David Lloyd; yes.

Q.—Did you see him the day you left? A.—No.

Q.—Or the day before? A.—Oh, I saw him on Wednesday. I saw him on Wednesday at a funeral.

Q.—Did you have any conversation with him on Wednesday? A.—No.

Q.—At least, did Mr. Wilson have

any conversation with him? A.—Yes, sir; they were talking. I think they were. They were all together, a lot of them at the funeral.

Q.—Is that the only time you saw him before you left—on Wednesday? A.—Yes.

Q.—How long was your husband talking to him? A.—I do not know.

Q.—Did you see Mr. Lloyd in Buffalo? A.—No.

Q.—When did you next see him after this Wednesday? A.—I have not seen him since.

Q.—You have not seen him any place since that Wednesday? A.—No.

Q.—Not in Toronto, or in Buffalo? A.—No.

Q.—You did not see the other Mr. Lloyd, either, the barrister? A.—I have not seen him for a long time.

Q.—Then you got to Buffalo. Where did you stay? A.—Put up at the hotel right across from the station. I do not remember the name.

(1579)

Q.—Do you remember what time you got to Buffalo? A.—I think it was nearly noon. I think about noon.

Q.—How long did you stay in Toronto? Did you stay over night in Toronto? A.—Yes, sir. We did not go until Friday morning, you know.

Q.—Then you came to Toronto. You say you left some time in the afternoon, and came to Toronto? Where did you stay in Toronto? A.—At my daughter's.

Q.—And your husband also stayed there? A.—Yes.

Q.—Then you started out for Buffalo the next morning—arrived there somewhere about noon? A.—Yes, sir.

Q.—And you say you went and registered at a hotel across the road from the station? A.—Yes.

Q.—Do you remember the name of the hotel? A.—No, I do not.

Q.—How long did you stay there? A.—Till the evening train, and I came home.

Q.—You would get there perhaps about one o'clock? A.—I suppose.

Q.—And you would leave about what time? A.—About five, I think. I am not certain.

Q.—You would have about four hours there? Didn't have much of a rest there for a long railroad trip? A.—No.

Q.—And who went back with you? A.—I went alone.

Q.—Anybody at all with you? A.—Nobody at all I was acquainted with.

Q.—Any person asked to look after you? A.—No.

Q.—Did not ask the Pullman porter, or anyone to look after you? A.—I did not.

Q.—You did not? A.—No.

Q.—Do you know if your husband did, or, at least, if your daughter did? A.—I do not know.

(1580)

Q.—So you stayed there four or five hours, and then returned to Toronto. Where did your daughter go? A.—She stayed there.

Q.—How long? A.—I could not tell you. I do not know when she came back. I came on here and stayed over night.

Q.—I thought you were all to go out for a little trip together? A.—So we were.

Q.—Why didn't you stay with your daughter? A.—Because I could not stay away any longer.

Q.—Could not stay away any longer. Are you entirely frank with me? Was that the only reason? Because there was not much of a trip in that, a railroad trip to Buffalo and back, with only four hours there? A.—As much trip as we get to go that far and back.

Q.—What did you do while you were there? A.—Had my dinner, and walk-around and looked at the town.

Q.—And then came back? A.—Yes.

Q.—Was it arranged before you went there that you were to come back on the next train? A.—Well, I do not know that it was spoken of at all.

Q.—Did you know when you went there how long you were going to stay? A.—I knew I could not stay away very long.

Q.—Did you know you were coming back the same day? Was that arranged? A.—Yes.

Q.—And was it known that your daughter was going to stay there? A.—I could not say. I never heard her

(1581)

say.

Q.—Do you know where she went to? A.—No.

Q.—Where did she stay? A.—She was at the station when I left.

Q.—You did not ask her how long she was going to remain? A.—No.

Q.—Made no inquiries whatever? A.—No.

Q.—Did not ask when you might expect her back? A.—No.

Q.—Did you ask your husband when you might expect him back? A.—No.

Q.—Did not ask anything about that? Had no idea how long your daughter and husband were to remain away? A.—No.

Q.—And there was no discussion between you about it? A.—No.

Q.—None whatever? A.—No.

Q.—Do you know, as a matter of fact how long your daughter did remain in Buffalo? A.—No, I do not.

Q.—Did you go over to Buffalo to take care of your husband on the way over? A.—Well, I went to see him off.

Q.—And he did get there all right? A.—Yes, sir.

Q.—And having him landed in Buffalo all right, there was no necessity

of your staying there any longer? A.—No.

Q.—So that you came back on the next train? A.—Yes, sir.

Q.—Left your daughter and Mr. Wilson both there? A.—Yes, sir.

Q.—And you did not have the slightest idea how long they were to remain there? A.—No, I did not.

(1582)

Q.—Whether to remain in Buffalo a week or two weeks, or ten days? A.—No.

Q.—Did not know anything whatever about it? A.—No.

Q.—When did you next hear from your daughter? A.—Well, I do not know. I have not had any letter from her since I do not think.

Q.—When did you next hear after this? A.—I have not seen her since.

Q.—Since you went to Buffalo with her? A.—No.

Q.—Hasn't she been back to Toronto since then? A.—Oh, yes; she has been back to Toronto, but I have not been down. She has not been up, nor I have not been down.

Q.—When did you next hear from your husband after this? A.—Well, I received a letter from him, but I cannot tell you the date.

Q.—What? A.—I received a letter from him, but I cannot tell you the date.

Q.—Have you got that letter? A.—No.

Q.—What became of it? A.—I suppose it was burned, for we always burn the letters.

Q.—I see. A sensible woman to always burn the letters. How long after you had left him at Buffalo was it you received this letter from him? A.—I could not tell you. I do not remember the date.

Q.—Was it a week or two? A.—It would be about a week. I think, or maybe two.

Q.—Did the letter come from Buffalo? A.—No.

Q.—Where did it come from? A.—Penfield.

Q.—So that he must have shifted his quarters after he left? A.—From Buffalo to Rochester.

(1583)

falo to Rochester.

Q.—He must have shifted from the time you left Buffalo—he must have gone to Rochester? A.—Yes, that was his arrangement.

Q.—Where is Penfield? A.—It is not far from Rochester.

Q.—How long before this trip of yours to Buffalo was it that you were in Buffalo before? A.—How long since I was there before?

Q.—Yes? A.—I never was there to stay. I passed through there to Rochester quite a while ago.

Q.—When were you in Rochester? A.—It is a good many years ago.

Q.—What do you call a good many years ago? That is a somewhat indefinite term? A.—I could not remember.

Q.—Thirty, or forty, or fifty years ago? A.—Twenty-five or thirty years.

Q.—Was your husband with you when you went there? A.—No.

Q.—How long were you in Rochester on that occasion, twenty-five or thirty years ago, or whatever time it was? A.—I was there three weeks.

Q.—In Rochester? A.—Yes, sir. I had an aunt living there.

Q.—You were not at Penfield? A.—No.

Q.—You stayed there on that occasion three weeks? A.—Yes.

Q.—Then when did you see Frank Sullivan after your husband had got to Buffalo? A.—Well, I saw him that day.

Q.—What day? The day in Buffalo? A.—Yes, sir.

Q.—Where? A.—At the hotel. He came there in the afternoon some time.

(1584)

Q.—The hotel, where? A.—Across from the station. I cannot tell you the name.

Q.—Was it the Arlington? A.—Perhaps it was. I am not sure of that.

Q.—So that you met Frank Sullivan there on your arrival in Buffalo? A.—No, he came there after we got there.

Q.—How long were you there? A.—We had been there a good while before he came.

Q.—Did he go over on the same train with you from Toronto? A.—No.

Q.—Did he go on an earlier train or later train? A.—A later train, I suppose, because we did not see him.

Q.—Had you any idea he was going over there? A.—No.

Q.—Not the slightest? A.—No. I never heard him say.

Q.—You made no inquiry about it? A.—No.

Q.—So that unexpectedly he turned up in Buffalo, while you were there? A.—Yes, to me.

Q.—Quite unexpectedly. And what time in the day did you see him? A.—About three o'clock—three or four o'clock.

Q.—And he saw you at the hotel at which you were staying? A.—Yes, sir.

Q.—With your husband and daughter? A.—Yes, sir.

Q.—Have you any idea how he came to know you were at that hotel? A.—No, I do not think he knew—I do not think he knew.

Q.—A mere accident, I suppose, that he got there? A.—I couldn't say.

Q.—At all events, there was no pre-arrangement that he was to be there?

(1585)

A.—No, not that I know of.

Q.—And so far as you know he was not informed that you and your husband were going there? A.—Well, yes,

I guess he knew we were going.

Q.—How did he know? A.—I do not know. Perhaps his wife told him. I do not know. She never said.

Q.—She never said so to you. Did his wife tell you that he was going over there? A.—No.

Q.—So that it was quite a genuine surprise to you when you saw him come into the hotel at Buffalo? A.—No, it was no surprise. I did not make any surprise of it.

Q.—Are you accustomed to his movements? A.—No.

Q.—Now, you did not expect him, did you? A.—I never thought about it.

Q.—Now, how long did Frank Sullivan stay there? A.—I couldn't say.

Q.—Oh, surely? Did he stay there until you went away? A.—He was there when I left.

Q.—Did he see you off at the station? A.—I think he did. My daughter and husband went with me to the station.

Q.—Mr. and Mrs. Frank Sullivan went to the station with you? A.—No.

Q.—What? A.—No. I did not see him, but he was there somewhere, I guess.

Q.—He was there. Well, he stayed in Buffalo, did he? A.—He was there when I left, I suppose.

Q.—Did not come back on the same train with you? A.—No. I came alone.

Q.—Who was with Frank Sullivan when he went to the hotel? A.—There was no person.

(1586)

Q.—Quite sure? A.—Quite sure.

Q.—Did not see any other person in his company during the time he was there? A.—No.

Q.—You did not see anyone? A.—His wife happened to see him getting on a car, and she called to him.

Q.—His wife happened to see him getting on a car and she called to him? A.—Yes.

Q.—Getting on a car, and going where? A.—I could not tell you, for I do not know the streets there.

Q.—Was it near the station? A.—Right near the hotel.

Q.—And where was he coming from when he got on the car? Was he coming from the station? A.—I suppose he was.

Q.—You suppose he was just coming in? A.—Quite likely.

Q.—And she called to him? A.—Yes.

Q.—So that if it had not been for that accidental meeting there probably he would not have known you were at the Arlington Hotel? A.—It is likely he would not.

Q.—It is not likely he would have known anything about it. You look upon it as a sort of providential, accidental meeting, do you? A.—Well, yes, in a way.

Q.—He happened to be getting on a car and she spied him. Was this be-

fore or after dinner? A.—After dinner.
Q.—Was she sitting in front of the hotel at the time? A.—We were both sitting there in the window.

Q.—Inside? A.—Yes, sir.

Q.—Upstairs or down? A.—Upstairs.

Q.—And just saw him from the window getting on the car? A.—Yes, sir.

Q.—Then you both rushed downstairs? A.—No, she raised the window and called to him.

(1587)

Q.—So it was very close, then? A.—Very close.

Q.—And then he did not get on the car. He came in. When did you next see Frank Sullivan after that? A.—Well, I do not know.

Q.—How long afterwards before you saw him? A.—I have not seen him for some time.

Q.—Did you see him since you saw him in Buffalo? A.—That I cannot tell.

Q.—You don't know? A.—I do not think I have.

Q.—Will you swear you have not? A.—I would not swear, I do not remember.

Q.—You do not remember seeing him? A.—No.

Q.—You do not remember seeing your daughter? A.—No, I have not seen her.

Q.—Where have you yourself been for the last two or three weeks? A.—Right at home pretty much.

Q.—Pretty much where? A.—At home.

Q.—At Newmarket? A.—No, out in the country.

Q.—Near Newmarket? A.—Yes.

Q.—At your home there? A.—Yes. I have been away staying times, but not to stay only perhaps over night.

Q.—Where have you been. I have been instructed that until up to two or three days ago people were looking for you for ten days or two weeks, endeavoring to serve you with a subpoena? A.—When I went home I was told they were there—when I went home.

Q.—Trying to serve you? A.—I did not know what they were for.

Q.—You surmised that is what it was for? A.—No, I did not at first.

(1588)

Q.—You did not at first? A.—No.

Q.—You heard they had been there for you, and been around there? A.—I heard they were there once.

Q.—You heard they were watching around there, did you not? A.—No.

Q.—Did not hear that? A.—No.

Q.—Did you also hear they had been at your daughter's place in Toronto? A.—No.

Q.—Did not hear that? A.—No.

Q.—Now, where have you been? Tell us the places you have been to within the last two or three weeks? A.—I have been several places, at the neighbors.

Q.—Away from home? A.—Yes, sir.

Q.—Moving about from place to place? A.—Going around.

Q.—From place to place. In Toronto during that time? A.—I was down once—just down shopping, that is all.

Q.—Now, did you get any memorandum before you left there, showing what was to be paid to Mr. Wilson if he remained away? A.—No.

Q.—Did you get any paper of any kind? A.—No, never saw any paper, or never heard of anything.

Q.—Never had any discussion? A.—No.

(1589)

Q.—As to what he was to get? A.—No, sir.

Q.—You swear to that? A.—I will swear to that.

Q.—Never a discussion as to what was to be got, whether your husband was to get \$500 or \$100? A.—No, never heard anything about it.

Q.—Who was to keep you husband supplied with money while he was away? A.—Myself.

Q.—Was that agreed to? A.—It was agreed to.

Q.—Between you and him? A.—Yes, sir.

Q.—And did you agree how much you were to give him? A.—I gave him so much to go away and then I sent him some.

Q.—How much did you send him?

A.—Well, I gave it to my son-in-law to send to him, when he needed it.

Q.—How much did you send to your son-in-law? A.—\$25.

Q.—That is to your son-in-law, Frank Sullivan? A.—Yes, sir.

Q.—\$25? A.—Yes.

Q.—You heard your husband say he only got \$5.00? A.—Well, I suppose that is all he did get at the time.

Q.—And you heard that Frank Sullivan had made a special trip over to Rochester to give it to him?

Mr. Johnston: That is not so.

Mr. Ritchie: Didn't you hear that? A.—Yes, sir.

Q.—You heard he had made a special trip over there to give it to him? A.—He had occasion to go there, and so he paid his bill.

Q.—After my learned friend intervened, that is what you say. Do you know whether he had occasion to go there or whether it was a special trip? A.—I do not know.

(1590)

Q.—For all you know, it may have been a special trip for to give him the \$5.00? A.—I gave him the money to give him.

Q.—How much did you give him? A.—\$25.

Q.—Never asked any questions? A.—No.

Q.—Why did you give it to him? Why couldn't you have sent it to him?

yourself? A.—My husband is quite nervous.

Q.—He did not look like it in the witness box? A.—Well, he is.

Q.—Was that the only reason? A.—He is better to only have a little at a time.

Q.—Why? Were you afraid if he got enough money he might get back to Canada again? A.—Oh, no.

Mr. Johnston: My learned friend is exceeding the limits.

Witness: He would come if he wanted to.

Mr. Johnston: This woman is his own witness.

The Chancellor: She is going on. She does not seem to mind it.

Mr. Johnston: Oh, no.

The Chancellor: He has asked if she did certain things to accomplish certain others. There is nothing wrong in that. It is not throwing much light on the subject.

Mr. Ritchie, resuming: Q.—Did you ever send him any money yourself? A.—No.

Q.—You sent him no money yourself? A.—No, I gave it to him to send.

Q.—Now, where was it that you gave Mr. Frank Sullivan this money? A.—In Buffalo.

Q.—You gave it to him in Buffalo? A.—Yes, sir.

Q.—Where? A.—Right there at the hotel.

(1591)

Q.—What kind of bills did you give him? A.—They were Canadian bills—Ontario.

Q.—Ontario what? A.—Ontario bills.

Q.—Ontario Bank bills? A.—I think so: I do not know that I looked.

Q.—They were going around promiscuously—Ontario Bank bills, you think. You think \$5.00 bills? A.—No, sir, there was one dollar.

Q.—And did he ask you for the money? A.—Mr. Sullivan?

Q.—Yes? A.—No.

Q.—Had you at that time any idea how long your husband would stay away? A.—Well, we told him to stay a month if he could.

Q.—You told him to stay a month if he could? A.—Yes, if it done him good.

Q.—Did you think this investigation was going on for a month? A.—I did not think of the investigation.

Q.—You did not think of the investigation? A.—No.

Q.—You told him to stay a month? A.—Yes.

Q.—Was that agreed between you? A.—Not particularly.

Q.—Was there any discussion about it? A.—No, not particularly. I told him to stay a month and have a good time.

Q.—But took very good care not to give him the handling of much money? A.—He got it when he wanted it.

Q.—How do you know that? For, up to the present, Frank Sullivan only

gave him \$5.00? A.—I guess he gave him more than that.

Q.—We have not heard of it if he did. How much did you give your hus-

(1592)

band before you left yourself? Did you give him anything? A.—Oh, yes.

Q.—How much did you give him? A.—\$15.00.

Q.—Before you left. Where did you give it to him? A.—At the station.

Q.—Where? A.—In Buffalo.

Q.—Just as you were leaving for home? A.—Yes, sir.

Q.—You gave him \$15.00, and told him to stay away a month? A.—Told him to stay away until he felt better.

Q.—He does not seem to be very bad just now? A.—He is better.

Q.—He has got better? A.—He has been doctoring all the time.

Q.—Did you tell him to stay away a month or as long as he pleased? A.—I told him to stay away a month if he wanted to.

Q.—Did you tell him you would supply him with money? A.—Yes.

Q.—Did you tell him you had given Frank Sullivan the money for him? A.—I do not know whether I told him that or not.

Q.—Did he write to you complaining he had not got money? A.—No.

Q.—That letter you got from him? A.—I cannot remember what he said in the letter. He said he was having a good time.

Q.—Is that all? Didn't he tell you he wanted money? A.—I do not think he did. Perhaps he did.

Q.—Didn't he also tell you in the letter that unless you sent money to him he would come back to Canada and expose the whole conspiracy? A.—No, sir, he did not.

(1593)

Q.—Did not tell you that? A.—No, I never heard that before.

Q.—That he was not going to stay away there and keep away? Did he write and tell you he might as well have had \$5.000 as \$500? A.—No, he did not.

Q.—Didn't tell you anything of that kind? A.—No.

Q.—And did not threaten to come back? A.—No, sir.

Q.—Was that the only letter you got from him during his absence? A.—That is the only letter.

Q.—Did you reply to it? A.—No.

Q.—Well, after getting the letter, what did you do with it? A.—Well, my daughter read it, and then she put it in the fire: we do all our letters.

Q.—You say that letter might have been a letter asking for more money. Why did you ask Frank Sullivan to give him the money, or tell him you had given it to Frank? A.—Frank knew enough to send it.

Q.—You say he might have complain-

ed? A.—No, I do not think he did complain.

Q.—I thought you said he might have? A.—I say I do not think he did. I do not remember him saying a word about money in the letter.

Q.—You did not go, at all events, to Frank Sullivan and ask him to send money? A.—No.

Q.—Where did you get this money from—the \$15.00 and the \$25.00? A.—Where did I get it?

Q.—Yes? From Frank Sullivan? A.—No, sir; I did not.

Q.—Mrs. Sullivan? A.—No.

Q.—Where did you have it then? A.—I got it from my farm.

(1594)

The Chancellor: A house or farm? A.—A farm.

Mr. Ritchie: Which farm? Is that your husband's farm? A.—No, sir; it is my own.

Q.—Where? A.—In King.

Q.—And when did you get that money? A.—This spring.

Q.—How long before the occasion of this visit? A.—Two or three weeks.

Q.—Where did you have the money? A.—At my home.

Q.—Did you have it in the bank? A.—No.

Q.—Have you not got a bank account? A.—No.

Q.—And how much did you get for the rent of this farm? A.—\$200.

Q.—And did you keep it in the house? A.—Yes, sir.

Q.—Did you take the whole of it to Buffalo when you went there? A.—No.

Q.—What did you do with the rest of it? Give any of it to Frank? A.—No.

Q.—Beyond the \$25.00? A.—No.

Q.—And you left the rest of it at home? A.—Yes, only what I wanted myself.

Q.—Did you have any conversation with Mr. Wilson after you came back? A.—No. After he came back from Rochester?

Q.—Yes? A.—Not particularly. Only he told me about his trip.

Q.—Did you know that Frank Sullivan was going over there to Rochester? A.—No.

Q.—You did not know anything about that? A.—No.

Q.—So it was not in consequence of anything you said to him that he went over there and gave the \$5.00? A.—No, sir, because it was only a day or two before I got the letter.

(1595)

Q.—It was not in consequence of anything you said that he went over and gave him \$5.00? A.—No.

Q.—You did not know as a fact that Frank Sullivan had been over to see him? A.—I did afterwards.

Q.—Not until recently. A.—No.

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Q.—You say you have not seen Frank Sullivan since? A.—No, I do not think so.

Q.—Until the last day or so? A.—No.

Q.—And you had no idea he was going over? A.—No.

Q.—Do you know whether the letter you got from your husband was written before or after Frank Sullivan was at Rochester with him? A.—I think it was before.

Q.—You think it was before? A.—I will not swear. I do not remember the date.

Q.—Now, then, if it was before the letter would have come from Rochester—that is where the letter came from? A.—No, it was Penfield the letter came from.

Q.—Did he ask you to write to him there? A.—No, he never said a word about writing.

Q.—Just wrote and told you he was in Penfield? A.—Yes, sir.

Q.—Did he write to you during the time he was in Rochester? A.—No, I never got any letter from there.

Q.—Do you know if, on the occasion when you went to Buffalo, Frank Sullivan went on later to Rochester with your husband? A.—I do not know.

Q.—You do not know whether Frank Sullivan went or not? A.—No.

(1596)

Q.—Do you know whether your daughter went with him or not to Rochester? A.—No. I do not.

Q.—So that you do not know whether Mr. Wilson went on alone to Rochester? A.—I think I heard him saying he went alone. I would not be sure.

Q.—And you do not know how long on that occasion Mr. and Mrs. Frank Sullivan stayed in Buffalo before returning? A.—No.

Q.—Now, will you undertake to pledge your oath that before leaving Buffalo you were not told if you would go quietly away and your husband remain out of Canada that you would be looked after, and you would get something? A.—No.

Q.—Nothing of that kind? A.—Nothing of that kind was ever mentioned to me.

Q.—No suggestion? A.—No suggestion whatever.

(1597)

Q.—Was no money given to you just as you were leaving Buffalo? A.—No.

Q.—Or while you were in Buffalo? A.—No.

Q.—By your daughter? A.—No.

Q.—Or by Frank Sullivan? A.—No.

Q.—You swear to that? A.—I will swear to that.

Q.—No money given at all? A.—There was no occasion for it, for I had money of my own.

Q.—At all events, that is not so? A.—No.

Q.—Then you say you did not see your daughter from the time you left her in Buffalo until when? A.—I have not seen her since.

Q.—You are quite clear about that? A.—Yes.

Q.—No doubt about that. Is she in court here to-day? A.—I could not say.

Q.—At all events, you swear positively you have not seen her since you left her in Buffalo? A.—I have not seen her since I left her in Buffalo.

Q.—Tell me how it was she came to tear up the letter she got from your husband? A.—It was not her. It was my other daughter. I have a daughter at home.

Q.—Which daughter is that? A.—That is my daughter.

Q.—Which one? How old? A younger daughter? A.—She is younger.

Q.—How young? A.—About fifteen.

Q.—This was the daughter that read the letter, was it? A.—Yes.

Q.—You are quite capable of reading your own letters? A.—Oh, yes, but she took it and read it afterwards.

(1598)

Q.—A young girl fifteen years of age, took it and read it afterwards, and burned it? A.—Yes, she always burns her letters.

Q.—We had not been talking of this daughter before, we had been talking of your daughter, Mrs. Sullivan, and you told me without telling me it was the younger daughter, that your daughter burned is? A.—Yes.

Q.—Now, you want me to understand you meant by that the younger daughter, who is fifteen years of age? A.—Yes.

Q.—That you told her to burn it? A.—No.

Q.—Didn't it seem to you a rather singular thing she should read a letter that came to you, and then deliberately burn it? A.—Not at all. I read it first and then she took it and read it.

Q.—And then put it in the stove? A.—Threw it in the stove.

Q.—Without any request from you to do it? A.—I did not tell her to do it. She always burns her letters.

Q.—What is the name of this daughter of yours, fifteen years of age? What is her name? A.—Libby.

Q.—Any other daughters besides Mrs. Sullivan and her? A.—Not at home. I have another one married.

Q.—Then what is the name of the tenant who paid you the rent of the farm? A.—Mr. Terry.

Q.—Terry? A.—Yes, sir.

Q.—Of where? A.—Kettleby.

Q.—What is his first name? A.—I could not tell you. I do not know his first name.

Q.—He is the tenant, at all events, of the farm? A.—Yes.

Bl

(1599)

Q.—And was it part of this same money you got from the tenant that you gave to Frank Sullivan? A.—Yes.

Q.—And part of the same money you gave to your husband in Buffalo—the \$15? A.—Yes.

Cross-examined by Mr. Johnston. Q.—How big were the bills that you got, that my learned friend is talking about, that you gave to Frank Sullivan? What denomination were they? A.—The bills?

Q.—Yes? A.—I could not tell you, for I never looked.

Q.—Did not look at them whether they were one's or two's? A.—There were two's and five's and ten—I guess there was a ten.

Q.—You have been asked if you have not been moving about from place to place, in a way as if you were shirking something. Were you going about in your ordinary way? A.—That is all.

Q.—And I believe lately you were called out at an interesting ceremony—last week somewhere.

The Chancellor: They do not speak of it in that way. We know what it is.

Mr. Johnston: You have been out about your ordinary occupation A.—Been out.

Q.—Away from your place A.—Yes.

Q.—When you have been away A.—Yes.

Q.—And you knew nothing about this case at all A.—No.

Q.—Or that you were wanted? A.—No, sir; I did not know I was wanted.

Q.—Did you know anything about it? That is all.

(1600)

The Chief Justice: You said on Saturday that you desired to ask Mr. Smith a question or two—Mr. Smith of the Ontario Bank.

Mr. Ritchie: What I was going to state was this. It is absolutely impossible to make anything like a thorough investigation of the books here in court. I felt that the time of the court must be to some extent unnecessarily consumed. I was going to suggest that some expert be allowed to examine the books, with the consent of the bank. I am informed the bank, at all events the officers of the bank, have no objection to that.

(1601)

The Chancellor: A great many of these matters have been dealt with in that way, out of court. It may be dealt with in that way, if the bank does not object. The solicitors can attend on each side.

The Chief Justice: What I had refer-

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ence to was this. You said you thought you would like to ask Mr. Smith formally if he had any idea where these bills could come from.

Mr. Ritchie: Exactly.

The Chancellor: If counsel can agree, and the bank does not object, that is a reasonable way of doing it. Protection is to be given to private accounts. That is the thing the bank is concerned about, and that is what we were studiously guarding here the other day.

Mr. Ritchie: We have endeavored to conceal every name that could possibly be concealed.

The Chancellor: If the bank make no objection to that, I should think it would be an eminently reasonable course.

Mr. Ritchie: The bank itself would be quite willing to do that. I have had several communications saying that the matters have not been investigated here thoroughly, and could not be. I would suggest that the bank should appoint an expert of their own, at least agreed upon by the parties. I thought my learned friends and myself might agree.

Mr. Riddell: I shall certainly not agree to anything of that kind. I shall not consent to any expert going there and making up his own mind as to this that and the other thing.

The Chancellor: Oh, no. A solicitor must attend on each side, or counsel.

(1602)

Mr. Riddell: That will necessitate a very great deal of time, unless the time during which this investigation is to be carried on is reasonably limited. We do not want to take up any more time than necessary, or place any obstacles in the way.

The Chief Justice: Do I understand that Mr. Barwick is willing to advise the bank to adopt that course?

Mr. Ritchie: Mr. Barwick took the stand that the books should not be produced. I understand since then the directors themselves and the president of the bank have intimated that there is no objection, that they had nothing to conceal. I do not expect the accountant to go into the box to give evidence, but if he discovers anything he thinks requires explanation, that may be pointed out, and our examination could be directed to that, and on that line. There is no idea that the experts shall give evidence, but simply to be able to say whether anything requires investigation.

The Chancellor: To go through all the entries to see if anything, *prima facie*, appears to be relevant, and call your attention to it, and also call it to call it to the attention of the other side, and then, if counsel do not agree, it can be subject to our ruling, as to whether it should be disclosed.

Mr. Ritchie: Within the first half of September.

Mr. Riddell: I do not see any objection to that. I thought we had gone over all that. If you say you have not, very well.

The Chancellor: It has been gone over pretty well here, but you want it

(1603)

more thoroughly gone over?

Mr. Ritchie: I have gone over everything that I thought suspicious.

The Chief Justice: It will be subject to Mr. Barwick's approval?

Mr. Johnston: We have nothing to say. Mr. Barwick may or may not consent.

The Chancellor: We understand it stands in that way, then. In the case of the Crossin factory, that was objected to by the bank, but the bank respected the subpoena issued, and brought their books and officers here. The bank had the right to take that course. We could not control that. But if they accede to having it done by this method of investigation, they having their

(1604)

experts and solicitors attending, of course at the charge of the commission, there should be no difficulty, I think, in arranging it, so that the bottom will be got at.

Mr. Ritchie: We have all the books of the other banks, with the exception of the Ontario, and I understand from the president they have nothing to conceal.

The Chancellor: Then counsel and solicitors can arrange with the bank. If there is any hitch it can be spoken to afterwards.

Mr. Ritchie: I have no doubt my learned friends and myself will agree as to some gentleman to go there.

The Chief Justice: Have you any other witnesses?

Mr. Ritchie: Then there is another matter I am inquiring about. That is as to the 17 one hundred dollar bills that came from the Merchants' Bank. Your Lordships are going to sit until half-past four. I cannot see the bank's officers after adjournment. I want to trace those bills. That is a matter your Lordships may not be troubled with at all.

Mr. Riddell: Before your Lordships leave that point. My learned friend Mr. McEvoy, who is with us, says we will desire to go a little past the middle of the month of September. We may want to go up to the 20th September.

Mr. Ritchie: I have no objection to going as far as my learned friend wishes.

Mr. Riddell: Then it will be from the 1st to the 20th September.

The Chief Justice: Then, what more Mr. Ritchie?

(1605)

Mr. Ritchie: Is Mrs. Sullivan here?

Mr. Johnston: Yes.

Mrs. Henrietta Sullivan, sworn. Examined by Mr. Ritchie:

The Chief Justice: Did you say anything about desiring to rise at four instead of half-past four?

Mr. Ritchie: At half-past four the officers may have left the bank.

The Chief Justice: Then we will rise at the usual hour.

Mr. Ritchie: Q.—You are the wife of Frank Sullivan? A.—I am.

Q.—And you went over to Buffalo sometime during this month? A.—I did.

Q.—Do you recollect what time you went there? A.—Good Friday.

Q.—It was on Good Friday you went? A.—Yes.

Q.—And who were you with? A.—My mother and father.

Q.—And where did you first meet them in connection with the proposed trip? A.—I was out at their home.

Q.—What day did you go to their home? A.—I went out the night before.

Q.—That would be on Thursday. Do you recollect what day of the month Good Friday was on? A.—No, I do not.

Q.—But, at all events, you know it was Good Friday you went to Buffalo? A.—I am quite sure it was Good Friday.

Q.—And the day before that you went to your father's place, some little distance from Newmarket—You went out on a Metropolitan car to Newmarket? A.—Yes, sir.

Q.—And then what did you do? A.—I hired a livery and went home.

(1606)

Q.—Hired a livery, where? A.—From Mr. Somerville.

Q.—And who drove you out? A.—His boy.

Q.—What time did you get there? A.—I don't remember. Some time in the evening.

Q.—How long before that was it you visited at your father's place? A.—Very often. I go often.

Q.—The time immediately preceding that? A.—A couple of days probably before.

Q.—Do you say you were out there a couple of days before that? A.—I may have been. I think it was perhaps.

Q.—Your mother did not know. A.—My mother is an old lady, and very forgetful.

Q.—What? A.—Forgetful.

Q.—She seemed to be quite intelligent in the witness box? A.—She is not intelligent.

The Chancellor (to Frank Sullivan): Leave that position, and go over there

Mr. Ritchie, resuming:

Q.—Do you swear you were out there within two days before the Good Friday? A.—I swear I was out there.

Q.—Two days before? A.—It may have been two days—yes.

Q.—You are not forgetful. Will you swear you were there within a week prior to Good Friday? A.—Yes, sir.

Q.—Who went with you on the prior occasion? A.—I went alone.

Q.—Did you drive from Somerville's? A.—Yes, sir.

Q.—So that his book here will of course show us the period as to the liv-

(1607)

ery? A.—I suppose it does.

Q.—But you are quite clear you did drive out there within a week before that? A.—Yes.

Q.—What was the object of your earlier visit? A.—I went out to see my mother.

Q.—No special object in view? A.—Not particularly.

Q.—When you went out the day before Good Friday, had you any special object in view? A.—I had to arrange about my mother going away with us.

Q.—Who suggested your going out? A.—I suggested it myself.

Q.—Had you ever discussed it before that with Frank Sullivan, your husband? A.—No, sir.

Q.—Had you discussed it with your mother before that? A.—I had spoken to my mother several times about taking a trip on Good Friday.

Q.—How many times? A.—I did not count them.

Q.—Ten or fifteen or twenty times? A.—It may have been.

Q.—Spread over a considerable period of time? A.—I do not say that. Several times.

Q.—You had on probably ten or eleven occasions before that discussed it? A.—Might have.

Q.—Spread over months? A.—I will not say months. It may have been months.

Q.—It was something floating in your mind, about having a trip? A.—I had spoken to my mother different times.

Q.—Something floating in your mind. You had spoken to her on several occasions. Did you have anything definite fixed in your mind? A.—I told her we would take a trip to Buffalo some

(1608)

day, and we arranged to go Good Friday, because my father was going to Rochester, and we thought we would accompany him that far.

Q.—Up to that time your mother did not know your father was going to Rochester? A.—My mother had known he was going to take a trip, and that he wanted to go to his own home.

Q.—Your mother did not say that? A.—She is forgetful.

Q.—She is wrong about that? A.—Yes.

Q.—Your recollection is right and hers is wrong? A.—Well, I think my memory probably is a little better than hers.

Q.—So that when she made that state-

ment about not knowing anything about that trip she is mistaken? Her recollection is at fault? A.—Yes.

Q.—But yours is a first-class recollection? A.—I think I have a fairly good memory.

Q.—Now, then, if you have a first-class memory, you can tell us probably when you first commenced to talk about this trip? A.—Which trip.

Q.—To Buffalo? A.—Oh, I do not know. We talked about it so often I could not give you the date. I did not think I was going to be called to tell just the date.

Q.—I supposed you talked about it last year? A.—I do not say it was last year.

Q.—Do you say it was not last year? A.—I will not say it was not either.

Q.—You will not say it was not last year you first commenced to talk about the trip to Buffalo. Buffalo was always the objective point? A.—No, we had spoken about Buffalo.

(1609)

Q.—No other place you had spoken about? A.—Yes.

Q.—What place? A.—To the Sault.

Q.—Where else? A.—Oh, I do not know as there was any other place or not.

Q.—The Sault, to Buffalo, and it was simply just to have a little outing, but you had not made up your mind definitely as to when you were going until Good Friday—until the day before Good Friday? The day before Good Friday I arranged to go myself.

Q.—You had made up your mind that you were going then? A.—That I was going to take my mother.

Q.—You made up your mind you were going yourself anyway? A.—I had talked it over with my mother.

Q.—And then you were to take your mother away for a trip? A.—Yes, we were going to accompany my father as far as Buffalo.

Q.—You were going to accompany your father as far as Buffalo. Then, having made up your mind that you wanted to go with your mother to Buffalo, you went out on the day preceding Good Friday? You were taking your mother for a trip? Was that it? A.—She was taking herself. I was going with her.

Q.—Did she ask you to go with her? A.—I asked her to go with me.

Q.—You asked her to go with you? So that it was you who had resolved to go to Buffalo? A.—I told you I had resolved to go that far with my father—my mother and I.

Q.—You had made up your mind to go, and you asked your mother to go

(1610)

with you? A.—My mother said she would go.

Q.—But you asked her to go? A.—She said she would go.

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Q.—I will begin to think your recollection is not as good as your mother's. You do not seem to recollect from moment to moment. Did you ask your mother to go? A.—I certainly did ask my mother to go.

Q.—Then it was on your invitation she went? .—Not particularly. She would probably have gone anyway.

Q.—But at all events you invited her to go? A.—I said I was going, and she was going to accompany me.

Q.—A sort of a Dutch treat. She was to pay her own way? A.—She was going to pay her own way.

Q.—Did you ask her? A.—I certainly did not.

Q.—But you said you were going. You were going away anyway whether your mother went or not.

The Chancellor: I think it is convenient to adjourn now, Mr. Ritchie, until half-past two o'clock.

(Adjournment 11.22 a.m. until 2.30 p.m.)

(1611)

Afternoon Session,

Monday, April 27th, 1903.

Mrs. Sullivan recalled. Examined by Mr. Ritchie:

Q.—Mrs. Sullivan, you told us just before the adjournment that it was you who invited your mother to go to Buffalo? A.—Yes.

Q.—And you intended that as a holiday outing for her? A.—Yes, sir.

Q.—Before you saw her on Thursday night, that is preceding Good Friday, had you arranged for a lively conveyance to go to her place? A.—Yes.

Q.—So that you, although you had not invited her before that, you apparently had no doubt that she would go with you if the rig was there? A.—I knew she would go with me, yes.

Q.—Then what time did you tell the driver to have the lively there the next day? A.—Well, I was up on Wednesday, and Mr. Somerville was up to a funeral, and I sent word to him that I wanted him to come over to the house.

Q.—When did you send word to him?

A.—On Wednesday he was up to a neighbor of ours, to a funeral.

Q.—You told me you did not go up until Thursday? A.—Well, I made a mistake it was Wednesday.

Q.—Since the adjournment you have come to the conclusion that you have made a mistake, that you did not go out on Thursday? A.—It was Wednesday I went out. I had been out the Sunday previous.

Q.—Who have you been talking to since the adjournment hour? A.—No one at all.

Q.—Have you not talked with your mother? A.—I had dinner with my

(1612)

mother.

Q.—Did not talk about this matter?

A.—Not very much. I was too busy.

Q.—Did you talk with the solicitors

or anyone one else? A.—No, sir; I have not seen any solicitors.

Q.—Did you speak to your husband about it? A.—I saw my husband just now in the court.

Q.—Have you been speaking to your husband? A.—Not about this. I was talking to him in the Court House.

Q.—And before that, during the adjournment hour? A.—Well, I went out of the hall with him. He left me at the door. I went out of the Court House with him.

Q.—And you talked with him? A.—I spoke to him; certainly.

Q.—And had some conversation with him? A.—Not about this affair.

Q.—Then, since the adjournment, your memory has been freshened, has it? A.—I thought it over and remembered that it was Wednesday I went out, and then I came down to the city on Wednesday evening. I had an appointment with the dressmaker.

Q.—I thought you said you had been out the Sunday previous? A.—So I had, but I had been down to the city in the meantime and back again.

Q.—When did you leave there? A.—Wednesday afternoon. Mr. Somerville drove me down to the car. He had been to a funeral. I sent word to him.

Q.—Do not go into details. Did you stay at your mother's place from Sunday to Wednesday? A.—No.

(1613)

Q.—Then you were out on Sunday, and I want to know when you went back from your mother to Toronto? A.—On Monday or Tuesday I went back.

Q.—You went back to Toronto on Monday or Tuesday? A.—Yes.

Q.—Then, when did you leave Toronto and go back to your mother? A.—On Wednesday I think it was, or Tuesday night or Wednesday night, I don't remember. I didn't bother keeping any account of it.

Q.—Will you swear it was Wednesday? A.—Well, I will swear I was out there on Wednesday.

Q.—Will you swear it was Wednesday you went out. A.—I will have to think a minute. I think it was Tuesday night I went out.

Q.—First it was Thursday night, then it was Wednesday night, and now it is Tuesday night? A.—Well, I was there, out there all the time I spoke about.

Q.—Then were you out there Tuesday, Wednesday, Thursday and Friday? A.—I wasn't out there Friday. I think it was Tuesday evening I went out.

Q.—And did you stay out from the Tuesday evening until Good Friday? A.—No, sir.

Q.—Then you were there on Tuesday and you went back when? A.—Wednesday. And came out again on Wednesday night.

Q.—Did you leave there Wednesday

morning? A.—No, Wednesday afternoon.

Q.—What time did you get into Toronto? A.—In the evening about 6 o'clock.

(1614)

Q.—And what time did you go out again that night? A.—I went out on the late car.

Q.—What time is that? A.—I think it leaves Toronto about 8 o'clock.

Q.—And you would get in about 10? A.—After 9 I know the car gets in.

Q.—Do you still adhere to your statement that you went out there on the preceding Sunday? A.—I was out there that Sunday.

Q.—Did you go out on Sunday? A.—No, I could not get out there unless I drove out.

Q.—When did you go out? A.—I suppose the Saturday. I don't remember.

Q.—Did you go out on the Friday preceding Good Friday? A.—No, I think it must have been Saturday I went out.

Q.—And did you stay over Sunday? A.—Yes, I stayed over Sunday. I go out so often that I cannot remember.

Q.—Your mother did not recollect whether you were there for a week or ten days? A.—Well, I might not have been out in the last week or ten days.

Q.—Your mother said she could not say whether you had been out there the week or ten days preceding Good Friday. According to your story you have been out there two or three times.

Mr. Johnston: She said he was out there in the week or ten days.

Mr. Ritchie: Pardon me, she said she would not say whether she was there during the ten days or two weeks. However, you have said she might have forgotten and that her memory was not good. A.—It is not very good.

Q.—You say you went out on Saturday? A.—I say I was out on Sunday.

(1615)

I went out to spend Sunday.

Q.—You went out on Saturday, you spent Sunday, and did you come back on Monday? A.—Monday or Tuesday.

Q.—Which was it? A.—I cannot tell you which day it was.

Q.—Cannot you say whether it was Monday or Tuesday you came back to Toronto? A.—No, it was either of those days. I could not remember.

Q.—When did you go out again to Newmarket? A.—I think it was Tuesday night.

Q.—And how long did you stay? A.—Just until Wednesday. I had an appointment in the city on Wednesday, with the dressmaker, and I came in to keep it.

Q.—And then you went back on Wednesday night? A.—Yes.

Q.—So that we have got you out there three times during the week? A.—That is not out of the ordinary.

Q.—I do not say it was, but you went

out there three times in the week preceding Good Friday? A.—Yes.

Q.—That is from the preceding Saturday? A.—I went out on the Saturday.

Q.—What was the occasion of these three visits? A.—Why, to see my mother, of course.

Q.—You live in Toronto? A.—I do.

Q.—And you went out on these three several occasions with no other object in view than the desire to see your mother? A.—That is right.

Q.—No business of any kind? A.—Not, particularly, no.

Q.—No suggestion about her going for a trip at the last visit? A.—We had spoken of it several times before.

(1616)

Q.—You said you might have spoken of it last year, I am speaking of the three occasions preceding Good Friday? A.—I spoke of it, yes. I spoke of going away on Good Friday.

Q.—But you did not invite your mother until you went out that day? A.—I may have spoken to her about it.

Q.—But you did not recollect a little while ago. Now, then, you say that when you went out there preceding Good Friday, you went out on a Wednesday night? A.—Yes.

Q.—Was it on Wednesday night that you ordered the livery rig? A.—It was Wednesday afternoon that I ordered the liver rig for Thursday.

Q.—When did you order it to be there? A.—In the afternoon.

Q.—Of what day, you ordered it on Wednesday to be at your mother's place, what day? A.—Thursday.

Q.—What hour? A.—In the afternoon for one of the afternoon cars, they go quite frequently.

Q.—Did you mention the particular car you wanted to catch? A.—Yes, I think I did.

Q.—What was it? A.—I think it was the 5 o'clock car.

Q.—So then you tell us that without communicating with your mother you made up your mind to send this out, feeling sure she would go? A.—Well, we had spoken about it several times before.

Q.—A little while ago you said you had not spoken about it? A.—No, I did not say that. I said I had spoken to my mother about taking this trip several times.

Q.—You told me you had not invited her until the last day preceding Good Friday, did you not say that? A.—I said I had spoken to my mother several times about it, I may have spoken—

(1617)

Q.—You said you had not invited her until the Good Friday trip? A.—I had spoken to her about it, it was quite understood.

Q.—Then do you take that back, I asked you the question had you in-

vited her to go with you before that? A.—I had spoken to her several times.

Q.—You told us you might have spoken to her about a year ago, but I am speaking of this particular trip to Buffalo, had you prior to the Thursday preceding Good Friday invited your mother to go on that trip? A.—I may have spoken to her about it. I think I did speak to her about it. We talked over it so much that I don't remember.

Q.—Then you want to take back what you said before? Then did you tell your mother that you were going to order the liver rig? A.—I suppose I did. I don't remember those little things. I suppose I did. I may have.

Q.—Did you tell her the time you were going to order it? A.—She must have known the time to be ready.

Q.—Did you tell her before you ordered it, I mean? A.—I suppose I did. I don't remember.

Q.—Then had you when you left for Toronto on the Tuesday or Wednesday told your mother that you were going to take her away on Good Friday? A.—I think very likely I spoke to her on Sunday.

Q.—I want your oath on it, did you or did you not? A.—Well, I tell you I don't remember.

Q.—Then did you see Mr. Somerville on the Wednesday afternoon? A.—I did. He was up at a funeral, I told you.

(1618)

Q.—Well, you saw him? A.—I saw him, yes.

Q.—Who drove you out to your mother's place on Wednesday? A.—On the Wednesday? It was Tuesday night I told you I went out to my mother's.

Q.—You told me you went out on Tuesday night and again on Wednesday? A.—Well, Wednesday night I went out after I came back from the city. It was Mr. Somerville's boy, I think, that drove me out at that time.

Q.—Then on the Wednesday did you tell him to send out the rig? A.—It was Wednesday afternoon, but I told Mr. Somerville himself when he was up to the funeral.

Q.—What day did you tell him? A.—Wednesday.

Q.—And you told him the time to send it out? A.—Yes, I told you I had an appointment in the city on Wednesday.

Q.—You told us that several times? A.—And Mr. Somerville was up, and I asked him if he would drive me down to the car, which he did.

Q.—You were driven home by Mr. Somerville's man? A.—Wednesday night.

Q.—And then how many of you came in to meet the Metropolitan car next day? A.—His boy and my mother and father and myself.

Q.—Four of you in the one rig? A.—Yes.

Q.—And you came to Toronto, any

other person with you, you did not see Mr. Lloyd out there? A.—No, I don't know Mr. Lloyd to see him.

Q.—Don't know Mr. Lloyd at all? A.—No.

Q.—Then what did you do when you came to Toronto? A.—Went around to my house.

(1619)

Q.—Was your husband there, Mr. Frank Sullivan? A.—No, he was not at home.

Q.—Where was he? A.—Either in Sudbury or North Bay, I don't remember.

Q.—That is on the Thursday? A.—Yes.

Q.—Then you left at what time for Buffalo? A.—Friday morning.

Q.—How long had your husband been away before this? A.—A few days.

Q.—What do you call a few days? A.—Oh, two or three days.

Q.—About two or three days before this? A.—Yes.

Q.—He told you when he was going away to go and get your mother and father? A.—No, sir, he knew nothing about it at all.

Q.—And he did not know you were going to Buffalo? A.—No.

Q.—Had not the slightest idea of it? A.—No, I don't think he had.

Q.—And it was not in consequence of anything he said that you went out to get your father to go? A.—No, sir.

Q.—He was in complete ignorance of your movements? Do not nod, the reporter cannot take that down? Do you say yes, that he was in complete ignorance of your movements? A.—I said yes.

Q.—Then if I understand you aright, you were out at Newmarket or at your mother's place about three times preceding this Good Friday, within the week preceding the Good Friday? A.—Yes.

Q.—Was your husband there on any of these occasions? A.—No, I don't think he was.

(1620)

Q.—Give me your oath on that? A.—I think he was out the week before. I think he spent Sunday with me there.

Q.—You think he spent the preceding Sunday with you? A.—Yes.

Q.—That is the Sunday preceding Good Friday? A.—Yes. I think it was Sunday, I am not positive whether it was the Sunday or Saturday.

Q.—But you went out on Saturday, you know? A.—I know that.

Q.—And you were there on Sunday? A.—Yes.

Q.—Did he go out with you on the Saturday? A.—Yes, I think so, we often go out to spend Sunday.

Q.—I am not speaking of your often going out, I am speaking of this particular occasion, did he go back to town with you on Monday? A.—No, he went to North Bay.

Q.—He went on the Monday to North Bay? A.—Yes.

Q.—On the Sunday when he was out there or during the time he was at your mother's place, did any discussion take place about your father going off on this holiday trip? A.—No, I don't remember that there was anything said about it.

Q.—Nothing said that it would be a good thing for him to go away for his health? A.—No, he had been talking about going away for his health for some time. I don't remember that my husband had any conversation about it at all. He had nothing to do with my father's movements.

Q.—At all events, it was not discussed? A.—I don't remember that it was.

(1621)

Q.—You have no recollection of anything being said about it, about his going to Buffalo or Rochester or any other place? A.—I don't remember that it was said at that particular time.

Q.—And you and your husband did not discuss about his going there? A.—My husband had other things—

Q.—I am asking you if you and your husband discussed it? A.—I don't remember that we did.

Q.—Will you swear that you did not? A.—I don't remember that we did. I won't swear that we did or did not. I say that I don't remember.

Q.—Did any discussion take place in his presence about his father going away to Buffalo? A.—Not that I remember of.

Q.—So he went off to North Bay or Sudbury in blissful ignorance of the fact that your father intended to take an outing? A.—As far as I know.

Q.—Had you any communication with your husband from that time until after you went to Buffalo? A.—No.

Q.—None whatever. Then you left on the Friday morning for Buffalo? A.—Yes.

Q.—Got there somewhere about mid-day? A.—I think half-past eleven the train gets in.

Q.—You went over, we are told, to the Arlington? A.—Yes.

Q.—And how long did you remain there? A.—All day.

Q.—What time did your mother leave there? A.—She left on the evening train.

Q.—Who saw her off? A.—I did.

Q.—Anybody else? A.—My father.

Q.—And who else? A.—I think that was all that went to the train with her.

(1622)

Q.—When was it arranged your mother should leave Buffalo and go back that same day? A.—Well, we both intended to come back; we just went for the day.

Q.—You were not going for your health, nor your mother for her health? A.—Well, we were going for a trip.

Q.—It was a very short trip, simply a trip to Buffalo and back in the same

day? A.—There was a holiday trip on and we thought we would go.

Q.—A trip to Buffalo and back in the same day? A.—We very often do that.

Q.—And your father remained behind? A.—My father went to Rochester.

Q.—When? A.—That same evening.

Q.—How do you know? A.—Well didn't I stay in Buffalo?

Q.—I don't know, I am trying to find out from you? A.—Well, I say I did stay in Buffalo. My husband came to Buffalo, in the afternoon.

Q.—But you mother went away? A.—Yes, about three o'clock, I think.

Q.—Great surprise to you for him to turn up in Buffalo? A.—It was

Q.—You imagined he was in Sudbury or North Bay? A.—I expected he was at either North Bay or Sudbury.

Q.—But unexpectedly he turned up at Buffalo on the Friday? A.—Yes. Good Friday.

Q.—And it was the merest accident your meeting him? A.—Well, I saw him get off the train. I was sitting in the parlor of the hotel. Or at least come out of the depot.

(1623)

Q.—You could not see him get off the train if you were in the street? A.—No, I was in the hotel.

Q.—Sitting at one of the windows? A.—Yes.

Q.—Upstairs or down? A.—Upstairs in the parlor, of course.

Q.—And then by the merest accident looking out of the window you saw your husband trying to get on a car? A.—Yes.

Q.—Which way was he going, up-town? A.—Yes, I presume it would be uptown.

Q.—What did you do? A.—I opened the window and called to him.

Q.—Did he seem surprised to find you there? A.—No, he had been to the city in the meantime. He came to Toronto that morning and found that I had gone. He came that morning after I had left.

Q.—Where did he find out where you had gone to? A.—From my brother-in-law, my husband's brother.

Q.—Where would he find out from him? A.—Why, from my brother-in-law.

Q.—Where does he live? A.—He works at the Registry Office.

Q.—That is what he told you, that he had got back? A.—That was the truth he told me.

Q.—I am not asking you if it was the truth, I am asking what he told you? A.—Yes, that is what he told me.

Q.—Did you expect he was going to go after you? A.—Why, certainly he would come.

(1624)

Q.—You thought that? A.—Of course

he would come when he found out I was over there.

Q.—Why should he go over there? A.—To spend the day with me, of course.

Q.—You only intended to spend the day there? A.—Well, when he came over I stayed longer.

Q.—How long did you stay there? A.—Over Sunday.

Q.—When did you go to Rochester? A.—I did not go to Rochester.

Q.—When did Mr. Sullivan go to Rochester? A.—He did not go that time

Q.—Where did you stay over Sunday, at the hotel? A.—Certainly.

Q.—And your husband stayed with you until the following Monday morning? A.—He did.

Q.—And where did he go then? A.—Came back to the city.

Q.—And you came with him? A.—Yes.

Q.—Where did you go then? A.—To my house.

Q.—Then when did you go out to see your mother after coming back? A.—I did not go out.

Q.—I thought you were in the habit of going out two or three times a week? A.—Well, I was, but I have not been well.

Q.—Some weeks elapsed, a couple of weeks anyway, and you have not seen your mother until when? A.—Until this morning.

Q.—Where have you been meanwhile? A.—Oh, around the city.

Q.—Did you know that people were endeavoring to serve you with a subpoena for weeks past? A.—No, I did not.

(1625)

Q.—Do you swear you have been living in your house all this time since you came back? A.—Yes.

Q.—You have not been absent from your house? A.—Oh, yes, many times but not out of the city.

Q.—Have you been there over night since you returned? A.—Well, I always returned to stay in my house; yes, I have been there every night.

Q.—Do you recollect people making inquiries, and the answer was that you were not at home? A.—Well, I don't suppose I was at home.

Q.—Do you mean to tell me that you did not hear that people were trying to subpoena you? A.—I don't know whether they were trying to subpoena me.

Q.—You heard it stated that they were there after you? A.—Not until Mr. Johnston sent me word.

Q.—He could find you, but apparently the others could not.

Mr. Riddell: I do not think they tried very much.

Mr. Ritchie: Did you give any money to your mother or father on this occasion? A.—I did not.

Q.—Did you see your husband give any money to any of them? A.—No.

Q.—You did not see any money pass at all? A.—No.

Q.—Did you have any communication with you father after he went to Rochester? A.—No, sir.

Q.—Any letter from him at all? A.—No, sir.

Q.—And did not write him? A.—No, sir.

Q.—Do you know whether your husband went over to see him or not? A.—I think he did.

Q.—When? A.—I think it was, I could not tell the date, I think it was last Saturday.

(1626)

Q.—But prior to that time, do you recollect him going over to give him \$5.00. A.—No, not that I know of. I know nothing about any money at all.

Q.—You did not know whether any money was given to your father when he left Buffalo or not? A.—No, I know nothing about that at all.

Q.—Or whether your mother gave him anything or not? A.—That is my mother's business, it is not mine.

Q.—At all events, you did not know anything about it? Now, do you know whether your husband had a bank account? A.—No, sir, he has not.

Q.—Perhaps you have it for him? A.—Well, I have a small one, yes.

Q.—In what bank? A.—The Canadian Bank of Commerce, at the corner of College and Yonge.

Q.—Any other place? A.—No, sir.

Q.—Any account in the Central Canada Loan Company? A.—I have no other account I told you.

Q.—Was you husband in the habit of drawing cheques on your account signed by the power of attorney? A.—On my account?

Q.—Yes? A.—No, sir, he never drew a cheque.

Q.—Will you swear that he did not? A.—I swear.

Q.—Did he have a power of attorney from you? A.—No.

Q.—Did you ever get any cheques from him? A.—From my husband?

Q.—Yes? A.—No, he has no bank account.

Q.—Do you recollect getting \$500 from him last Christmas? A.—No, sir.

Q.—Quite sure? A.—I answered that I have not.

(1627)

Q.—You are quite sure of that? A.—I am positive.

Q.—You did not get \$500, or any sum like that? A.—No, sir.

Q.—You won't want to take that back? You are clear about that? A.—I am quite clear about that, yes, quite clear.

Q.—And equally clear that you did not get a suit for \$150, at Catto's, at about the same time? A.—I am quite clear.

Q.—Did not get anything at Catto's?

A.—I get all my clothes at Catto's.

Mr. Kiddell: I do not understand what evidence my learned friend thinks he is getting. I object to this line of examination entirely. It is not directed to anything that is being tried here. We have surely enough of it.

The Chancellor: It is very interesting and does not hurt anybody if Mr. Ritchie likes to go on.

Mr. Ritchie: Do you say you did not get anything from your husband at Christmas? A.—I did say so.

Q.—And that you did not give any power of attorney? A.—I did not.

The Chancellor: She has said so.

Mr. Ritchie: Did you have any conversation with you husband recently, yesterday or to-day, about your bank account? A.—No, sir. My bank account is too small to talk about.

Q.—You did not have any conversation with his about it at all? A.—No, sir.

Q.—Either directly or indirectly? A.—No.

Q.—Did you know that while your father was away telegrams were sent to him? A.—I did not.

(1628)

Q.—To Rochester?

Mr. McEvoy: He says he did not get any.

Mr. Ritchie: I do not think my learned friend should intervene.

The Chancellor: No, it is better not.

Mr. Ritchie: What is your first name? A.—Hattie.

Q.—Did you send any telegram to him signed "Hattie"? A.—I did not.

Q.—Do you swear that? A.—I swear I did not.

Q.—Did you send any telegrams to your husband signed "Hattie," while he was in Rochester? A.—I did not.

Q.—And you got no message from your father or husband while he was away? A.—No, sir, I did not.

Q.—Just look at this telegram, "George B. Wilson, April 18th"? A.—I never saw it before.

Q.—Perhaps you can tell me—this is addressed to him at the National Hotel, Rochester? A.—Yes.

Q.—You knew that was where he was staying? A.—Why, yes, I suppose I did.

Q.—The telegram is signed "Hattie," "Will be to see you to-night"? A.—Well, I never sent it.

The Chancellor: Is that from Toronto?

Mr. Ritchie: Yes, my Lord. Toronto, April 18th. Do you know your husband's handwriting? A.—I do.

Q.—Is that his? A.—No, sir.

Q.—Have you any idea whose handwriting it is? A.—I have not the slightest idea.

Q.—Is there any other Hattie in your family except yourself? A.—No, sir, not that I know of.

Q.—And while that is sent in that

way to your father, you have not any idea who sent it? A.—Not the slightest.

(1629)

Q.—You know your husband went over on the 18th? A.—I don't remember the date. I think it was last Saturday he went over.

Q.—That is the second time. He was over there a short time before that. Let me see you copy that telegram out, now, put down, "Will be to see you to-night." A.—(The witness complies.)

Q.—Now sign "Hattie." (The witness complies.)

Q.—Now address it "George B. Wilson" up here. A.—(The witness complies.)

Mr. Riddell: You could not get anything much more different than that. You had better send for your expert again.

Mr. Ritchie: I suppose their Lordships can act as experts. (Telegram and copy made by witness marked Exhibit 65.)

Q.—At all events your husband did go over on the 16th? A.—Well, I know that he went last Saturday. I don't remember anything about his going before.

Q.—The 18th would be last Saturday or Saturday week. He was away Saturday week, was he not? A.—On Saturday he went over, yes.

Q.—Then that would be the 18th? A.—Well, I don't know about the date.

Q.—You have no doubt that would be correct? A.—I don't remember the date Cross-examined by Mr. Johnston:

Q.—You have not been very well lately? A.—No. Mr. Johnston, I have not.

Q.—And you are not well to-day? A.—No, sir.

(1630)

Q.—And if it had not been for the undertaking to be here and your willingness to tell what you knew, you would not have been out of your house? A.—I think not.

Q.—And you feel as if you ought to be at home now and lying down? A.—Yes.

Q.—And have so felt all day? A.—Yes.

Q.—Then I won't keep you for a moment.

The Chancellor: Is that your case, Mr. Blake?

Mr. Blake: Yes, my Lord.

Mr. Ritchie: Subject to what we said about the banks.

The Chancellor: Then the case is closed. Are you ready to go on, Mr. Johnston?

Mr. Johnston: I think so, my Lord. I am ready to go with the bank men. I have no other witnesses here, my Lord. We have telephoned for the bank men, and they are on their way. They will be here in a few minutes.

(1636)

DEFENCE.

Norman W. Linton, sworn. Examined by Mr. Johnston:

Q.—What is your position, Mr. Linton? A.—Well, I am collection clerk in the bank.

Q.—What bank? A.—Ontario.

Q.—At the head office? A.—Yes, sir.

Q.—Corner of Scott and Wellington street? A.—Yes, sir.

Q.—What position did you occupy in the bank last September? A.—I was on the ledger for a few days, that is for a couple of weeks, rather. The ordinary ledger keeper was away.

Q.—Will you look at your ledger account, Crossin & Company, for the 11th of September? A.—Yes, sir.

Q.—Do you find a deposit that day? A.—On September 11th, \$900.

Q.—Can you tell who made that deposit? A.—No, I cannot tell who made it by this book.

Q.—In order that we may have it on record, and as briefly as you can give it, what is the practice at your bank in making a deposit, what would be done with that particular deposit? A.—It would be given to the ledger keeper by the teller, and by him, that is the ledger keeper, entered in this book, folioed, put on file and taken away by the supplementary man.

Q.—What would represent that in writing, you say the deposit, the money would be given. Would anything accompany the money? A.—The deposit slip.

The Chancellor: You say the teller would give it to the ledger keeper. Give what? A.—The teller receives the deposit

(1637)

slip with the money, and then he hands the deposit slip to the ledger keeper.

Mr. Johnston: The deposit slip would be made out by whom? A.—By the customer.

Q.—The customer would leave the deposit slip with whom? A.—The receiving teller.

Q.—Who was teller at that time? A.—Mr. Howarth, I believe.

Q.—Then, when the receiving teller got the deposit slip and the money did he make any entry? A.—He would enter it in his blotter.

Q.—From there where would the deposit slip go?

Mr. Ritchie: You are speaking of the practice, not of this particular instance?

Mr. Johnston: I am speaking of this particular instance.

Mr. Ritchie: If he knows of his own knowledge.

Mr. Johnston: I am coming to the fact. How would it reach you as ledger keeper? A.—It would be given to me by the receiving teller.

Q.—Would the money be given to you, too? A.—No, sir.

Q.—Just the slip? Could you have an entry of that kind in your book without receiving the deposit slip? A.—No, sir.

Mr. Ritchie: I do not think that is the proper thing; "Could have."

Mr. Johnston: Then what is on the deposit slip? A.—All the particulars, the denominations of the bills, or the cheques, and usually by whom deposited, and for whom deposited.

Q.—Do you make any entry, or does the receiving teller on the deposit slip?

(1638)

A.—He initials the slip. Otherwise I should not put it through my book.

Q.—Then is there anything else put on a deposit slip but that before it comes to you? A.—No.

Q.—Do you put anything on the deposit slip? A.—The folio of the ledger.

Q.—Where do you put it? A.—On the left hand corner of the deposit slip.

The Chancellor: You said the slip is initialled by the teller? A.—Yes, he takes the money and initials it to show me that the money was with it.

Mr. Johnston: Look at this deposit slip, which will be Exhibit 66, and say whether that deposit slip ever went through your books? A.—No, sir, it was never entered by me.

The Chancellor: Has it any date on it?

Mr. Johnston: 11th September, 1902. I produce this from the custody of the manager of the bank, Mr. Smith. He is your manager? A.—Yes, sir.

Q.—Now you see the letter "H," what would that represent, who would put that on if it was a genuine deposit slip? A.—The teller would.

The Chancellor: Where is the "H"? A.—This is intended for the "H." It looks more like an "L." This blue.

Mr. Ritchie: It is not an "H." A.—It is not an "H."

Mr. Johnston: Of course it is an "H." Mr. Ritchie: He says not.

Mr. Johnston: I will take the evidence of the witness.

(1639)

Q.—Do you trace the blue lines there? A.—Yes.

Q.—When your attention is called to it, what letter is that? A.—Well, it looks, it might be taken for an "N."

Q.—Is that Mr. Howarth's initial? A.—No, sir.

Mr. Ritchie: "N"?

Mr. Johnston: No, is the blue initial on the deposit slip, Exhibit 66, Mr. Howarth's initial? A.—No, it is not Mr. Howarth's initial. I would know his initial.

Q.—Was there anybody on that date who would be entitled to initial a deposit slip except Mr. Howarth? A.—The other receiving teller would.

Q.—What is his name? A.—Kelso.

Q.—Is that his initial? A.—No, sir.

Q.—Then that initial, whatever it's, you say is not the genuine initial of

either Howarth or Kelso? A.—No, sir.

Mr. Ritchie: That is surely leading.

Mr. Johnston: Now do you find any ledger folio on that slip? A.—No, there is no folio on that slip.

Q.—Could that have passed through your hands as ledger keeper without having that ledger folio on it? A.—It is possible, but most improbable. I might tell you why, sir. Because if I fail to put my folio on the corner of that deposit slip, and put it on the file for the supplementary man, when he took it to sort it up according to folio he would not find the folio there, therefore he would hand it back to me, thinking I had failed to enter it in my ledger.

Q.—Then the slip that would represent that deposit would be held by whom? By the bank or the depositor? A.—By the bank.

(1640)

Q.—As what? A.—As a voucher.

Q.—Is it the only voucher you have of the details of the deposit? A.—Yes, sir.

Q.—Do you keep them all? A.—We do.

Q.—Do you let your customers have them to take away? A.—Frequently. Not to take away. Frequently for reference in the office.

Q.—If you omitted to put the ledger folio in the right-hand corner where you indicate, it goes to the supplementary cash? A.—The supplementary man, yes.

Q.—And it would be at once returned to you? A.—He would think that I had not entered it in this book because my folio was not in the corner. It would be returned to me at once in the ordinary course.

Q.—And you would correct it? A.—If I had failed to enter it I would do so.

Q.—Are these slips checked over in the morning afterwards? A.—Yes, sir.

Q.—Would the ledger folio have an important bearing upon the slip next morning? A.—No.

Q.—It would end? A.—It might not be noticed.

Q.—But it would end with the supplementary man, and with you? A.—Yes.

Q.—Then what should be on the left-hand corner of that slip? A.—Folio. Just the figures, 314.

(Deposit slip now marked Exhibit 66.)

Q.—Do you always put your slips on a file? A.—Yes, sir.

Q.—What kind of file do you use? A.—Oh, just an ordinary file, a wire file, a sharp point.

(1641)

Q.—And are they taken away the next day and filed away? A.—They are taken away that night, taken away during the day, any time that the supplementary man likes to take them, and then they are filed away in the

file next day after being called off.

Q.—Has exhibit 66 ever been put up on a file. A.—No, sir.

Q.—Is No. 66 the deposit slip which you got as your voucher on the 11th September, 1902? A.—No, sir.

Q.—Did you authorize anyone to make such a deposit slip as that representing that transaction? A.—No, sir.

Q.—When did you first know of that deposit slip, exhibit 66? A.—That is the first time I ever saw it when you showed it to me just now.

Q.—Did you know anything of an occurrence that took place on Saturday, the 18th of April, of your own knowledge? A.—No, sir.

Q.—Did you see Mr. Gamey in the bank that day? A.—I did.

Q.—That is at your bank, the head office, corner of Scott and Wellington? A.—Yes.

Q.—Do you know Mr. R. R. Gamey, the member for Manitoulin, know him to see him? A.—Well, I believe he was pointed out to me that day for the first time.

Q.—You have seen him here? A.—I had seen him before that in the bank, but I was not sure of him. I only caught a glimpse of him.

Q.—Then did you see him do anything on that occasion? A.—No, sir.

Q.—About what time did you see him in the bank? A.—It was in the morning some time, I cannot exactly tell you the time.

(1642)

Q.—Did you see him again in the afternoon at the bank? A.—No, sir.

Q.—Can you tell me what denomination of bills those were that were deposited on the 11th day of September? A.—No, sir.

Q.—If you had the right deposit slip could you tell? A.—Yes, sir.

The Chancellor: Are they not on that one?

Mr. Johnston: Yes, they are on that, but that is not the right deposit slip.

The Chancellor: But that contains the denomination of bills?

Mr. Johnston: Yes, my Lord; 9 one hundreds.

The Chancellor: He says that did not pass through the bank, but the deposit slip would show the denomination of the bills?

Mr. Johnston: Yes, my Lord.

Q.—Mr. Smith produces another deposit slip. Have you seen that? A.—Never before, sir.

Q.—Is that initial, whatever it is, your initial? A.—Well, you mean the teller's initial?

Q.—Yes? A.—It is neither of the teller's initials, neither of the receiving teller's initials.

Q.—And were those the only receiving tellers on that occasion?

The Chancellor: What date?

Mr. Johnston: The same date, my Lord. Another slip. (Exhibit 67). A.—I think, speaking from memory, those tellers were there that day, in

fact I am almost certain. I think the regular tellers were in the box that

(1643)

day.

Q.—But that is not their initials? A.—That is neither of their initials.

Q.—Take that slip, "Credit E. Crossin & Co. Deposited by E. Crossin, 11th September, 1902." Have you two deposits of \$900 on that day? A.—No, sir.

The Chancellor: How much is that for?

Mr. Johnston: 10 fives, 20 tens, 30 twenties and 1 fifty. Not added up? A.—No.

Q.—It makes \$900. I did not add it up before. If you got a slip of that kind, would it appear in the condition in which it is in? A.—No, sir, it would be totalled.

Q.—Could you make the entry without totalling it up in some way or another? A.—No, sir.

Q.—You only give the sum total in your book, you do not give the details? A.—Only the totals.

Q.—Do you find any ledger folio on that slip, exhibit 67? A.—No, sir.

Q.—Is that blue pencil mark your receiving teller's, or yours, who puts that on? A.—This marking?

Q.—The long mark? A.—That should be a cancellation mark made by the accountant the day after when he calls them off.

Q.—The long blue mark on the slip is made by the accountant the day after when he calls them off. And the initial would be put on by the receiving teller? A.—Yes, sir.

Q.—The folio would be put on by you? A.—Yes, sir.

Q.—Then would a deposit slip of that kind pass through the bank without the totals being put on the face of it? A.—No, sir.

(1644)

Q.—Now look at that slip, exhibit 67, and say whether that ever passed through the bank or not as a real transaction? A.—No, sir.

The Chancellor: Has it been on file? A.—It has never been on our file. It seems to have been on some file, but it is cut out, ours is not a file of that kind.

(Exhibit 67 put in.)

Cross-examined by Mr. Ritchie:

Q.—You say Mr. Linton, that you were the ledger keeper in September, 1902? A.—Yes, sir.

Q.—During what period? A.—That is on September 11th, I entered that deposit, those are my figures.

Q.—Have you any initial there? (Referring to the ledger)? A.—No, sir, no initial of mine. That is the accountant's initial.

Q.—But there is nothing there to indicate that it is yours at all, no initial? A.—Nothing but the figures.

Q.—9 and two noughts, and you say that is your figures? A.—Yes, sir.

The Chancellor: That is your writ-

ing? A.—That is my writing, sir, I know it.

Mr. Ritchie: Q.—Your figures? A.—Yes.

Q.—There is no writing apart from the figures? A.—No.

Q.—Look at exhibit 66. It is perfectly clear that that is not an original deposit slip? A.—Quite clear.

Q.—And it is perfectly clear that this is not a copy of an original deposit slip? A.—It might be a copy of it.

Q.—It has not got the identifications that you would have on an original

(1645)

deposit slip? A.—No, sir.

Q.—You would at once say that was not a copy of a deposit slip? A.—At once. At a glance.

Q.—Not a copy of a deposit slip that had once passed through the bank? A.—It might be a copy of it, but it is not the slip that passed through the bank.

Q.—And that is not a copy of a slip that passed through the bank? A.—It might be a copy of it.

Q.—Only a part of it, because you have told me the deposit slip would be more than that? A.—Oh, yes, that is not a copy of the whole thing.

Q.—For instance, if you were handed that? A.—It is not a complete deposit

Q.—And asked does it purport to be a copy of a deposit slip that had passed through the bank, what would you say? A.—I would say it is not a complete copy.

Q.—So far as you can say, there are no initials on there? A.—No initials? Well, I think that is an initial. I have seen tellers' initials as bad as that.

Q.—But there is nothing to indicate what that might be? It might be an "H" or an "N"? A.—I know that it is not our tellers' initials.

Q.—And they don't look anything like your tellers' initials? A.—No.

Q.—Nothing whatever? A.—Oh, well I wouldn't say nothing whatever. A man might sometimes make a hasty initial.

Q.—There is no apparent attempt there to copy your tellers' initials? A.—I don't know that I would say that. It does not look very much like it to me.

Q.—You would say it is not an attempt to copy it? A.—Well, I would say a

(1646)

very poor attempt.

Q.—Not an attempt at all, would you say? A.—It does not look like an attempt to duplicate our slip.

Q.—And that for many reasons. You say the slip would have the ledger folio on the left hand corner? A.—Yes.

Q.—In addition to that, it would have well defined initials? A.—Yes.

Q.—Which this copy has not got, this Exhibit 66? A.—Yes, sir.

Q.—You mean no, sir, it has not? A.—I say it would have defined initials on.

Q.—And this Exhibit 66 has not? A.—It has not. It would also be punctured by the file.

Q.—So that, at all events, you or any person in the bank would not be misled by thinking that purported to be a copy of a deposit slip in the bank? A.—Not for a moment.

Q.—Now, speaking about Exhibit 67 would the same remarks that you made about 66 apply to it? That is that you would not for a moment think it a copy of a slip that had passed through the bank? A.—Not for a moment.

Q.—As a matter of fact, it does not purport to be, there is no total there? A.—No total? There would be a total.

Q.—And the blue pencil mark is not such a mark as would be ordinarily put there? A.—No, sir.

The Chancellor: Do you use blue pencil? A.—Green crayon, as a rule, I think the accountant uses. Of course there is no set rule.

Mr. Ritchie: This is blue? A.—Yes. ours would be a broader cancellation mark.

Q.—Would you for a moment, if shown that, say that purported to be an initial? A.—Well, it is not our tell-

(1647)

ers' initials, neither of them.

Q.—Could you indicate what that was? A.—A man might call that an initial.

Q.—Could you tell what letter it was? A.—No, sir.

Q.—Could anybody? A.—Well, I would not say that. I say I could not. It does not resemble any letter to me.

The Chancellor: It might be an "N" or anything.

Mr. Ritchie: It might be anything. And this, you say, if it purported to be a copy would have the ledger folio on it, 314, and, in addition to that, would have the cut of the file? A.—Punctured by the file.

Q.—So that neither of these deposit slips, 66 or 67, would mislead you for a moment into thinking they were true copies of anything that went into the bank? A.—Not for a moment.

Q.—Now, you say that this was a voucher. That your genuine deposit slips would be a voucher to the bank? A.—Yes.

Q.—The bank ceases to have any interest in them after the close of each month, they take from the customer a regular receipt for the cheques, and as to the correctness of the book? A.—Yes.

Q.—Every month that is done? A.—Well, it is done if the customer brings in his pass book. He may fail to do so, and then it runs on for another month, but that is the usual custom.

Q.—The usual custom is to make the customer vouch for the cheques and

withdrawals? A.—He signs a receipt.
Q.—So that from that time forth, the deposit slip is not a voucher, and is not

(1648)

needed by the bank? A.—Except as a matter of reference.

Q.—No practical value after that? A.—No, sir.

Re-examined by Mr. Johnston:

Q.—Can you say whether it is or is not of practical value, after that? A.—Well, I believe that some banks destroy them.

Q.—Can you say that it is of practical value of not after the month or two months? A.—Yes, I think I can safely say that.

The Chancellor: Does your bank destroy them? A.—No, sir; we keep them.

Mr. Johnston: Why do you keep them if of no value? A.—They might be needed for reference. If you came in and asked to see yours, why you would probably think it strange if we had destroyed them.

Q.—Supposing a dispute arose as to a certain deposit on a certain day, as to the number of bills, and so on, the only way you could determine that would be by the deposit slip? A.—Yes, sir.

Q.—And, therefore, if that question ever arose you would have to have your deposit slips? A.—Yes, sir.

Q.—Now, the receipt given by the customer is not always signed, is it? A.—Yes, sir, always signed by him.

Q.—Not always signed every month, sometimes they are not signed for several months, is that the fact? A.—Sometimes the pass book runs for several months without being made up.

Q.—And all that is signed in the receipt; is the balance? A.—Yes.

(1649)

Q.—Nothing about deposits? A.—The balance at that date.

Q.—Nothing about deposits? A.—Nothing about deposits.

Q.—And the receipt only shows that he has examined his books and finds that the balance blank dollars and cents is correct? A.—Yes.

Q.—And it is a receipt for his cheques? A.—Yes, sir.

Q.—And that is all the receipt shows? A.—Yes, sir.

Mr. Ritchie: No, it is a receipt for the correctness of the balance.

Mr. Johnston: I have said so.

Mr. Ritchie: My learned friend ought to produce that if we are going to have evidence as to it.

The Chancellor: You can put in a blank form of the receipt, and that will show.

Mr. Johnston: We will put that in. You say that you would not be deceived by those slips? A.—No, sir.

Q.—What were they doing in your

bank; what were they there for? A.—These slips I have just been looking at?

Mr. Ritchie: Surely my learned friend cannot ask him that. The witness said he did not know what they were for. The first time he saw them was when they were put in his hands here. A.—I was just going to say that again.

Mr. Johnston: What would they be for, these slips? A.—I don't know.

Mr. Ritchie: Do your Lordships think that a proper question?

Mr. Johnston: That is all.

(1650)

Frank R. Howarth, sworn. Examined by Mr. Johnston:

Q.—What is your position in the bank? A.—Receiving teller, sir.

Q.—What were you on the 11th day of September last? A.—Receiving teller.

Q.—And you were then in the head office of the Ontario Bank, corner of Scott and Wellington streets, Toronto? A.—Yes, sir.

Q.—Do you know Mr. Gamey? A.—I do.

Q.—Do you remember seeing him on the 11th day of September, when a deposit was made? A.—I do.

Q.—Who made the deposit? A.—Mr. E. Crossin.

Q.—A deposit of how much? A.—\$900.

Q.—Do you remember what bills they were? A.—One hundred dollar bills.

Q.—That went to the credit of whom, according to the books? A.—E. Crossin & Co.

The Chancellor: Do you say you saw Gamey there, or Crossin, or both? You were asked whether Gamey made a deposit, and I thought you said you saw Crossin.

Mr. Johnston: Crossin made the deposit.

The Chancellor: Was Mr. Gamey there? A.—We are speaking of the 18th of April?

Mr. Johnston: No, the 11th of September, 1902. Do you know who made the deposit on that occasion? A.—Mr. Crossin made the deposit.

Q.—Do you know his handwriting? A.—Yes, I do.

Q.—Do you know Mr. Gamey's handwriting? A.—Well, I am not very positive about it.

(1651)

Q.—Then you would see the deposit slip which was handed out a week ago last Saturday? A.—I did.

Q.—And you knew in whose handwriting that was? A.—Yes, sir.

Q.—And that is, I suppose, the reason for your saying that Mr. Crossin made the deposit, because you saw it in his handwriting? A.—Yes, sir.

Q.—Have you any recollection, apart

from that as to who made the deposit on the 11th of September, 1902? A.—No, I have not. Of course, on the slip it is marked "Deposited by."

Q.—And that was Mr. Crossin's writing?

The Chancellor: Is that the slip you have here, or some other?

Mr. Johnston: No, my Lord, I am going to account for that in a moment. Did you have the original deposit slip in your possession, or in the possession of the bank on Saturday, April 18th? A.—I had.

Q.—Where was it? A.—It was in the vault.

Q.—Had Mr. Crossin's book been entered up at that time? A.—I think it had, of course I don't know anything about that.

Q.—You don't do that? A.—No, sir.

Q.—Did you see Mr. Gamey on the 18th of April, Saturday week? A.—I did.

Q.—About what hour? A.—About 10 a.m., I should think.

Q.—He came to your wicket, I understand? A.—Yes, sir.

Q.—Did he say anything to you? A.—He asked to see the Crossin Company deposit slip of the 11th of September, 1902.

(1652)

Q.—Did you tell him to do anything? A.—Yes, I told him to go and speak to the accountant about it.

Q.—And did he say anything to you? A.—He said, "Would you mind speaking to the accountant for me?"

Q.—And did you do that? A.—I did.

Q.—And what did you ask the accountant? A.—I told him that Mr. Gamey wished to see the Crossin Company deposit slip of the 11th of September.

Q.—Who is your accountant? A.—Mr. Brown.

Q.—Then, did Mr. Brown seek further information regarding it? A.—He went into the manager's room.

Q.—That would be Mr. Smith's room? A.—Yes.

Q.—You don't know what took place there? A.—No, I do not.

Q.—Then Mr. Brown came out, and he told you something. What did he say? A.—He said I might show Mr. Gamey the slip.

Q.—And did you go and get the slip? A.—I did.

Q.—And did you show it to Mr. Gamey? A.—I did.

Q.—What did Mr. Gamey do? A.—He looked at it a moment, and then he said he wished to make a copy of it. He turned around to the desk in front of my wicket.

Q.—Is there any blue pencil on that desk? A.—Not that I know of.

Q.—Do you keep blue pencils on the desk outside the clerks' department? A.—No.

Q.—How long was he there? A.—Well, I should say about two or three minutes.

Q.—Then what was the next thing that he did? A.—He came back and passed a deposit slip in the wicket.

Q.—What was on the deposit slip that you gave him that morning? A.—

(1653)

Nine one hundred dollar bills.

Q.—Date? A.—The 11th of September, 1902.

Q.—Name of account? A.—Edward Crossin Company.

Q.—Deposited by? A.—E. Crossin.

Q.—The ledger folio on it? A.—I don't know what the folio was. This is out of my department.

Q.—Look at Exhibit 67, and tell me how you got that? A.—This is the slip that Mr. Gamey passed in to me.

Q.—In place of what? A.—In place of the slip with nine one hundred dollar bills.

Q.—And this slip reads, "E. Crossin & Co. Deposited by E. Crossin, 11th September, 1902. 10 x 5. 20 x 10, 30 x 20, 1 x 50." Not added up. Of course you saw at once that was not the slip you gave him? A.—Yes, sir.

Q.—Did you give him the original slip to take away with him? A.—I did not.

Q.—Then, when you got this slip, which you say of course is not a genuine slip? A.—No, sir.

Q.—Anybody I suppose would know that. Did you see the initials, or an initial on the bottom? A.—Yes, I noticed that.

Mr. Ritchie: Do not lead the witness, please.

The Chancellor: That is the blue pencil mark you are speaking of?

Mr. Johnston: Yes.

The Chancellor: You saw the blue pencil marks on it?

Mr. Johnston: Yes, and the blue line? A.—Yes, sir.

The Chancellor: That includes the line?

Mr. Johnston: Could that slip have passed through your bank? A.—No.

(1654)

it could not. Not in the shape it is in.

Q.—Then what did you do when you got this slip? A.—I called Mr. Gamey. He passed it right in and walked out.

The Chancellor: What do you say he did? A.—He passed the slip in and walked towards the door. He went right to the door. Did not make any remarks. I saw it was not right and called him. He was walking towards the door then.

Mr. Johnston: Was he in a position to hear you when you called to him?

A.—I think he was.

Q.—Did you speak loud enough for him to have heard at this distance? A.—I think so. He was only two or three yards from the wicket. Of course I cannot say. He may not have heard me.

Q.—Of course not. I am only taking your judgment of it.

Q.—Did he pass right out of the bank? A.—He did.

Q.—Were there other customers in the bank at the time? A.—Yes, there were.

Q.—Then what did you do, Mr. Gamey having passed out? A.—I turned around back in my cage and spoke to the messenger, he was standing right at the door.

Q.—What is his name? A.—Mr. Barton.

Q.—Did you tell him of the occurrence? A.—I did.

Q.—What did you see him do? A.—He walked around to the front of my wicket and looked around to see if he could find any trace of the lost slip.

Q.—Did he look at the place where Mr. Gamey had been standing? A.—He did.

(1655)

Q.—Then, I understand, you reported this occurrence to whom? A.—To Mr. Brown, the accountant.

Q.—And he referred you to someone? A.—No, he did not refer me at all. He went into the manager.

Q.—Did you tell the manager what had happened? A.—I did. He went in and reported to the manager, and then he said that Mr. Smith, the manager, wished to speak to me.

Q.—And you told him what had taken place? A.—Yes.

Q.—Then do you know what was done with the messenger? A.—The messenger, I believe, was despatched at once to try and find Mr. Gamey.

Q.—We will call him and see what he has to say about it. Now, did you see Mr. Gamey later on that morning? A.—I did, yes.

Q.—How long after this occurrence did you see him? A.—Oh, I should think about half an hour.

Q.—Who came with him? A.—Mr. Crossin.

Q.—Then he and Mr. Crossin came to the bank together, and what did you do? A.—Well, he came and said it was a funny thing, he could not understand.

Q.—Who came? A.—Mr. Gamey. He came to the wicket and said it was a funny thing, he thought he had given me the original slip, he said, he couldn't understand it.

Q.—Did you say anything to him? A.—No, I did not.

Q.—Then what did you do when he and Crossin came down to the bank, make any further search? A.—Yes, I went out and helped them look around to see if they could find any trace of it.

(1656)

Q.—Was there any trace of it to be found? A.—No, there was not.

Q.—Had the messenger come back and reported in the meantime? A.—He had.

Q.—Then what was the next thing you did, after you hunted around the bank and could find no trace of the original slip? A.—I went up to Mr. Crossin's office with Mr. Crossin and Mr. Gamey.

Q.—Were you told by Mr. Gamey which way to go? A.—Yes.

Q.—What did he say to you? A.—He just said he could not understand about the slip. He might have lost it in the street, he said.

Q.—And then? A.—We went over the route taken by him as well as he could remember, and found no trace of it.

Q.—What route did you take? A.—Well, we went across Scott street, and then up, we went out on to Wellington street, and across the road and up Scott street, and along the next street running above that, Colborne street, along Colborne street, and then up along King, along Colborne to Yonge, up Yonge to King, along King to Bay, and up Bay to Adelaide, and to his office.

Q.—You knew where his piano place is? A.—Yes, sir.

Q.—Did you go to the office? A.—I did.

Q.—Did you find any trace of the original on the way up? A.—No, sir.

Q.—Then did he say anything about having lost the slip again? First, which side of Scott street did you say he went up? A.—I went up, I suppose, it would be the southwest side.

(1657)

Q.—Did you cross Scott street? A.—I did.

Q.—I mean you crossed from the bank to the west side of Scott street? A.—Yes, sir.

Q.—Came up as far as Wellington? A.—To Colborne.

Q.—And then along Colborne to Yonge? A.—Yes.

Q.—Up Yonge to King, along King to Bay, Bay to Adelaide, and thence to the office? A.—Yes, sir.

Q.—Were you on the south side of Wellington street? A.—I was on the north side.

Q.—All the way? A.—Well, we only went across, you see, across Scott street.

Q.—You did not go west on Wellington street? A.—No, sir, only to cross the corner.

Q.—And you did not go along the street? A.—No, sir.

Q.—Did he make any excuse again about the slip to you? A.—No, he kept saying he could not understand about it, that was all.

Q.—Did he make any search in his pockets for it? A.—He did.

Q.—Whereabouts did he do this? A.—In the Crossin office.

Q.—Did he in the bank? A.—I cannot say.

Q.—But you saw him at the Crossin office making a search in his pockets? A.—I did.

Q.—Which pockets was he searching? A.—All of them.

Q.—Then you parted with him? Was anything said between you? A.—Well, I spoke to him. I asked him about who put the initial on that slip. He said he did.

The Chancellor? What slip? A.—On the slip he handed in to me.

(1658)

Mr. Johnston: Look at Exhibit 67, is that the slip he handed in to you in place of the genuine one? A.—Yes, sir.

Q.—And that is the slip you asked him about who put the initial on? A.—Yes, sir.

Q.—And he told you he did? A.—Yes.

Q.—When you got the slip, was it just freshly written, or had it been written some time? A.—It looked as if it had been freshly written, light blue ink. The ink was light blue.

Q.—Has it changed in color since? A.—Yes, it is darker.

Q.—Did he give any reason for putting the initial on the slip? A.—Yes, he said he wished to have a copy of the original slip.

Q.—Did you say anything to him about that? A.—I told him it was not a copy.

Q.—Did you tell him in what way it was not a copy? A.—I did.

Q.—What? A.—I told him that the denominations were different.

Q.—What did he say about that? A.—He said he could not understand it. He must have had some other slip in front of him.

Q.—Did you tell him what the denominations were on the substituted slip? A.—No, I did not.

Q.—Now, had he any other slip from the bank excepting the \$900 one that morning, as far as anything he got from you? A.—That is the only one he got from me.

Q.—Then did he say anything more about it? A.—Not in the office.

(1659)

Q.—Did he say anything more anywhere else about it? A.—He did on the street.

Q.—What did he say? A.—He said it would not make any difference anyway, that the amount totalled the same, and everything.

Q.—Had he ever got a deposit slip from your bank before, to your knowledge? A.—No, sir.

Q.—Then, when you came back, did you make a report to your manager? A.—I did.

Q.—And he gave you some instructions? A.—Yes, sir.

Q.—Instructions to go to Mr. Barwick's office? A.—Yes, sir.

Q.—I do not care for the conversation. Did you go to Mr. Barwick's office? A.—I did.

Q.—And did you take the substituted slip with you? A.—I did.

Q.—Did you tell Mr. Barwick the circumstances as they happened? A.—I did.

Q.—Mr. Barwick is your solicitor? A.—Yes, sir.

Q.—Of Barwick, Aylesworth & Co. Then did you see Mr. Gamey again on that day? A.—I did.

Q.—About what time? A.—About two in the afternoon, I should think.

Q.—Did you hear him say anything that day when he came back? A.—I did not.

The Chancellor: Where did you see him again? A.—In the bank.

Mr. Johnston: What did he do? A.—He handed in a slip, I believe, to the accountant.

(1660)

Mr. Ritchie: Did you see him, and do you know that? A.—I saw him, yes. I did not see him hand the slip.

Mr. Johnston: Did you see him hand a paper to Mr. Brown, the accountant? A.—I did not.

Q.—Did you see Mr. Brown afterwards? A.—I did.

The Chancellor: That is the proper evidence, what Mr. Brown says.

Mr. Johnston: Did you see Exhibit 66 afterwards that day in the bank?

Q.—When? A.—Just shortly after A.—I did.

Mr. Gamey had gone out.

Q.—Who showed you 66? A.—This is 66, is it?

Q.—Yes? A.—Mr. Brown, the accountant.

Q.—That shows nine one hundred dollar bills? A.—Yes, sir.

Q.—And that was left in the bank about two o'clock or so? A.—Well, I am not just sure of the time.

Mr. Ritchie: He does not know that, he said he did not see it handed in.

The Chancellor: He said Mr. Gamey was there about three o'clock.

Mr. Johnston: And it was shortly after two o'clock that you saw this? A.—I think so. I am not just positive about the time.

Q.—Is that the original slip of the 11th of September, 1902? A.—It is not.

Q.—Was it in the condition in which it is in now when it was handed in, when you saw it on Saturday afternoon? A.—Yes, sir.

Q.—Crumpled up in that way? A.—Yes, sir.

(1661)

Q.—You see some marks in blue? A.—I do.

Q.—Is that your initial on 66, if it is an initial? A.—No, sir.

Q.—On 67, is that your initial, if it be an initial? A.—No, sir.

Q.—Do all these deposit slips have

the initial of the receiving teller on them? A.—They have.

Q.—Have you got one of your slips here? A.—No, sir.

Q.—Have you got a blue pencil here? A.—No, sir.

Q.—Will you take this (blank slip)?

The Chancellor: You are going to make a deposit, are you?

Mr. Johnston: Well, my Lord, I am going to make it in my mind.

Q.—Now, assume that to be the deposit slip presented to you. It is not completed. Let me see what your act in regard to that deposit slip would be when it goes in. A.—(The witness initials the slip of paper.) (Exhibit 68.)

Q.—That is all that you do? A.—Yes, of course, I check the top here.

Q.—I do not mind that, I merely want the part in blue pencil.

The Chancellor: Did you use a blue pencil? A.—Yes, sir.

Q.—It was said it was a green one, but you use a blue pencil? A.—I did.

Mr. Johnston: Then this slip, Exhibit 68, is the standard of this gen-

(1662)

tleman's initials. Then, so far as these slips are concerned, 67 could not be right, from what you have told us? A.—No, sir.

Q.—And 66 is not right by reason of what? A.—It is not my initial on it, and then it is not checked here. There is no tick mark.

Q.—Then the long blue line would be made by whom? A.—It is made by the accountant when he checks the slips.

Q.—And when does he check them? A.—In the morning.

(The examination is closed.)

(At 4.20, adjourned to 10 a.m. on Tuesday, 28th April, 1903.)

(1663)

VOL V.

THIRTEENTH DAY.

April 28th, 1903, 10 a.m.

The Chancellor: Now, there is a witness to be cross-examined.

Mr. Johnston: Yes, my Lord. I desire first to draw the attention of the court to the fact that a notice, in pursuance of the suggestion as to the practice made by the court the other day, has been served upon W. J. Douglas, at Toronto, who is publisher and proprietor of the Daily Mail and Empire, referred to in the affidavit of Mr. McEvoy filed herein.

I understand that Mr. Douglas is represented by counsel, and your Lordships will bear with me for a moment when I put the matter in this way.

I do not understand for a moment,

that in matters of this kind, I or my colleague, Mr. Riddell, appear in any way as counsel for anyone, excepting the parties to this investigation.

The Chancellor: Just a moment before you go on. You say counsel appears for the Mail?

Mr. Johnston: Yes, my Lord.

Mr. Clarke: I appear for Mr. Douglas.

The Chancellor: Are you ready to go on?

Mr. Clarke: I am not ready to go on this morning. I ask your Lordships to allow the motion to stand until tomorrow morning, but reserving to me the preliminary objection that your

(1664)

Lordships have no jurisdiction to entertain this motion.

The Chancellor: Very well.

Mr. Johnston: All objections, so far as I am concerned, may be preserved.

The Chancellor: Let it stand until to-morrow.

Mr. Johnston: But, I should like it made clear, my Lords, that the proceedings that are taken to bring the matter before this court, are not in the nature of a prosecution at all. We thought it was our duty to bring the matter properly before the court. Having done so, it then becomes a question of contempt or no contempt, and is certainly not a matter in which myself or my learned friend can in any way prosecute, or appear, further than to lend such assistance as may be necessary to enable your Lordships to get at the truth of the matter.

That is the position which, I think, it is our duty to take. If your Lordships think we should take any other steps, or act in any other way, either as counsel or otherwise, representing the defence, in presenting the case to the court, we shall obey whatever your Lordships say.

In the meantime it occurs to me that it is proper to do what we have done, and that our duties end there, in a matter of this kind.

The Chief Justice: In simply bringing the matter to the attention of the court.

Mr. Johnston: Yes, my Lord.

Mr. Clarke: I suppose the record will show in what way this has been brought before your Lordships.

(1665)

The Chancellor: One moment, Mr. Clarke.

(Their Lordships confer.)

Mr. Clarke, resuming:

I was going to say, my Lord, that the notice served upon my client, is signed by the solicitor for the defendant in this matter, and upon the face of it,

it bears the character of a motion on behalf of the defendant, not as a matter instituted by the court for the protection of the honor and dignity of the court. That will appear by record when the matter comes up to-morrow. I merely mention this, that my learned friends may understand the attitude we shall take when the matter comes up.

The Chancellor: I do not know I am sure in what shape the matter has been raised on the notice that has been served, but we have been guided in this matter by the well defined practice which has been laid down in the Parnell commission, which is entirely analogous to this enquiry.

The court there rigorously abstained from referring to anything in the way of newspapers, and so on, that were not brought before the commission by affidavit of some person who was acquainted with the facts, and who laid the information before the court. So that whatever newspapers may be saying, right and left, does not concern us at all, unless some application is made, and the particular paper verified, and laid before the court, inviting the court's attention to what appears on the face of the paper. That was done in this case. And, we directed, in accordance with the practice, that notice be given to the editor or proprietor, or
(1666)

whoever it was, to show cause why they should not explain their situation.

It appeared to us, looking at the papers, which were brought before the Commission, that there were two points in which there was a plain infringement of the jurisdiction of this court. We do not intend nicely to criticize the comments that have been made, some of which may be objectionable, some of which may be deprecated, some of which may be in very bad taste. That is a matter for the good sense of the persons who write these articles, or their ill-sense, or their spite. But, there are certain things which cannot be permitted, if this tribunal, or any court is to invite or command respect. "Contempt of court," is, perhaps, not the correct expression. It is interfering with the jurisdiction of the court. Where articles, for instance, indicate that the crime has been committed, foretell the result, and pass judgment, with a sort of prophetic instinct, or foresight, which may prove to be false prophecy—when they do that, there is a clear invasion of the court's duty. The court has to determine whether Mr. Gamey has been bribed. When newspapers proclaim that Gamey was bribed, they pre-judge the case. What is the use of our going on with the enquiry, when the newspapers declare Gamey was bribed? The case is tried.

Mr. Clarke: Then, again—

The Chancellor: me one moment. There is another matter in which it appeared to us there was a clear invasion, or violation of what was proper. There were certain investigations taken up, we cannot say with closed doors, it was not in camera, but that might have been done,

(1667)

and Mr. Ritchie, in looking at the evidence, made certain examination through books, and found entries which he thought might lead to some result. Mr. Ritchie was careful to say, when Mr. Riddell made the objection, and you will see it in these books here. (Referring to the extended evidence.)

"Mr. Riddell: I am taking no objection on behalf of those who are accused, but it does seem to me that to turn up the accounts of a bank, of a private customer, that the customer ought to be heard.

"Mr. Ritchie: I have not given the names of any of them. I have purposely abstained from doing so." (Page 1455.)

So that there was an investigation made for information. It was not evidence. It might never be evidence. But yet this thing, which was privately conducted, and the names carefully concealed, was blazoned abroad the next day. It was never intended to be evidence unless it turned out it was relevant to the issue. It was disclosing the name of a private corporation, and putting the thing in such a shape that the privacy which the bank claimed was violated, and the directions which the court gave for private information obtained in this way, were violated, and the function of the court, in regulating the giving of the evidence, was entirely disregarded by a newspaper undertaking to publish it to the world, when it was not evidence at all. It was information which might be evidence.

In these two respects, we thought the rule should be clearly understood.

As to all the rest of it, there is a good deal of comment back and forth, we are not going to nicely criticize where the lines are to be, but these two matters seem to us plain violation; therefore, the rule was granted, and the same rule will be granted in every case that is brought before us.

(1668)

Mr. Clarke: Your Lordship has not had your attention drawn to the fact that the name of the corporation was disclosed in the evidence.

The Chancellor: Not in the official evidence. I have it before me. It was not disclosed, or intended to be disclosed.

Mr. Riddell: The only place is at page 1452, and that says—

Mr. Clarke: A three thousand dollar

cheque is also referred to in the official evidence.

The Chancellor: But you put it together. The names were not given in connection with this transaction. Mr. Ritchie, the counsel, I think will bear me out in saying that this was a matter of private investigation. I took no notes. The reporter was carefully directed not to take down certain things, and he did not take them down. It was all conducted with a view to discovering, violating the privacy of the individuals for the time, in the interests of justice—violating that, but not intending that they should be published. However, you can take your course. We have just indicated the way in which we think there has been a violation. But, you can show cause. You can explain it, and so on. It can stand over. There is no exceptional attention being paid to any particular newspaper. That is the idea. We are dealing with any case of the kind that may be brought before us by either side on affidavit. It is no concern of ours.

(1669)

Mr. Clarke: We will bring our case before you on affidavit to-morrow, and put our position clearly.

The Chief Justice: Certainly. We are not pre-judging the case. We are indicating, for your benefit, the line which you may have to follow in argument.

The Chancellor: That is the prima facie case made on the material before us, which seemed to call for an answer.

Mr. Johnston: Then would your Lordship permit me, in justice to Mr. Gamey, to make a statement. From the beginning of the case to the present time, I have absolutely refused to be interviewed by newspaper reporters. I have refused to comment at all upon the evidence. My attention was called for the first time this morning to a statement in *The World*, which is credited to me. I am not complaining of *The World* at all, because they cite apparently from some other paper.

Mr. Riddell: It was in *The Telegram* last night also.

Mr. Johnston: A statement credited to me, in which I am said to have expressed my conviction of the guilt of Mr. Gamey. Now, your Lordships know, and I need say nothing further than to say that that would be the very farthest thing from my intention. I say so now. I desire to make clear, in order that Mr. Gamey may not be prejudiced by anything I may have said. The only thing that I did say, and not for publication at all, and not intended for publication, was this: If the evidence for the bank, or on behalf of the bank was true, that

(1670)

certain charges could be laid against Mr. Gamey. Not that he was guilty of any offence, but that certain charges could be laid, the fabrication of evidence, the destruction of evidence, and perhaps forgery in the fabrication. As to any question of my arresting Mr. Gamey, nothing was further from my thoughts. My intention was, and my intention is, that at the close of the case, it will be my duty to bring this matter before the proper Crown officer. Having done that, I shall do no more. It will be for him to say whether or not any proceedings should be taken. If there is nothing in it, there is the end of it. That is my personal position.

The Chancellor: You are entitled to make that as a matter of personal explanation, as counsel.

Mr. Clarke: This is really anticipating the line of defence. This alleged explanation is merely anticipating the line of defence; a sort of suggesting to the public.

Mr. Johnston: Not at all.

Mr. Riddell: In the matter of *The Toronto World*, I understand my learned friend, Mr. Baird, is appearing.

Mr. Baird: I appear for *The World Newspaper Company*.

The Chancellor: Are you ready to go on?

Mr. Baird: I am not. Mr. Maclean appears for himself, as he occupied a different position. They cited both the company and Mr. Maclean to appear.

I take objection to the jurisdiction of the court. There is a whole column spoken of, without giving the particulars. I have not had an opportunity to order a copy of the reporter's notes.

(1671)

Mr. Riddell: When will you be ready to go on?

Mr. Baird: That depends. Mr. McLean has to be in Ottawa to-morrow, and for some days.

The Chancellor: You are not speaking for Mr. McLean?

Mr. Baird: No.

The Chancellor: When will you be ready?

Mr. Baird: I think in two days, if I get a copy of the evidence.

Mr. Riddell: I will state to my learned friend what I think is so objectionable.

The Chancellor: You can communicate that to him if he asks.

Mr. Clarke: The Mail matter stands until to-morrow, I understand?

The Chancellor: That is what you ask, until to-morrow?

Mr. Clarke: Yes, my Lord.

Mr. McLean: I must be in Ottawa tomorrow. I will try and get back tomorrow night.

Mr. Riddell: Then the day after tomorrow?

Mr. McLean: Very well.

The Chancellor: Very well, it will stand to meet your convenience, Mr. McLean.

The Chancellor: Are you ready with something that will help us in this commission by way of evidence? Give us something that will help us in doing the business of the commission.

(1672)

F. R. Howarth, recalled by Mr. Johnston:

Mr. Johnston: I asked the manager to let me have two or three slips immediately after this slip of the 11th September. I do not desire the particulars of them made public, but are these the slips that passed through your hands?

The Chancellor: Are these genuine slips?

Mr. Johnston: Yes, just in the ordinary course of business.

The Chancellor: Just to show how it is done.

Mr. Johnston: Yes.

Witness: Yes, they are.

Mr. Johnston: These three slips, exhibit 69, were made in the regular course of business, one the 20th September, one the 11th November, and the other the 29th November? A.—They were.

Q.—And the written "IP" is yours? A.—Yes.

Q.—And the blue "\$25," whose is that? A.—Mine.

Q.—And the long stroke is whose? A.—The accountant's.

Q.—Then will you show where the file mark on these slips is? A.—This is one here, this is the other, and that is the other.

Q.—And these slips are in the same condition as they were the day they were put in? A.—Yes.

Mr. Johnston: I put this in two, my Lord, to show your Lordships the file mark. It is just a little wire punched through the centre, that is all.

(1673)

Cross examined by Mr. Ritchie:

Q.—Who selected these three slips comprising exhibit 69? A.—I do not know, sir.

Q.—You did not select them from the bank? A.—I did not.

Mr. Johnston: I asked the manager to produce them.

Mr. Ritchie: You did not, and you do not know who did? A.—I do not.

Q.—I see they are different dates. They are not slips about the same date as the 11th September? A.—No.

Q.—One is the 20th September, one the 11th November, and one later on.

The Chief Justice: I took them down to be immediately following, in the due course of business. They were apparently taken out at random.

Mr. Johnston: Yes.

Mr. Ritchie: That is the last one. What is the date? A.—29th November.

Mr. Johnston: Is the ledger here?

Mr. Ritchie: I do not know.

Mr. Johnston: The ledger is not here. I asked the manager to pick out two or three slips at random, and this is what he gives me. I will call the manager if you like. I will have him here.

Mr. Ritchie: Now, this is exhibit No. 66. Where are there any initials on it? A.—There are some marks on there. I do not know whether they are initials.

Q.—Could anyone say they were initials? A.—I would not swear they are initials.

Q.—You would not swear they were initials. Just look at them with the

(1674)

light there? A.—I would not swear they were initials.

The Chancellor: Is this a new paper?

Mr. Ritchie: No, this is exhibit 66, and the blue pencil that you see there.

The Chancellor: 66 was the fabricated one?

The Chief Justice: That is the second one, the one with the original numbers on.

Mr. Riddell: Yes, my Lord.

The Chancellor: That is the one he says is not a bank voucher. I thought you were speaking of one of the undoubted slips.

Mr. Ritchie: Oh, no. I am speaking of 66.

Q.—All you can say is there is a blue pencil mark? A.—Yes, and some other mark, I do not know what it is.

Q.—It is a blue pencil mark? A.—Yes.

Q.—And these are all inside the lines, where the figures 900 are? A.—Yes.

Q.—Where the amount of money is filled in by the customer? A.—Yes.

Q.—Now, in the three slips that you have produced, your initials are not in the same place at all? A.—No, sir.

Q.—They are to the left considerably? A.—Yes.

Q.—In every case? A.—Yes.

Mr. Ritchie: Your Lordship will see what I mean. His initials are all on this side. Is that your universal rule to put them there? A.—Yes, sir.

Q.—On the left hand side. And whatever blue pencil marks are on the other,

are on the right hand side of the

(1675)

slip? A.—Yes.

Q.—On the right hand side of that line. So that you would say at once that exhibit 66 could not be intended to imitate your initials?

Mr. Johnston: That is not for him to say.

Witness: I cannot say about that.

Mr. Ritchie: Would you ever take that exhibit 66 as being one of the slips that had gone through your hands? A. No, sir.

Q.—Nothing on it to indicate that it was? A.—No.

Q.—Everything on it would indicate to your mind at once it was not a slip that went through your hands? A.—Yes.

Q.—In the first place, you cannot detect any initials on it? A.—No, sir.

Q.—And the blue pencil marks are on the right hand side, whereas, in your case, you put your initials on the left hand side? A.—Yes.

Q.—And there is no folio number on that? A.—No, sir.

Q.—And there is nothing to indicate any puncture by the file? A.—No.

Q.—Now, look at exhibit 67. Do the same remarks you have made in reference to exhibit 66 apply to exhibit 67? A.—No, sir.

Q.—What difference is there? A.—The initials are in a different place.

Q.—Will you swear that is an initial? A.—Yes, sir, I will.

Q.—What initial is it? A.—An “H.”

Q.—You swear to that? A.—I do.

Q.—Is it like your “H”? A.—Yes.

Q.—This is exhibit 67, my Lord. Is it in the same place you put your ini-

(1676)

tials upon the genuine slips? A.—Well, of course—

Q.—Is it in the same place you put your initials upon the genuine slips? A.—Sometimes.

Q.—Is that to the left of that line? A.—It is nearly to the left of it.

Q.—Isn't it just on the side—both sides of the line? A.—Part of it is on the left side.

Q.—And part on the right? A.—Part is.

Q.—And you told us your universal rule was to put your initials wholly on the left? Is that right? A.—I generally do.

Q.—You said it was your universal rule? A.—I may make a slip once in a while.

Q.—So that if you made use of the expression “universal,” you want to take it back, do you? Do you want to take

it back? A.—I am not absolutely certain about that.

Q.—Then, why did you swear a little while ago it was your universal rule? A.—Well, I generally do it.

Q.—And on all the deposit slips that are produced from the bank you find they are clearly to the left of that line?

A.—Yes, in most cases.

Q.—Are they not in all cases—the ones produced? A.—No, sir.

Q.—Are they not to the left of the line there? A.—They are in this case.

Q.—I am speaking of those that are produced? A.—They are in this case.

Q.—In the three slips you produce from the bank? A.—Yes.

(1677)

Q.—As samples. In each one it is clearly to the left? A.—Yes.

Q.—Do you undertake to tell their Lordships that this mark on exhibit 67—that the mark that you say is an initial on 67—is the same as the initial on exhibit 69? A.—Similar. It is not altogether the same.

Q.—Isn't there a marked difference between them? They are here for their Lordships to look at. Isn't there a marked difference between them? Isn't there a well-defined “H” there on exhibit 69? There is a well-defined “H” on each one of the three slips comprising exhibit 69, is there not? A.—Yes.

Q.—Do you say that is a well-defined “H” on exhibit 67? A.—No, it is not a very good “H.”

Q.—Will you venture to pledge your oath it is an “H” at all? A.—I sometimes make an “H” like that.

Q.—You sometimes make an “H” like that? A.—Sometimes.

Q.—Do you swear that is an “H” at all. Now, trace any of the lines that comprise an “H” there? It might be an “N,” might it not? A.—I do not know.

Q.—It might be a “U,” might it not? A.—No, I do not think it would be.

Q.—But you cannot say it might not be an “N?” It might be a “W?” A.—Not very well.

Q.—Just as like a “W” as like an “H?” A.—No; I do not think so.

Q.—If you have a very strong imagination? A.—I do not think so.

Q.—And that is all you can say about it? A.—Yes.

(1678)

Q.—Do you always use a blue pencil? A.—Not always—no.

Q.—What do you usually use? A.—Sometimes we use ink.

Q.—Do you sometimes use a green pencil there? A.—No, sir.

Q.—Who does use a green pencil there? A.—I do not know.

Q.—Now, you marked with a blue pencil yesterday on a slip—on a blank slip that was produced? A.—Yes.

Q.—Had you been practising with a blue pencil before you came here? A. No, sir.

Q.—Had you marked your initials on any slip before, or on any piece of paper? A.—Not that I know of.

Q.—Did you before you came here yesterday make your initials with a blue pencil on a piece of paper? A.—I did on deposits I received.

Q.—I am not speaking of what you did in the regular course of business, but did you in connection with this investigation, mark anything with a blue pencil? A.—I did not.

Q.—Who got the blue pencil for you? A.—Produced in Court here?

Q.—Yes? A.—I do not know who.

Mr. Johnston: Mr. Grant gave it.

(1679)

Mr. Ritchie: Did you know that they had these blank deposit slips here? A.—I did not.

Q.—You were not asked to put your initials on any of them before? A.—No.

Q.—Then take Exhibit 67. Would you say that that was a copy of a slip that had passed through your hands in the ordinary course of business? A.—No, sir.

Q.—You would say without a moment's hesitation that it was not a copy of a slip that had gone through your bank? A.—No, sir.

Q.—There is no ledger folio? A.—No.

Q.—And no puncture of a file? A.—No.

Q.—So that you would clearly reject it without a moment's hesitation as being something that had not gone through your bank? A.—It has been on file here, but there is no puncture other than torn off here.

Q.—But it did go through the bank file? A.—No.

Q.—So that you would know at a glance it was not a genuine deposit slip? A.—Yes.

Q.—And you would know it was not a copy of a deposit slip that had gone through your bank in the ordinary way? A.—No, sir.

Q.—You would know that? A.—Yes.

Q.—Without a moment's hesitation. Now you said that Mr. Crossin made that deposit? A.—Yes.

Q.—How do you know? Have you an independent recollection of the fact? A.—Well the cheque—

Q.—Have you an independent recollection of the fact? A.—I have not—no sir.

(1680)

Q.—You have no recollection about Mr. Crossin going there to make that deposit of \$900? A.—No.

Q.—And you cannot tell the denomination of the bills that were deposited? A.—Only by the slip.

Q.—You say you cannot, apart from the slip? A.—No, sir.

Q.—You have no memory of it? A.—No.

Q.—And you could not have told if you had not seen that slip whether they were \$1.00 bills or \$100? A.—No, sir.

Q.—When did you first look up this slip representing the deposit of \$900? A.—On Saturday, the 18th April.

Q.—And you say in the morning Mr. Gamey came there? A.—Yes, sir.

Q.—And asked you to see a particular deposit slip? A.—He did.

Q.—Had you ever seen Mr. Gamey before? A.—Yes, sir.

Q.—When? A.—About ten days previous, I should think.

Q.—Where did you see him? A.—In the bank.

Q.—What doing? A.—Transacting business.

Q.—That is the first time you ever saw him? A.—Yes, sir, to my knowledge.

Q.—So that you could not tell as a matter of fact whether Mr. Gamey made that deposit or whether Mr. Crossin made it? A.—I could by the slip.

The Chancellor: He says he has no recollection of the deposit. He speaks by the book.

Mr. Ritchie: When you were asked for this slip you say you hesitated about giving it? A.—Yes.

Q.—Why? A.—I did not want to take the responsibility of handing it out.

(1681)

Q.—Was there any responsibility in letting a customer of the bank see a deposit slip of his own? A.—I do not know whether there was or not.

Q.—Did you hesitate on other occasions? You have been asked before, I suppose, to show deposit slips? A.—No sir. I never hesitated on other occasions.

Q.—Then why did you hesitate in this case? You say you knew he was a member of the firm of Crossin & Company? A.—Because I thought this might be an important slip. It might be called forth in evidence.

Q.—And that is the reason you hesitated about giving it out? A.—Yes, sir.

Q.—What led you to think it might be called for in evidence? A.—Reading the papers I had seen—

Q.—Apart from what you saw in the papers, had you heard anything about it before? A.—No.

Q.—Had you ever hunted it up before? A.—No.

Q.—Had you ever heard it discussed by any of the bank officers before? A. No, sir.

Q.—Never heard about it directly or indirectly? A.—No, sir.

Q.—Except what you saw in the papers? A.—No, sir.

Q.—Then you say you thought it might be an important document, and you referred to the accountant? A.—Yes, sir.

Q.—And he then went and saw the manager, and after that you handed it out? A.—Yes.

Q.—To Mr. Gamey. Did you notice whose handwriting it was in? A.—In Mr. Crossin's handwriting.

Q.—Will you swear to that now? A.—Yes, sir.

(1682)

Q.—Did you look at it particularly before you gave it out? —A. I did.

Q.—Why? A.—Well, I just looked at it. I was curious.

Q.—Was that the only reason? A.—Yes, sir.

Q.—Why were you curious about it? You had no interest? A.—I always look at the slips, anyway. I look at all slips before passing them out.

Q.—Do you know Mr. Gamey's handwriting? A.—I am not positive that I do.

Q.—Did you ever see Mr. Crossin write? A.—No, sir.

Q.—You never saw Mr. Crossin write. Then how do you know that that was his writing? A.—Well, he always made the deposits.

Q.—That is the only reason. You say he always made the deposits, but in this particular case you did not know he made the deposit? A.—Only by the slip.

Q.—But then you are getting around in a circle. You did not know he made the deposit. You did not know Mr. Crossin's handwriting. You did not see him write. Never saw him write? A.—Not to my knowledge.

Q.—And then you only surmised that was Mr. Crossin's handwriting because he usually made the deposits? A.—Yes.

Q.—Will you undertake to swear that Mr. Gamey never made deposits in that bank to the credit of Crossing & Company? A.—I will not.

Q.—You will not? A.—No.

Q.—He may have made deposits there for all you know. Now you say, after you handed it out to him, he handed

back something that was supposed to be the original? A.—Yes, sir.

(1683)

Q.—Simply threw it in and said, I suppose, thank you? A.—Did not make any remark.

Q.—Just passed it over the wicket? A.—Yes, sir.

Q.—And then you say he went out? A.—Yes, sir.

Q.—And then you have told us what happened after that? A.—Yes, sir.

Q.—I do not want to take you over that same ground again. Now what is the object of initialling by the receiving teller on the deposit slip? A.—To show that the deposit has been checked.

Q.—That is to show that the total has been correctly added? A.—Yes, sir.

Q.—To show that the total is correct? A.—To show that the amount is correct.

Q.—The number of bills are there and the total is there? A.—Yes, sir.

Q.—And the initialling is to certify to both? A.—Yes.

Q.—So that in a case of that kind where there was no total on you would not put an initial on at all, would you? A.—No, sir.

Q.—Do you know what time of the day that deposit of \$900 was made? A.—I do not.

Q.—Would not your books tell you? A.—No.

Q.—It would indicate whether early or late in the day? A.—Yes, they would, but they would not just tell the time.

Q.—But they would tell approximately whether in the forenoon or afternoon, would they not? A.—Yes, you could tell pretty well—yes.

Q.—So that you can get that information for us, or you can show us the book and we can judge for ourselves. That will do.

(1684)

Re-Examined by Mr. Johnston:

Q.—Let me see these slips, please?

Mr. Ritchie: You have already said you did not know what bills they were—on what bank? A.—No, sir.

Q.—You could not tell anything about that?

Mr. Johnston: Oh, no, he could not tell.

Q.—You were asked about your initials always being at the left of the slip. I did not produce any slip before the 11th September in that lot. I give you one of the 11th August? A.—That is not my slip.

Q.—Whose is that? A.—Mr. Kelso, the other receiving teller.

Q.—There is no use troubling you about that? A.—No, sir.

Q.—Then, generally speaking, you say you put them to the left? A.—Yes.

Q.—Can you swear that it is absolutely so in every case? A.—No, I cannot.

Q.—But that is what your impression is, generally? A.—Yes.

Q.—Then you were asked a question, if on Exhibit 67 you could distinguish an initial? A.—Yes, sir.

Q.—And you say that that is the initial you distinguish below the straight blue mark? A.—Yes, sir.

Q.—And on Exhibit 66 you are asked if you could distinguish an initial. Kindly look at that, please. If you look against the light, of course you see nothing.

Mr. Ritchie: Surely this is not fair.

Mr. Johnston: My learned friend held up a document like this, and you saw nothing. I did not ask the witness about the initial. Do you see that stroke there? A.—Yes, sir.

(1685)

Q.—And another one crossing the line? A.—There is one here, and one across here.

Q.—Do you see one there? I do not want to mark this in pencil. Take a knife.

The Chancellor: Much handling will affect that, you know.

Mr. Johnston: I do not want to touch it at all. Do you see a stroke there? A.—Yes.

Q.—Do you see a stroke there? A.—Yes, sir.

Q.—And a stroke crossing it? A.—Yes, sir.

Q.—What letter does that represent, assuming that those strokes are intended to represent a letter, a stroke there and a stroke there, and one across?

Mr. Ritchie: Surely that is not right.

Witness: That would represent an "H" I suppose.

The Chancellor: What exhibit are you speaking of?

Mr. Johnston: Exhibit 66, my Lord. Having that pointed out to you, do you see now whether there is any letter intended to be represented there or not?

Witness: I do not know whether that is intended to represent a letter or not.

Q.—What does it represent, as a matter of fact, whether so intended or not, having that pointed out to you? A.—I cannot say what it represents.

Q.—I suppose you are not an expert in a matter of that kind? A.—No.

Q.—Then you were asked, with a good deal of vigor, if you produced a blue pencil, or something of that kind, and it was intimated that you might have brought one with you? A.—No, sir.

(1686)

Q.—You got the pencil from the court? A.—Yes, sir.

Q.—Where there is both a blue and red one. That is where you got your pencil yesterday? A.—Yes, sir.

Q.—And you got your deposit slip from myself? A.—Yes, sir.

Q.—Had you seen the deposit slip before that, that you made your mark on yesterday? A.—No, sir.

Q.—On the blank one, I mean? A.—I had not.

James Brown, sworn. Examined by Mr. Johnston:

Q.—What is your position in the Ontario Bank? A.—Accountant.

Q.—That is at the head office, corner of Scott and Wellington streets, Toronto? A.—At the Toronto branch.

Q.—You distinguish between that and the actual head office? A.—Yes.

Q.—Now, you have been accountant for how long? A.—Six months there.

Q.—Do you know Mr. Crossin? A.—Yes.

Q.—Of the Crossin Piano Company? A.—Yes.

Q.—On Saturday, the 18th April, 1903, did you see Mr. Crossin at the bank? A.—Yes.

Q.—What time did he go there? A.—First of all a little before ten.

Q.—What did he want? A.—He wanted the Crossin Piano Company book made up, and he asked for his vouchers to date.

Q.—He asked for the vouchers up to date. Did you speak to the manager? A.—I sent the ledger keeper in.

Q.—At any rate, they were given to him? A.—Yes.

(1687)

Q.—And he gave his receipt? A.—Yes, sir.

Q.—That was your interview a little before ten with Mr. Crossin? A.—Yes, sir.

Q.—Then did you see Mr. R. R. Gamey on that day—Saturday, the 18th April? A.—Yes, sir.

Q.—About what hour? A.—First of all, I think about half-past ten—I should think about half-past ten.

Q.—Did you hear him say anything to Mr. Howarth? A.—No, I did not.

Q.—Did he say anything to you? A.—Not at that time—no.

Q.—Did you see anything done? A.—Not at that particular time—no.

Q.—Then you cannot speak as to the actual giving out of the slip? A.—No, sir.

Q.—Then what was your first notice of anything being unusual? A.—Well, the teller came and showed me the slip which Mr. Gamey had handed back to him as the original.

Q.—Will you show me the one that he showed you? Let us get it? A.—Yes.

Q.—Exhibit 67 ? A.—Yes.

Q.—It would be his duty to do that, I suppose, you being the accountant ? A.—Well, yes.

Q.—You are at any rate his superior officer ? A.—Yes.

Q.—And where was Mr. Gamey at this time ? A.—Well, by that time he had gone.

Q.—Did you hear anyone call ? A.—I did not hear it—no.

Q.—Whereabouts are you from the box—from the teller's box ? A.—Some little distance. Perhaps 15 or 20 paces.

(1688)

Q.—And the teller's box is lined up on each side ? A.—Yes.

Q.—With what ? A.—Wire work or grill work.

Q.—And the front of it is what ? A.—Grill work also.

Q.—And the place where you put in and take out slips, and so on, would be where ? A.—In the centre.

Q.—Just a small hole ? A.—Yes.

Q.—The rest is all enclosed ? A.—Yes.

Q.—Is it enclosed on top, too ? A.—Yes.

Q.—In all these money departments you take that precaution ? A.—Yes.

Q.—Then did you notice that slip when it was shown to you by Howarth ? A.—Yes, sir.

Q.—And you saw of course what ? A.—Well, Mr. Howarth told me first of all that that was not the original slip.

Mr. Ritchie : Never mind what he said.

Mr. Johnston : It was immediately on the spot. Surely that is evidence. However, their Lordships may rule it out, if it is not proper evidence.

The Chancellor : We have taken it before in this case.

Mr. Johnston : Then did you look at the slip then ? A.—Yes, sir, I looked at it then.

Q.—And in the ordinary course of business if that had been put back, your attention not specially directed, what would have happened ? Would you have been misled, that we have heard so much about—would you have taken it in as the original slip in the ordinary course of business, if your attention had not been directed to it ? A.—Except for one thing. It is not added up. That is the only thing, and the missing of the ledger keeper's folio.

(1689)

Q.—You might not have noticed that of course ? A.—No; at first glance it would look all right.

Q.—But the moment you looked at it ? A.—No, not when you come to look into it.

Q.—Of course. A.—If Mr. Gamey had happened to have handed it back to me, instead of giving it back to the teller, there would have been a danger of my having taken it as the original.

Mr. Blake : Do not deprecate your intelligence, witness.

Mr. Johnston : But with two or three lawyers, and two or three bank men, of course we discover that it is not the right slip. Then, do you know what was done the moment your attention was directed to that slip ? What was done ? A.—Well, I sent the teller into the manager then.

Q.—Was the messenger sent then ? A.—The messenger was sent.

Q.—Mr. Barton ? A.—Yes, sir.

Q.—Then Mr. Gamey and Mr. Crossin came down to the bank right away, or shortly afterwards ? A.—Yes.

Q.—And did you hear what Gamey said ?

The Chancellor : About what time was that ?

Mr. Johnston : About what time would it be ? A.—About 11 o'clock by that time.

Q.—Did you heard what Mr. Gamey said about this ? A.—Yes. He said you must have been mistaken. He said that is the slip I got from the teller.

Q.—Did he see the slip then ? A.—Yes, I had it in my hands.

Q.—And he still persisted that that was the slip he got from the teller. Then

(1690)

what did you say ? What position did you take in the matter ?

The Chancellor : What was said, if you can tell.

Witness : I told him—I said that is not the slip—the teller tells me that the denominations are different. I said it is not the slip.

Mr. Johnston : And what did he say ? A.—Well, he persisted for some time that it was the slip, and when I said, well, it is not—in some respects it is not even like it, I said to him, now we come to look into it—in short, I said it is not the slip, and when he saw that we were positive on that point, he said then he must have lost the original slip.

Q.—Did he account in any way ? Did he say anything in any way to account for the production of this particular slip, exhibit 67, at that time ? A.—Not at that time—no, sir.

Q.—Then the next thing that was done, you sent Howarth back with him ? A.—Yes, sir.

Q.—For what purpose ? A.—Well, I said, could you possibly have lost it ? And while he did not say that he could have, he did not see any other way out of it, and I said, could it be possibly

about your desk in your office? And I said, will you agree to my sending an officer up with you, to help you to make a search for it, and he agreed.

Q.—And you sent up? A.—Mr. Howarth.

Q.—Then Mr. Howarth came back alone? A.—Alone—yes, sir.

Q.—And failed to find the slip? A.—Yes.

(1691)

Q.—And failed to find the slip? A.—Yes, sir.

Q.—And then immediately you and Mr. Howarth laid the matter before Mr. Barwick, the bank's solicitor? A.—Yes.

Q.—Then, did you see Mr. Gamey on the same day again? A.—Yes, sir, again about 3 o'clock that afternoon.

Q.—He came into the Bank, as I understand? A. He came into the bank—yes.

Q.—And what did he do or say? Just tell us what took place? A.—He came to my wicket, and he said—he produced a slip, and put it through my wicket, and he said he had found the slip. He was very sorry he had given us so much trouble in the matter, but that just a minute before he had discovered that the slip had slipped into his glove.

The Chancellor: Had slipped into his glove?

Mr. Johnston: Yes, my Lord.

Q.—Did he say anything more? A.—He asked for the slip which he had given to the teller, to get it back.

Q.—When? In the morning? A.—Which he had given to the teller in the morning.

Q.—Asked to get it back? The slip which he gave you, which he said had slipped into his glove; was that the slip? A.—This slip here.

Q.—Exhibit 66? A.—Yes.

Q.—Did you take that slip then? A.—Yes, sir.

Q.—Did you examine it just at the moment particularly? A.—Not at the moment.

The Chancellor: Sixty-six is the one you took?

Mr. Johnston: Yes.

The Chief Justice: He did not examine it at the moment, he says.

(1692)

Mr. Johnston: When he asked you for the copy which he had handed the teller in the morning, or the slip which he had handed the teller in the morning, what did you tell him? A.—I told him that it had left my possession, I could not give it to him back.

Q.—Then did he ask you to do anything with it? Q.—Well, he asked me if

I could get it for him and send it to Mr. McPherson's office.

Q.—You made no promise? A.—No, sir.

Q.—Then he said he would come back, I understand, when the manager got back from lunch? A.—Yes.

Q.—And did he come back. A.—Yes.

Q.—Gamey did? A.—Yes.

The Chancellor: That is the fourth time then?

Mr. Johnston: Yes, my Lord.

Q.—Who was with him when he came for the last time? A.—Mr. Might.

Q.—What Mr. Might is it? A.—Mr. J. M. Might.

Q.—Is that the directory man? A.—He used to be—yes, sir.

Q.—An elderly man? A.—Yes, sir.

The Chancellor: He was tendered as a witness here? That is the man?

Mr. Johnston: Yes, my Lord.

Q.—Then they were unable to see the manager, I understand, because he had some appointment? A.—Yes.

The Chancellor: They came back to see the manager and could not?

Mr. Johnston: They could not.

Q.—Did Mr. Gamey say anything when they were leaving about the slip? A.—

(1693)

Well, he said it will be all right, if you send it to Mr. McPherson's office.

Q.—Then he went out? A.—Yes.

Q.—Did you look at the slip again, Exhibit 66? A.—I had looked at it between the twice he had called.

Q.—And what had you discovered, if anything? A.—I had discovered that it was still not the proper slip.

Q.—That is Exhibit 66; that it still was not the proper slip? Did you say anything to him about that? A.—No, sir.

Q.—Then, that was all you know of the transaction? A.—Yes.

Q.—Now, was that slip, Exhibit 66, in the same crumpled condition when you got it on the 18th as it is now? A.—It was.

Q.—What condition was the ink in at that time when you examined it? A.—Well, I think the ink was a little fainter than it is now. I think that is probably one thing that drew my attention to it, first of all.

Q.—That is the fresh ink? A.—Yes.

Q.—A fainter ink? A.—It looked a little fainter.

Q.—Now, what kind of ink do you use at the bank? A.—What make?

Q.—What kind of ink is used there outside? Is it blue or black or blue and then becoming black? A.—It is blue and then becomes black.

Q.—After it has been used, or, rather, after the writing has taken place, subsequently the color gets darker? A.—Yes, black.

Q.—Is there any blue pencil kept on the desk in front of the receiving teller?

(1694)

A.—No, sir.

Q.—Are there any blue pencils allowed outside at all in the main room? A.—Well, there is no rule about it, but there are none.

Q.—There is no rule, but there are none? You supply pens? A.—Yes, sir.

Q.—And ink? A.—Yes, sir.

Q.—And blotting paper? A.—Yes, sir.

Q.—But no pencils? A.—No, sir.

Q.—Then let me make it clear. Did you when that slip was handed in in the afternoon first take it as an original slip or only as a copy? A.—At first I took it as the original.

Cross-examined by Mr. Ritchie:

Q.—Will you swear that there was no blue pencil on the desk outside in the bank that day? A.—No, I would not swear to it.

Q.—There might have been for all you know? A.—There might have been—yes, sir.

Q.—All you say is that, apparently, or as a usual rule the bank does not supply blue pencils outside? A.—Yes, sir.

Q.—It might have been there? A.—It might have been.

Q.—Some person might have been in there using it and left it there? A.—Possibly.

Q.—The first you knew about this matter—the first time you heard any discussion about the deposit slip at all was after Mr. Gamey left on this first visit—just as he was going out of the door? A.—No, before that the teller had asked if he could show him the deposit slip.

Q.—You did not say that in your examination in chief. You told my learned friend that the first you heard about it was when he was going out of the door, or had just gone out.

(1695)

Mr. Riddell: He did not say that?

Witness: The first I heard of it was the teller came to me and asked if Mr. Gamey could see the deposit slip—the Crossin Piano Company's deposit slip.

Q.—That is not what you said in examination-in-chief. You said the first you heard about it at all was that Mr. Gamey went out the door or had just gone out.

Mr. Riddell: That was a mistake.

Witness: That certainly was my first knowledge of it.

Chancellor: He was simply asked whether he spoke to Gamey. He saw Gamey, but not to speak to him. He was not asked about the other.

Mr. Ritchie: My recollection is he said, "Did he speak to you"? He said, no, nothing was said to him until after Gamey had gone out.

Witness: By Mr. Gamey.

The Chancellor: I understood it that way.

Mr. Ritchie: At all events you say if you did make that statement that is not correct? A.—If I did make the statement—

Q.—The first question asked about the deposit slip was when Gamey was leaving—if you said that that is a mistake? A.—Yes, sir.

Q.—The first you heard about it was when the receiving teller asked you if he could show the deposit slip to Mr. Gamey? A.—Yes, sir.

Q.—Now, will you be good enough to look at exhibit 67. If I presented that

(1696)

to you as an original deposit slip, couldn't you tell at the very first glance that it was not a genuine slip that went through the bank? A.—Oh, when I come to look at it, yes.

Q.—I say couldn't you as a bank officer tell at a glance that that was not the deposit slip that had gone through the bank in the ordinary course of business? A.—Yes.

Q.—Of course if you were looking at the back of it you could not tell? A.—I did not mean that, though.

Q.—A single glance would suffice to tell you that that was not a genuine deposit slip, wouldn't it? A.—Well, it is very difficult to say.

Q.—Do not depreciate yourself now. Bank officers are supposed to be experts? A.—At the first glance it looks all right, but when you come to get a second glance at it you can see that it is incomplete.

Q.—In two seconds you could tell it could you not? A.—In two seconds, yes, sir.

Q.—That as a matter of fact it was not a genuine slip, and you could tell it was not a copy of a genuine slip, couldn't you? A.—It might be a copy.

Q.—Would any such deposit slip as that go through your bank? A.—No, sir.

Q.—Then you could tell at a glance that it was not a copy of a genuine slip? A.—It would be a very poor copy.

Q.—A very poor copy. Couldn't you tell at a glance it was not a copy at all of a genuine slip that had gone through your bank? A.—Yes, it is incomplete.

Q.—You could tell at a glance it was not a copy of a genuine slip? A.—Well, yes.

(1697)

Q.—We have got it at last. Tell us

why you could tell it? A.—Well, the ledger keeper's folio is missing.

Q.—And what else? A.—It is not added up.

Q.—And there is no puncture of a file on it? A.—No.

Q.—Those are the three things. And what would you think about this little blue cross at the bottom there—the little blue mark at the bottom? Those marks might be anything, might they not? A.—Yes.

Q.—Nothing to indicate any clearly-defined initial there, at all? A.—It is a poor initial.

Q.—Is there anything to indicate a clearly defined initial? A.—Not clearly defined.

Q.—Now, with reference to the other one. Look at the other exhibit, exhibit No. 66. You could also tell in looking at that in two seconds that it was not a genuine slip? A.—Yes.

Q.—And that it was not a copy of a genuine slip? A.—It might be a copy.

Q.—What? A.—It might be a copy.

Q.—But couldn't you tell it was not a copy of a genuine slip? There is no ledger folio? A.—It is incomplete.

Q.—Then you would know at once that it was not a copy of a genuine slip, by reason of its incompleteness? A.—When you came to examine it—yes.

Q.—When you came to look at it? A.—Yes.

(1698)

Q.—An instant's examination would tell you, wouldn't it, that it was not complete? A.—Well, it—

Q.—Andrew the question. Would an instant's examination—wouldn't it tell you it was an incomplete document? A.—Yes.

Q.—And that it was not a copy. There is no initial there on that, is there? A.—It is very faint.

Q.—Is there an initial there at all? Will you swear there is an initial there? A.—Yes, sir.

Q.—What initial is it? Your are on oath. The last witness could not tell? A.—There is a mark there that looks like an "H" rather.

Q.—Does it look like anything else than an "H"? A.—It is a very indistinct mark.

Q.—Would you pledge your oath that that is an "H"? A.—No, sir.

Q.—Nobody could. Do you think anybody could? A.—I do not think so, sir.

Q.—That will do.

Re-examined by Mr. Johnston:

Q.—Now can you say as a banker—can you say whether that is an initial or not?

The Chancellor: Are these things at all important for us, sitting here in

this enquiry? We are not in a criminal pursuit, on this line at all events.

Mr. Johnston: No, my Lord. That will do, witness.

(1699)

Arthur Barton, sworn. Examined by Mr. Johnston:

Q.—You are the messenger for the Toronto branch of the Ontario Bank? A.—Yes, sir.

Q.—At Scott and Wellington street? A.—Yes.

Q.—Do you remember seeing Mr. Gamey, or Mr. Crossin in the bank on the 18th April, 1903? A.—Yes, sir.

Q.—Saturday. What directed your attention to them? A.—I was outside of the counter, and I saw Mr. Crossin was fixing up the counter for the day's business.

Q.—Mr. Crossin came early? A.—Yes, sir.

Q.—When did you see Mr. Gamey there? Let us get to that point? A.—About ten o'clock—somewhere along there.

Q.—Did you see him do anything? A.—No, sir.

Q.—Did you hear him say anything? A.—No, sir.

Q.—What was your next connection with the matter? A.—I was sent to get a deposit slip he took away.

Q.—And you were sent to where? A.—Up to Mr. Crossin's office.

Q.—Did you find Mr. Gamey there? A.—Yes, sir.

Q.—Did you speak to him. A.—Yes, sir.

Q.—Tell us what took place? A.—I went to him and asked him if he would give me the deposit slip he took away from the Ontario Bank, and I offered him another one in exchange for it, the one he left in place of it, and he told me that this other slip was the one he took away.

Q.—Which other slip? A.—The slip I had in my hands. I told him it was not.

The Chancellor: He said the slip you had was the one he took away. A.—The one he took away, and I told him it was not.

(1700)

The Chancellor: He said the slip you had was the one he took away? A.—The one he took away, and I told him it was not, and he still said it was, so he said he went down to see if it was in his handwriting, or Mr. Crossin's.

Q.—Went down to see what? A.—Whether it was in his handwriting or Mr. Crossin's. so I asked Mr. Crossin if it was his handwriting, and he said yes.

Mr. Ritchie: Never mind what Mr. Crossin said.

Mr. Johnston: Gamey was there?

Witness: Yes, so I did not know what to do.

Q.—Did you show him the slip you took up from the bank? A.—I did.

Q.—And what did Gamey say about that? A.—He said that was the slip he took away, or that he left there.

Q.—He said that was the slip he left there? A.—Yes, and that the teller showed him.

Q.—What slip was that? Was it the one with the one figure on, or the other? A.—That is the slip (exhibit 67.)

Q.—Exhibit 67 with the four different denominations? A.—Yes.

Q.—He said that was the one that he got there, and the one he left there? A.—Yes, sir.

Q.—Now, did he make any search through his pockets? A.—Yes, sir.

Q.—And was that the one 67—that is the slip that Crossin said was in his handwriting? A.—Yes, sir.

Q.—67, he said, was in his handwriting—that is, in Crossin's handwriting, did he? A.—Yes, sir.

(1701.)

Q.—Did he look at it? A.—Oh, yes.

Q.—Then having searched, what else did he say, if anything? A.—He said that he was going down to the bank to take Mr. Crossin down to see whose handwriting it was, and I proposed to go down with him.

Q.—Did you go down? A.—I went half the way, and I got on my bicycle and went down ahead to look for the other deposit slip.

Q.—Did you have any more talk with him about the one that was taken away from the bank that morning, after you left the office? Did you have any more talk? A.—No, sir.

Q.—What were you discussing on the way down, if it had anything to do with the slip I mean? A.—He suggested that—at least he said he thought he might have left it on the counter.

The Chancellor: At the bank? A.—At the bank. So I suggested I would go ahead and look for it while they were coming down.

Mr. Johnston: Did you go? A.—I did.

Q.—Did you find it? A.—No, sir.

Q.—Just here I may ask you. You look after the counter outside? A.—Yes, sir.

Q.—Do you supply them with blue lead pencils? A.—I do not.

Q.—Were there any that day supplied by the bank, or at any time? A.—Not that I know of.

Q.—Is there anybody else that would have the supplying of them but you? A.—No, sir.

Q.—Then when he came down, did you listen to what was going on. A.—I did not.

(1702)

Q.—Did you hear anything more of it at all, or see Mr. Gamey in reference to it again? A.—No, sir.

Q.—Did you go back to the factory again? A.—No, sir.

Q.—You were not up with Mr. Howarth? A.—No, sir.

Q.—And that is all that you know in connection with it? A.—That is all.

Q.—Did you see Mr. Gamey down in the bank that afternoon about three o'clock? A.—Yes, sir.

Q.—Did you hear what he said? A.—No, sir, not when he was inside.

Q.—What? A.—Not while he was in the bank.

Q.—Did you hear him say anything outside the bank? A.—He apologized to me for the trouble he had caused us. He said that he was very sorry, that he had found the deposit slip in his glove, and he was very sorry he had caused us so much trouble.

Q.—What deposit slip in his glove? A.—The one he was supposed to have lost.

Q.—And apologized to you for causing so much trouble. That will do.

Cross-examined by Mr. Ritchie:

Q.—Did you see either of these deposit slips on the 18th? A.—Yes, sir.

Q.—To examine them at all? A.—Yes, sir.

Q.—Which one did you examine? A.—I examined this one.

Q.—That is exhibit 67? A.—Yes, sir.

Q.—That is the only one you examined? A.—Yes, sir.

Q.—Was that given to you? A.—That was given to me to

(1703)

take after Mr. Gamey.

Q.—And you took it up there, and you saw Mr. Crossin there? A.—Yes, sir.

Q.—And Mr. Gamey? A.—And Mr. Gamey.

Q.—And he said he thought the one he put in there was the one he had got? A.—Yes, sir.

Q.—Seemed surprised, did he not? A.—He did.

Q.—And then when you told him—when you said it was not, the one, he commenced to search, did he? A.—Yes, sir.

Q.—Made a search about his desk? A.—No, not about his desk; in his pocket.

Q.—And you say afterwards he went down to the bank? A.—Yes, sir.

Q.—What was said? He said he

went down there to find out in whose handwriting that deposit slip was? A.—Yes.

Q.—Was there anything said about the handwriting of this deposit slip, 67—as to whose handwriting that was in? A.—I asked Mr. Crossin, and he said it was his.

Q.—That this was his—exhibit 67? A.—Yes.

Q.—Are you sure of that? A.—Yes, sir.

Q.—Are you sure he said that copy was his, or the one on which the deposit was made was his? A.—He told me that this one was.

Q.—That is what you understood? A.—Yes.

Q.—Didn't you think that was strange? A.—Oh, I do not know.

Q.—It was not Mr. Crossin who was said to have taken it away? A.—I did think it strange at the time.

(1704)

Q.—That that should be Mr. Crossin's handwriting. You know it was not said that Mr. Crossin took it away? A.—Yes, sir.

Q.—You were told it was Mr. Gamey? A.—Yes, sir.

Q.—And you would naturally have thought he was the person who had made the copy? A.—I did.

Q.—But your recollection is that when you asked whose handwriting that was in, Mr. Crossin said it was his. A.—He said it was his.

Q.—Are you talking of the handwriting of this particular slip, or the handwriting upon the slip on which the deposit was actually made? A.—The handwriting on this one.

Q.—That is what you understood, at all events? A.—Yes, sir.

Q.—Then you took this exhibit 67—you took that back to the bank? A.—Yes, sir.

Q.—And handed it to whom? A.—Mr. Howarth.

Q.—Did you ever see it afterwards until you saw it in court here? A.—No, sir.

Q.—To-day. And the other one you do not know anything about? A.—Yes, sir.

Q.—Exhibit 66 you do not know anything about at all? A.—No.

Walter Barwick, sworn. Examined by Mr. Johnston:

Q.—You are the solicitor for the Ontario Bank? A.—I am.

Q.—And you were consulted by the bank with reference to this deposit slip on Saturday, the 18th day of April? A.—Yes, sir.

(1705)

Q.—And in consequence of that, what did you do as regards this in-

vestigation? A.—The manager explained to me that Mr. Gamey—

Mr. Ritchie: Never mind.

Witness: What Mr. Gamey had done, and I called Mr. McPherson, and explained it to him.

The Chancellor: Who is Mr. McPherson? A.—The solicitor.

Mr. Johnston: What then? A.—I asked for the return of the slip.

Q.—Did you get it? A.—No.

The Chancellor: You asked for the return of the slip? A.—I explained to Mr. McPherson what Mr. Gamey had done, and asked for the return of the slip which had been taken away.

Q.—You mean the original? A.—Yes. I said to Mr. McPherson that the manager had told me that Mr. Gamey had gone to the bank and taken a slip away.

(1706)

Mr. Johnston: Then did you afterwards notify myself? A.—Having learned the circumstances later in detail, I then gave you the information of the apparent disappearance of the slip.

The Chancellor: Of what? A.—After I learned the details, my Lord, of the apparent disappearance of the slip, then I gave Mr. Johnston the information.

Mr. Johnston: Coming now to the question of the books. In regard to the bank books, just to make it short, application was made to you or to the bank.

The Chancellor: It is about investigating the bank books?

Mr. Johnston: Yes.

The Chancellor: I thought it was all cleared up. I thought an expert was going to examine them.

Mr. Johnston: One question will answer the whole thing. There has been a good deal of talk about it.

Mr. Ritchie: I am not aware that there has been any talk before this Commission about it. Where has the talk been?

Mr. Johnston: However, I put the question.

The Chancellor: Go on.

Mr. Johnston: Application was made by both sides to the bank for an investigation of the books, and refused to both sides? A.—Each of the solicitors have asked to examine the bank books, and each of the solicitors have been refused admission to the books.

(1707)

Q.—Then, so far as you know, the statement that appeared in this paragraph to which my learned friend, Mr. Johnston, referred, and said he knew beforehand what the bank books would

show, what there was in the bank, that would not be correct? A.—I do not know what information or paragraph you refer to.

Q.—The paragraph Mr. Johnston referred to in which he was reported to have said he knew beforehand? A.—Mr. Johnston knew nothing of what was in the books, except the Bank Manager explained fully to him the disappearance of the slip.

At all events, you did not explain to Mr. Johnston anything about the books? A.—No, and I think no one else has done so either.

Q.—So far as you know? A.—I am satisfied they have not.

Q.—At all events, the first time you ever spoke to Mr. Johnston about the matter was after Mr. Smith, the manager, communicated with you about this particular slip? A.—After I had spoken to Mr. McPherson.

Q.—And why did you speak to Mr. McPherson? It was about the facts? A.—Yes, sir.

Q.—And you spoke to him because you thought he might possibly see Mr. Gamey? A.—I thought he was Mr. Gamey's solicitor.

Q.—And you thought he might see him? The only object was that if he saw him, he might call his attention to it? A.—My object was to get the slip back.

Q.—The object was that Mr. McPherson should, if he saw Gamey, commun-

(1708)

icate with him, and tell him what you had said? A.—My object was to get Mr. McPherson to get the slip back.

Q.—And to tell Mr. Gamey, if he had it, to return it? A.—My object was to get the slip back.

Q.—Do you mean to say you thought Mr. McPherson had it? A.—Oh, not at all.

Q.—Surely you could answer that question? A.—I beg your pardon. I did not understand you. Not at all.

Q.—You did not think for a moment Mr. McPherson had it, or that Mr. Gamey had given it to him? A.—No.

Q.—And you did not think Mr. McPherson had anything to do in connection with the taking away of the slip? A.—Oh, I beg your pardon. I did not think anything of the kind. I merely communicated with him because I thought he was his solicitor.

Q.—And that you wanted him to communicate the fact that the slip was missing? A.—I wanted him to communicate with Gamey and get the slip back.

Q.—But, of course, the bank officials did not wait for that. They at once sent up on their own account to the

Crossin Company? A.—I had done this independently of the bank.

Q.—You know now that the bank sent up almost immediately? A.—These inquiries were going on at the time I was being spoken to.

Q.—Now, did you ever hear of this particular slip, or any other slip, in connection with the account of Crossin & Company, prior to the communication made by Mr. Smith? A.—No, no enquiry was made with regard to those slips till afterwards. The bank was subpoenaed that morning to produce the

(1709)

Crossin deposit slips.

Q.—Then, prior to this time, had you heard, or had anyone communicated anything to you, in connection with the Crossin Company's account at all? A.—Mr. McPherson and I, together, had prepared a memorandum of what information was wanted. I am not sure whether the Crossin account was mentioned in that.

Q.—You are speaking of the subpoena duces tecum served on the officers of the bank? A.—Yes.

Q.—Apart from the conversation you had with Mr. McPherson about producing the bank books for examination, did you hear anything about any of the deposit slips or any of the matters pertaining to the Crossin Company's account? A.—No; Mr. McPherson was the only person that spoke to me.

Q.—None of the officers of the bank ever spoke to you about it? A.—No.

Q.—Prior to the time that the communication was made by Mr. Smith about this deposit slip? A.—No; I was not spoken to until after the subpoena.

Q.—And you had no knowledge of the Crossin Company account? A.—No; I never knew the Crossin account was kept there before.

Q.—And when you saw Mr. McPherson, he went to see you at your own request, I understand? You asked him to go and see you so as to point out what particular papers were wanted? A.—He had been to the bank with a bank clerk to examine the books. The manager called me to the telephone, and asked me whether he could allow Mr. McPherson and this gentleman who was with him—

(1710)

Q.—He was an expert accountant? A.—He was on the staff of The News, I believe.

Q.—But you knew he had been a bank clerk? A.—No, I did not.

Q.—An accountant in a bank? A.—I did not. I was told so by Mr. Smith afterwards.

Q.—That he was a bank expert? A.—I was told that he had been in the em-

ployment of the Traders' Bank. I told Mr. Smith not to allow anyone to look at the books; and then Mr. McPherson came to my office, and he and I prepared a memorandum, showing what he wanted.

Q.—And it was at your request he went to your office? A.—I think so. We arranged he should come and see me: I spoke to him myself.

Q.—And I suppose you knew that this gentleman who was there, that he did not go there as a gentleman on the staff of The News? He went there because of his knowledge of banking business? A.—I do not know.

Q.—Isn't that what you understood? A.—No; I understood that he was there with somebody who wanted to examine the books.

Q.—And Mr. Smith afterwards told you he had been a bank officer? A.—Mr. Smith told me he had been in the Traders' Bank.

Q.—You know that now, do you not? A.—I do not know, and I do not know his name.

Q.—I am told he has been a great many years a banking officer. Do you know that this gentleman has no connection whatever with the editorial department of The News? A.—I do not.

(1711)

Q.—Don't you know he is simply a gentleman filling a position in the office? A.—I do not.

Q.—You do not know that.

The Chancellor: The next witness.

Mr. Johnston: I propose to put a witness in, my Lord, to show that on the Monday and Tuesday after this Mr. Gamey was in Buffalo, if your Lordships think that is at all important in this connection.

The Chancellor: Why do you ask us? I do not see what that has to do with it.

Mr. Johnston: I merely want to know if your Lordships think it at all relevant. Very well, then. I do not want to call him to prove it, if your Lordships do not think it is relevant in any way.

The Chancellor: You will be giving evidence next to show where he is today. We are not concerned about Mr. Gamey—about his movements.

Mr. Johnston: That might be difficult. We do not know where he is today.

The Chancellor: Then the next witness.

Mr. Blake: We are not making any objection, your Lordship understands, in reference to that.

The Chancellor: Well, if you wish to have the evidence, go on.

Mr. Blake: I am not saying that, my Lord.

The Chancellor: I do not see what earthly use there is in it.

Mr. Blake: My learned friend appeals to your Lordship.

Mr. Johnston: No, I do not want to open up a long discussion.

(1712)

The Chancellor: We do not want to have a mass of matter. We have stopped evidence already. We do not wish to cumber this record with useless evidence. We have enough of it now.

Then as to this man Wilson's evidence. Do you agree to that being struck out? I stopped the evidence to contradict him the other day. The whole thing was negative evidence. You do not want a mass of useless evidence on this record?

Mr. Johnston: I will consider that.

The Chancellor: I think it ought to be struck out as irrelevant.

Mr. Johnston: Now, the next branch of the case we propose to take up is the position of Mr. Gamey—we have several witnesses—prior to the 7th of August.

The Chancellor: That is before the communication with Sullivan?

Mr. Johnston: Yes.

The Chancellor: Very well.

Mr. Johnston: Mr. Riddell will take that up. We are endeavoring to keep the evidence in groups, as much as possible.

Neil McDougall, sworn. Examined by Mr. Riddell.

Q.—Where do you live? A.—Providence Bay.

Q.—That is on Manitoulin Island?

A.—Yes, sir.

Q.—And at the time of the last general election, what was your business?

A.—Well. I was working in the lumber woods taking out timber.

(1713)

Q.—Where you at that time living at Providence Bay? A.—Yes, sir.

Q.—And did you know Mr. Gamey? A.—Yes, sir.

Q.—Were you at the meeting that Mr. Gamey held? A.—Yes, sir.

Q.—Where was that meeting held? A.—In the school-house in Providence Bay.

Q.—And how long was that before the election actually took place? A.—Well, it was some time in May.

Q.—That will answer the purpose? A.—I could not exactly give the date.

Q.—Did you hear Mr. Gamey speak?

Mr. Blake: I submit, my Lord, this cannot possibly be evidence.

The Chancellor: Why not?

Mr. Blake: It is as to certain utterances.

The Chancellor: You see, he was elected as a Conservative, he says. He was asked whether he did not pose as an Independent, or in some other attitude, during the campaign, and he denies it.

Mr. Blake: As Mr. Grant says, the solicitor of the Liberal Association.

The Chancellor: Oh, certainly. You called Mr. Grant, and he says he was returned on the list as that, but that does not throw any light about what his attitude was during the campaign at different meetings. I think this is relevant to show his position.

Mr. Blake: Very well, my Lord.

Mr. Riddell, resuming: Q.—Then were you present at the meeting? A.—Yes, sir.

(1714)

Q.—Did you hear his speech? A.—Yes sir.

Q.—And how did he appeal for support? A.—Well, he appealed to the people.

Q.—To the Conservatives? A.—Yes, sir.

The Chancellor: Just ask him what he said, if you please?

Witness: He said it did not matter what Government was returned, he would support them on any good measure that was brought up for the benefit of his constituency.

Mr. Riddell: Did he say anything else that you remember? A.—Well, he got talking about this pulp-wood concession.

Q.—Did he mention Mr. Campbell's name?

Mr. Blake: I do not think there should be any suggestion, my Lord.

The Chancellor: No. You ought not to suggest.

Mr. Riddell: Very well, my Lord.

Mr. Blake: What the witness can remember, of what was said.

Mr. Riddell: Then tell us what he said as far as you remember? A.—He said he was not going down there with his hands tied behind his back, the same as A. F. Campbell had done for four years.

Q.—What else did he say? A.—Well, I could not exactly tell you the words.

Q.—Speak out. Who was A. F. Campbell? A.—He was the member for Algoma.

Q.—For how long? A.—Well, for four years, I think.

Q.—And on what side was A. F. Campbell? A.—A Conservative.

(1715)

Q.—Was he in the Opposition? A.—Yes.

The Chancellor: That is in the Ontario House? A.—Yes, sir, he ran against R. A. Lyon.

Mr. Riddell: Do you recollect anything else at the meeting which bears on this inquiry? A.—Well, no more than that he got about 40 votes through that—forty Liberal votes.

The Chancellor: Through what? A.—Through the way he spoke.

Mr. Riddell: Speak out.

Witness: Through the way he had spoke at his meeting.

Q.—He got about 40 Liberal votes. Did you see him, then, after the meeting? A.—Yes, sir.

Mr. Blake: How can this witness possibly know, my Lord, the facts he is now pretending to depose to? He said he got 40 Liberal votes.

The Chancellor: He could know about his speeches.

The Chief Justice: But he could not know about the votes.

Mr. Riddell: He could not know about the fact.

The Chief Justice: It would be a violation of the ballots, or merely hearsay.

Mr. Blake: I think that should be struck out, my Lord.

Mr. Riddell: How do you judge that?

Mr. Blake: It is not a question of judging.

Mr. Riddell: I have a right, surely, to ask him how he knows.

The Chancellor: He may have conversed with people who told him that. That would not prove it.

Mr. Blake: That is hearsay evidence.

(1716)

Mr. Riddell: That is not what I am directing the examination to.

Mr. Blake: I object.

The Chancellor: I suppose that would be hearsay. You will have to get some people who voted on the strength of it.

Mr. Riddell: I will not ask him what people told him.

The Chief Justice: It is better to hear Mr. Riddell's question, and direct the witness not to answer until we hear what it is.

The Chancellor: He got about forty Liberal votes through the way he spoke. That had better be struck out as evidence, and you can get what he knows of his own knowledge, but not in that wholesale way.

Mr. Riddell: From what is it that you make the statement you gave us a short time ago? Let us hear what it is? A.—At the last election there was 7 of a majority the other way, and he got 43 of a majority.

Q.—That is how you judge, A.—Yes. Mr. Blake: I object to this as evidence of the fact.

The Chancellor: It is admissible. The

value of it is another thing. At the last election there was seven the other way, and this time there was what?

Witness: About 40.

Q.—Above 40? A.—Yes.

Mr. Riddell: Then, after the meeting did you see Mr. Gamey? A.—Yes, sir.

Q.—And who was with you? A.—John Galbraith.

Q.—Where? A.—He was in the hotel.

(1717)

Q.—Did Mr. Gamey say anything to you and Mr. Galbraith? A.—Yes, sir.

Q.—What was it he said? A.—Well, he said he was not going down there with his hands tied behind his back, that he was going to support the Government that would be returned to power, in any good measure that was brought up for the benefit of his constituency.

Q.—On any good measure that was brought up? A.—Yes.

Q.—Then did you see him again afterwards? A.—Not until on in February.

Q.—In February. And when was that?

The Chancellor: February of this year? A.—Yes.

Mr. Riddell: What time in February, do you remember? A.—About the 14th February.

Q.—And tell me the conversation which you had with him, if you had any conversation? A.—Well, I was in the hotel.

The Chancellor: Where was this? Providence Bay? A.—Yes, sir. I was in the hotel there, and he came over home—him and Mrs. Gamey had driven over.

Mr. Riddell: Never mind the particulars. Tell us what was said between you? Well, we got talking about this report that had come out in The Globe, and I said to him, well, I said, there are some of them says—some of your party say you got \$5,000, and some say you got \$15,000, and some say you got \$27,000 and the promise of McGregor Island. Well, he says, it is just this way, I never got a dollar or the promise of anything. Well, I says you are not going to be fool enough to resign because McGregor and a few of them in Gore Bay ask you, it was not they who elected you. He says, no, it was the people.

(1718)

Q.—What else did he say about how he was elected, if anything? A.—Well, he said if he was elected he was not going down there with his hands tied behind his back, and I asked him then how it would be for getting some money on the road up there. He said he had put in for \$5,500, and he had got the promise of it. I said, we want \$500 on

the Tenth Concession of Carnarvon.

(1719)

He said he had put in for \$5,500, and he had got the promise of it. I said, we want \$500 on the 10th concession of Carnarvon to open the old road down to Miner's Bay, and it would open up about four or five thousand acres of good tillable land, and he took a little book out of his pocket like that, and he took a memorandum of it in the book. He says you will get that. You may not get it all this year, but you will get part of it, and part of it next year.

Q.—Have you told us all that was said about McGregor Island? A.—That is all I know about it.

Q.—That is all you recollect? A.—That is all I remember.

Q.—Then have you told us all that was said about Mr. McGregor? A.—That was all the conversation.

Q.—What was that he said about McGregor? Let me see if I have got it? A.—He said this way. I says you are not going to be fool enough to resign, because McGregor and a few of them in Gore Bay ask you to, it was not them that elected you. He said no, I am not going to resign, but I am not going to tell that at the meeting—at the committee.

Q.—How long was this before the meeting? A.—I think the meeting was on the 16th.

Q.—And this was on the 14th? A.—Yes.

Cross-examined by Mr. Ritchie:—

Q.—What is your business? A.—My business now—I am in the hotel business.

Q.—You are a hotel-keeper? A.—Yes, now.

Q.—And you were present at a meeting in May of last year at the school-house in Providence Bay? A.—Yes, sir.

(1720)

Q.—How many present at that meeting? A.—Probably 200. There might have been 200.

Q.—There might have been only twenty? A.—There was more than that.

Q.—Will you swear there were more than twenty? A.—Yes, sir.

Q.—Will you swear there were fifty? A.—Yes, sir.

Q.—You will swear there were fifty What business were you in at that time? A.—Taking out timber in the woods.

Q.—That is before you started hotel-keeping? A.—Yes, sir.

Q.—And what he said at that meeting I suppose was said publicly? A.—Yes, sir.

Q.—Every person present at the meeting heard it. Can you give us the names of any persons of prominence who were at that meeting? A.—Nearly all of Carnarvon was there.

Q.—It was a meeting called in the interests of Mr. Gamey? A.—Yes, sir.

Q.—And you know that Gamey was the Conservative candidate? A.—Yes, sir.

Q.—And that Mr. Fraser was the Reform candidate? A.—Yes, sir.

Q.—So that you knew that their positions were then defined? One was the Conservative candidate, and the other the Reform candidate, and there was also a Socialist in the field? A.—Yes, sir.

Q.—And this was a meeting that Mr. Gamey called of his Conservative friends? A.—Yes, sir.

Q.—And you happened to be present at that meeting? A.—Yes, sir.

Q.—Are you a Conservative? A.—No, sir, I am not.

Q.—Were you induced by anything that Mr. Gamey said at that meeting to vote for him? A.—No.

(1721)

Q.—You did not vote for him? A.—I did not.

Q.—You did not vote for him? A.—No, I did not.

Q.—And what he said publicly at that meeting was that he would support any good measure, no matter what Government proposed it? A.—Yes.

Q.—And I suppose you have often heard that kind of thing said on the platform, have you not, by men on both sides of politics? A.—No, I do not know as I ever did before.

Q.—Perhaps you do not attend many political meetings? A.—I attend quite a few of them.

Q.—In that district only? A.—Yes, sir.

Q.—And did you think there was anything wrong in Mr. Gamey supporting a good measure, no matter from what side it emanated? A.—No, I did not.

Q.—I suppose he was to be the judge himself of what were good and what were not good measures? A.—I do not know anything about that.

Q.—But that is what you inferred? A.—Yes.

Q.—If he was going to Parliament, he was going there to exercise his judgment, wasn't he? A.—I do not know that.

Q.—You understood that, did you not? A.—Of course I do not know whether he would be the judge.

Q.—Come, now. Do you mean to say you did not understand he was going there to exercise his judgment? A.—I thought if there was a good measure brought up—

Q.—That he would support it, and I suppose you would expect a Liberal to support a good measure even if it were brought up by a Conservative Government? A.—Well, I do not know.

(1722)

Q.—That is not your kind of politics to support good measures. You would vote against a measure, whether it was good or not? A.—No, I would not.

Q.—If proposed by a Tory Government? A.—No.

Q.—Then you did not think there was anything strange in Mr. Gamey publicly announcing he would support a good measure no matter which side might propose it? A.—Yes, I think that was very strange of him.

Q.—If a Liberal had done that, would you have thought that strange? A.—I would.

Q.—And you are judging Mr. Gamey by what you think as a Liberal? Is that it? A.—I beg your pardon.

Q.—You were judging Mr. Gamey by what you think as a Liberal you would likely do? What is your idea of politics? If a man is elected as a Conservative should he support measures coming from the Conservative side, whether good or bad? A.—I do not understand that question.

Q.—Perhaps I will put it better. I will put it the other way. As a Liberal, would you expect a Liberal who was elected to support all measures proposed by a Liberal Government, whether good or bad? A.—No, I would not.

Q.—And you would not think a Conservative should do it either? A.—Certainly not.

Q.—So that there was apparently nothing wrong in his suggesting that he would support good measures, no matter from which side they emanated? Now was there anything else said at that meeting beyond that? A.—Oh, there was lots said.

Q.—But I am speaking of what he was going to do. He was

(1723)

speaking of politics generally, I suppose? A.—Yes.

Q.—Were there any other speakers at that meeting? A.—Well, there were other speakers there.

Q.—All Conservatives? A.—Yes, sir.

Q.—A Conservative meeting? A.—Yes, sir.

Q.—Now give us the names of some prominent people who were there? A.—There was Sinclair—Sam Sinclair.

Q.—What is he? A.—Well he keeps a temperance house there.

Q.—I see. The hotelkeepers are the prominent men. You do not keep a temperance house? A.—No.

Q.—Can you give us anybody else? A.—Storekeepers were there—the Muchmores, and Berrys.

Q.—At all events it was a Conservative gathering? A.—Yes, sir.

Q.—And Mr. Gamey at that meeting roundly denounced the policy of the present Government, did he not? A.—He did in this pulp concession.

Q.—And in other matters too? A.—And in the mining matter.

Q.—In the pulpwood matter, and the mining matter, he roundly denounced the Ross Government. And everything that was said was said in denunciation of the policy of the Ross Government, was it not? A.—Well, it might have been.

Q.—Wasn't it as a matter of fact? A.—Yes.

Q.—So that he was appealing as a Conservative to put out the Ross Government? A.—He was appealing that way, that he wanted the people's support.

Q.—As a Conservative, to Conservative friends, to put out the Ross Government? A.—He was appealing to the Conservatives and Liberals just as well.

(1724.)

Q.—But the object was to put out the Ross Government, was it not? That was the purport of his talk, and that was the purport of the talk of all the men who spoke at that meeting, was it not? A.—Yes.

Q.—Then you did not agree with him? A.—No.

Q.—In the annunciation of his policy? A.—No, I did not.

Q.—It was directly opposed to your views as a Liberal? A.—Yes, sir.

Q.—Directly opposed to your views as a Liberal. Now, when did you hear anything about \$5,000 and \$15,000, and about McGregor Island? A.—It was after this report came out in The Globe.

Q.—You saw him then? A.—Yes, afterwards on the 14th February—not until then.

Q.—And you thought he had gone around to the Government side at that time, did you not? A.—I did not know whether to believe it or not.

Q.—You did not know whether to believe it or not? Why? A.—Well—

Q.—Was it because you could scarcely conceive a man being elected as a Conservative turning around to the other side? A.—His own people—up there—his friends—it was they that reported this.

Q.—What? A.—It was his friends up there—his supporters that reported this report about him getting this \$5,000, and \$15,000, and \$27,000.

(1725)

Q.—That is not answering my question. You say you saw The Globe interview? A.—No, I did not see it.

Q.—You heard of it? A.—Yes, sir.

Q.—And you did not know whether to believe the statement contained in it or not? A.—No, I did not.

Q.—You could scarcely believe it credible that a man who had been elected as a Conservative would turn over and support the Liberal party? You could scarcely believe that? A.—Well, I could not hardly believe it.

Q.—You knew he had been elected as a Conservative? A.—Yes.

Q.—And you could scarcely believe it possible that he turned over to the Government side—you could scarcely believe that possible? A.—No, I could not hardly believe it.

Q.—So that notwithstanding you heard what was contained in The Globe interview, you still doubted whether he had gone over to the Government? A.—I still doubted.

Q.—You would have been very pleased to be assured he had gone to the Government? A.—Well, that would be all right.

Q.—He would have been a white-haired boy then? A.—I do not know.

Q.—And did you bring up the question with him at this meeting on the 14th February? A.—Yes, sir, he came over to my place.

Q.—And you were very anxious to stiffen his back up so that he would not resign? A.—Well, I did not want him to resign.

Q.—But if he had been going to support the Conservative party you would have been very glad to have seen him resign? A.—No, not as a man.

Q.—Why not? Didn't you want to see the Ross Government continued in power? A.—Certainly I did.

(1726)

Q.—And then you wanted to stiffen his back up so that he would not go back on The Globe interview? A.—Well—

Q.—Wasn't that so—that you wanted to stiffen his back up so that he could not go back on The Globe interview? A.—Certainly, I did not want him to resign.

Q.—But you still wanted him to support the Ross Government? A.—Yes, sir.

Q.—And you urged him not to resign? A.—Yes, sir.

Q.—And you told him not to be led by McGregor and his so-called Conservative friends? A.—Yes.

Q.—At this time had you heard any—

thing about the \$5,000 and the \$15,000? A.—Yes.

Q.—And did you open the discussion on that subject? A.—I did.

Q.—Tell us what it was you said to him? A.—I said some of his friends here said he had got \$5,000, and some said he had got \$15,000 and some \$27,000 and the promise of McGregor Island.

Q.—And you thought probably he had? A.—I did not know whether he had or not.

Q.—But you thought probably he had? You thought it would take a pretty strong inducement for a man who was elected on one side to desert that side and go to the other, and it naturally occurred to you that probably he got the money? A.—No, I did not think he had got it.

Q.—What did you think he had got? A.—Because when I spoke to him that day he said he never got a dollar or the promise of a dollar.

Q.—What did he say about McGregor Island? A.—That was all that was said about it.

(1727)

Q.—Then you concluded of course that he was in the confidence of the Government? A.—Well, I thought he was.

Q.—And that he was on the Government side, and thinking he was on the Government side you wanted to get some favors from the Government? A.—We wanted to get some money on this road.

Q.—\$500 for the purpose of fixing up some road? A.—Yes, sir.

Q.—And you applied to him to further your interests in that regard? A.—Yes.

Q.—And you thought he had the patronage of the constituency by reason of his promise to support the Government? A.—No, I did not.

Q.—You say he took out his note book and put it down? A.—Yes.

Q.—And said in a sort of authoritative way, you will get that, you may not get the whole of it, but you will get most of it this year, and part of it next? A.—Yes.

Q.—And he spoke to you as one who had apparently had the patronage? A.—Yes.

Q.—That will do.

Re-examined by Mr. Riddell:

Q.—At this meeting were they all Conservatives who were there? A.—No.

Q.—I wish you would speak louder. You can speak louder than that I am sure. Then you have told my learned friend that the purport of the talk was to put out the Ross Government. If the Ross Government were not put out,

what did he say about that? A.—He said he would support any Government that was sustained.

(1728)

Q.—Who was it reported he had been paid? Who was telling all around he had been paid? A.—There was William Kennedy at Providence Bay, and

Q.—Were they Liberals or Conservatives? A.—Conservatives.

Q.—And why was it you thought he was on the Government side? A.—Well, he told me when the estimates were brought down—he said that they brought the estimates down at the Walker House.

Q.—And was it from what he told you himself that you thought he was on the Government side? A.—Yes.

Q.—You can go on with what you were saying when I interrupted you? A.—He said just like this to me. He says I saw I was up against it when they brought the estimates down for money for roads and bridges, and he says, I just had to jump at it and put in for \$5,500 for my constituency.

Q.—When was it you first heard he was on the Government side? A.—Well, I do not know exactly the time.

Q.—Was it before or after The Globe interview? After The Globe interview.

Q.—And when was it that you first heard talk about him having been paid? A.—Well, they got it here then at Providence Bay—the Conservative party got it up then.

Q.—Was it after The Globe interview? A.—After The Globe interview.

Mr. Ritchie: Did I understand you to pledge your oath to my learned friend that he said at that public meeting that he would support any Government that was sustained? A.—Any Government that was sustained on any good measure they would bring.

(1729)

Q.—You qualify that. What he said was he would support any good measure no matter what Government proposed it? A.—That is what I said.

Q.—My learned friend got you apparently to answer that he would support any Government that was sustained. He did not say that? A.—Any Government that was sustained, with any good measure that was brought in.

Q.—In other words, he said he would support any good measure proposed by any Government. That will do.

William John Berry, sworn. Examined by Mr. Riddell:

Where do you live? A.—Providence Bay.

Q.—And we have heard that is on Manitoulin Island? A.—The south side of the Manitoulin Island.

Q.—And your business? A.—Contractor and builder.

Q.—Were you at Gamey's meeting at Providence Bay? A.—Yes, sir.

Q.—Is that the same meeting that the last witness spoke of? A.—Yes, sir.

Q.—Then did you hear his speech? A.—Yes, sir.

Q.—I suppose you could not favor us with the whole of it? A.—Not all of it.

Q.—Some parts of it you remember? A.—I remember pretty distinctly a lot of it—quite distinctly.

Q.—Please tell us those parts which you remember which relate to this matter of course? A.—Gamey—he opened out—it was in opposition to the Government, of course. He criticized our Government, and he criticized the mining laws and the pulp laws.

(1730)

Q.—Tell us what bears upon this inquiry, if you please? A.—And he said should he be elected he would support either Government, but he intimated that he never thought the Liberals would be elected.

Q.—But he would support either Government? A.—He would support either Government.

Q.—What did he say about that? Tell me as nearly as possible his words? A.—Well, he said he would support any Government in power.

Q.—Any Government in power. How long were you at the meeting? A.—I was at the biggest part of it.

Q.—Can you tell me of any others who were there? A.—Well, I could mention several.

Q.—Was Sylvester Berry there? A.—Yes, I can mention a lot of people, of course.

Q.—You can mention some people who are here that were there? Are there any people here that you know of who were at that meeting? A.—Samuel Sinclair. I do not know who all are here.

Q.—Was John Galbraith there, do you know, or do you remember? A.—I do not remember.

Q.—Do you remember seen Neil MacDougall there? Do you know him? A.—I know him, but I do not remember. I remember the place was crowded. The building is small.

Q.—Where was the meeting held? A.—In the school-house at Providence Bay.

Q.—Can you tell me how long that was before the ballots were cast? A.—No, I could not tell.

(1731)

Q.—It was before the election? A.—It was before the election.

Q.—Before the ballots were cast? A.—Yes, but I could not tell how long. I think it was in May some time.

Q.—That will be sufficient; that is all.

Cross-examined by Mr. Ritchie:

Q.—What is your business? Contractor? A.—I am a contractor and builder.

Q.—And I suppose you knew there was a Reform candidate in the field? A.—Yes, sir.

Q.—Regularly nominated by a convention? A.—Yes, sir.

Q.—Of Reformers? A.—Yes, sir.

Q.—You knew that Mr. Gamey was in the field as a Conservative? A.—Yes, sir.

Q.—Nominated by a Conservative convention? A.—I suppose so.

Q.—And that there was also an Independent candidate in the field? A.—Liberal independent, you mean?

Q.—I do not know whether you call him a Liberal independent. I do not know what a Liberal independent is. I generally class them as Liberals? A.—Well, there was a Liberal candidate in the field.

Q.—The Liberal candidate was Mr. Fraser? A.—Yes, sir.

Q.—The regular nominated candidate was Mr. Fraser? A.—Yes, sir.

Q.—And there was a gentleman who ran as an Independent—whether Liberal or not does not make any difference. Now

(1732)

then the meeting you speak of was one called in the Conservative interests? A.—Yes, sir; as I suppose.

Q.—By Mr. Gamey? A.—I suppose it was Conservative.

Q.—And the only persons who spoke at that meeting were Conservatives—that is, publicity? A.—Yes, sir; Conservatives.

Q.—Who spoke from the platform? They were all Conservatives? And the object of that meeting was to further the interests of the Conservative candidate? A.—The interests of Manitoulin, we understood.

Q.—It was to further the interests of Mr. Gamey, was it not? A.—Well, in the interests of Manitoulin, I suppose.

Q.—Was it to further the interests of Mr. Gamey? A.—Well, I suppose the meeting was probably—probably.

Q.—Why didn't you say that frankly at first. And how long did you remain there? A.—I remained there the biggest part of the meeting. I did not get there when the meeting began.

Q.—You heard the Ross Government roundly denounced? A.—Yes, sir.

Q.—Both by Mr. Gamey and all the other speakers? A.—Mr. Gamey was the main speaker.

Q.—But he and all the others roundly denounced the Ross Government? A.—Surely.

Q.—And claimed that they should be ousted from power? A.—Yes, sir.

Q.—And that the Conservatives should be elected? A.—Yes, sir.

Q.—And he appealed to them as Conservatives to elect him? A.—He appealed to all of them.

Q.—He appealed to them as Conservatives to turn out the Ross Government? A.—Yes, sir.

(1733)

Q.—That was the appeal he made there then. And the mining laws of the Ross Government were denounced? A.—Yes, sir.

Q.—Pulp policy denounced? A.—Yes, sir.

Q.—And the timber policy denounced? A.—Yes, all policies.

Q.—A general denunciation of the whole Government? A.—Yes, all the Ross Government.

Q.—And I suppose the cry was, turn out that Government? A.—Yes, sir.

Q.—And that was the speech of Mr. Gamey and those who supported him there? Are you a Conservative? A.—No, sir.

Q.—He did not persuade you by anything he said at that meeting to vote for him? A.—Well, by—

Q.—You are not sure how you voted? A.—I know I voted.

Q.—Did you vote for Mr. Gamey? A.—Most decidedly I did not.

Q.—Most decidedly you did not. Then you were not persuaded by anything that happened at that meeting? A.—I was not persuaded. I was not carried away by chaff.

Q.—What did you say? A.—I was not carried away by wind.

Q.—You were not carried away by wind. You heard what the last witness said, that he would support any good measure, no matter from which side it emanated? A.—I heard him say that.

Q.—He did not say he was going to support the Ross Government, did he? A.—He said he would support any Government in power.

(1734)

Q.—That he would support good measures of any Government in power? There are a great many men

that do that. Tell us the truth. Do you want the Commissioners to believe that this man who was denouncing the Ross Government, who was a candidate running as a Conservative—that he said at that meeting he would support which ever party might be elected to power? A.—That is what he said.

Q.—Without qualification? A.—That is what he gave us to believe.

Q.—Did he say that without qualification?

Mr. Riddell: Let him answer the question.

Witness: He said he would support either Government in power.

Mr. Ritchie: Without qualification? A.—I do not know what his qualifications were.

Q.—The qualification given by the last witness was that he would support any good measure that might be proposed by either party? Wasn't that what he said? A.—Well, he said he would support any good measure the Government would fetch up.

Q.—I see. Although he was a Conservative? A.—Well, he would support any good measure.

Q.—Although he was a Conservative, he would do that? Good measures that might come from the Ross Government he would support if they were in power? A.—Yes, but he would support either Government in power.

Q.—Be honest, because there are a great many people here who can tell us what happened. You said a moment ago that he said he would sup-

(1735)

port any good measure that might be proposed by either party? Is that right? A.—He would support any good measure, perhaps.

Q.—He did qualify it in that way? A.—Yes.

Q.—And you knew at that very time that he was urging those who heard him to vote for him so as to turn out the Ross Government? A.—Yes, I believe that influenced the vote.

Mr. Riddell: Let us understand that. Were there Liberals as well as Conservatives at that meeting? A.—Yes, sir.

Q.—And you have told my learned friend once, at all events, that he said he would support good measures produced or brought forward by any Government? A.—Yes, sir.

Q.—And you told me he said he would support either Government. Were both these statements made? A.—He said he would support any Government in power, and then he

said afterwards he would support any good measures.

Q.—Both these statements. Then did he state why he would support any Government in power?

Mr. Ritchie: Is my learned friend going into re-examination on new matter?

Mr. Riddell: Did he tell the meeting why he would support either Government in power? Did he give his reasons for doing so? A.—Well, for the best interests of Manitoulin Island.

Q.—Did he say anything more? Did he say what would happen if the Ross Government were not turned out?

Mr. Ritchie: Surely this is leading the witness.

The Chancellor: Yes, I think it is better not to follow that up. That (1736)

was not asked before. You should have asked that in chief.

(1736)

Mr. Riddell: You have said he made an appeal to elect him to turn the Ross Government out? A.—Yes, sir.

Q.—Was there anything further said as to that? A.—Well, there were lots of things said, but I cannot—

Q.—Suppose the Ross Government were not turned out, was there anything said about that?

Mr. Ritchie: Surely this is leading.

Mr. Blake: Trying to argue with the witness.

The Chancellor: He does not seem to remember.

Mr. Riddell: Do you remember that? A.—I cannot remember, maybe, the leading—

Q.—What is that? A.—I cannot remember all leading to it, maybe, that he said.

Q.—At all events, you have told us what you do remember? A.—Yes.

Samuel Sinclair, sworn. Examined by Mr. Riddell:

Q.—Where do you live? A.—Manitoulin Island.

Q.—What part of Manitoulin Island? A.—Providence Bay.

Q.—Then were you at that meeting the other witnesses have been telling us of? A.—Yes, sir.

Q.—Did you hear Mr. Gamey speak? A.—I did.

Q.—What were your politics? A.—Well, I am a Grit.

Q.—Then, in consequence of Mr. Gamey's speech how did you vote? A.—Well, I voted for Mr. Gamey, but I do not know as it was entirely on account of any speech.

(1737)

The Chancellor: Not entirely on ac-

count of his speech?

Witness: Not entirely.

Mr. Riddell: Was it on account of his speech partly? A.—It influenced some, surely.

Q.—Then what part of his speech was it influenced you to vote for him? A.—He said he would support any good measure that was brought up by the Government, and I thought if it was possible to put him down here he might help us as well as anyone else.

Cross-examined by Mr. Ritchie:

Q.—Where does Mr. Gamey live? A.—Long Bay, on Manitoulin Island.

Q.—How near is that to Providence Bay? A.—About 15 or 16 miles.

Q.—But you would call that Mr. Gamey's own district there? A.—Yes, sir.

Q.—Providence Bay. And I understand that Mr. Gamey was very popular in that district? A.—Well, he was pretty well known.

Q.—He was personally liked, I mean? A.—Well, some liked him, and some didn't, as well as the other man.

Q.—But he had a great many personal friends there? A.—I suppose he had.

Q.—And you voted for him on personal grounds? A.—Not entirely on personal grounds.

Q.—But largely so, as you and he were very friendly? A.—Not so particularly friendly. I had thought he was a pretty decent sort of fellow.

(1738)

Q.—And you liked him, did you not? A.—I was in no great love with him—no.

Q.—But you did like him? A.—I liked him as well as any other neighbor, but to like him, I did not think such a terrible lot of him.

Q.—But, at all events, you would rather vote for a neighbor than a man who was not a neighbor?

Mr. McEvoy: He said he was sixteen miles away.

Mr. Ritchie: I know what he said.

Q.—You would like him as a neighbor better than some person whom you did not know at all as a neighbor? A.—Yes, sir.

Q.—And you would call him a neighbor? A.—No.

Q.—In a country district? A.—No, I would not call him a neighbor.

Q.—Wouldn't you call a man a neighbor who was living within eight or eleven miles? A.—I said fifteen miles.

Q.—Wouldn't you call even that a neighbor? A.—No.

Q.—You knew him well? A.—Well—

Q.—Did you know the other man? A.—I knew Mr. Gamey.

Q.—Did you know Fraser? A.—Yes, sir.

Q.—But you were better acquainted with Mr. Gamey? A.—Yes, sir.

Q.—And that influenced you some, no doubt, in your determination to vote for him, did it not? A.—Yes, sir.

Q.—It did. Now let us see what happened at this meeting. It was a Conservative meeting, was it not? A.—Yes, sir.

Q.—Called in the Conservative interests? A.—Yes, sir.

Q.—You knew that Mr. Fraser was the Liberal candidate? A.—Yes, sir.

Q.—And you knew that Mr. Gamey was the Conservative candidate? A.—Certainly.

Q.—Nominated by a Conservative convention? A.—Yes, sir.

(1739)

Q.—And you knew that he intended to go to Toronto if elected to turn out the Ross Government if he could? A.—That was his policy.

Q.—That was the policy he announced at this meeting, was it not? A.—Yes, sir.

Q.—He denounced the timber policy of the Government, the pulp policy and the mining policy, did he not? A.—The whole business.

Q.—A wholesale denunciation of the Ross Government? A.—Yes, sir.

Q.—Both by him, and all the speakers at that meeting? I suppose you know if the Conservative party got in power he was going to support that party? A.—Well, we supposed he was—yes.

Q.—And you never dreamt he was going to turn Grit when he came to Toronto, did you? A.—Well—

Q.—I am speaking at that time? A.—I did not think anything about him turning Grit.

Q.—You had no reason to suppose that he would? A.—I did not think anything about him turning Grit.

Q.—You had no reason to suppose that he would? A.—Well—

Q.—From anything he said? A.—No, he said he would support these good measures, and I thought he would do so.

Q.—Wouldn't you expect any good Liberal to support good measures proposed by the Conservatives sometimes? A.—I would suppose they would, but very often they do not.

Q.—That will do.

(1740)

Re-examined by Mr. Riddell:

Q.—Is Mr. Fraser also a neighbor? A.—Yes, sir.

Q.—My learned friend has been talking about a Conservative meeting. These

meetings which are held in the country, are they attended by people of both parties? A.—Yes, sir.

Q.—What about this meeting? A.—Well, it was a Conservative meeting and attended by both classes—by both parties.

Q.—Then you have told my learned friend that his policy was to turn out the Ross Government if he could. Was anything said as to what would happen if he could not turn out the Ross Government? A.—He would support any good measure that was brought in by the Government.

Mr. Ritchie: One question, with your Lordship's permission. Mr. Campbell was the previous member? A.—Yes, sir.

Q.—And he was a Conservative? A.—I do not know what he was.

Q.—What? A.—I do not know what he was.

Q.—Did you vote for him? A.—No, I did not.

Q.—Who was the Liberal candidate? A.—I do not mind that.

Q.—Farewell? A.—I think it was.

Q.—And he did not live in the district? A.—No.

Q.—Campbell did? A.—No. I don't think he did. I do not know where he lived. I do not know whether he did or not.

Q.—Didn't he live on the island? A.—No.

Q.—Where did he live? A.—I do not know where he lived.

Q.—But at all events, Mr. Farewell lived where? A.—At the Sault.

Q.—Not in the constituency at all? A.—Yes, he was in the constituency.

(1741)

Q.—But not on the island? A.—No, not on the island.

Laughlin McDougall, sworn. Examined by Mr. Riddell:

Q.—Where do you live? A.—Manitoulin Island.

Q.—And what part of Manitoulin Island? A.—Township of Gordon.

Q.—And do you know Mr. Gamey? A.—Well, I know him—not much acquainted with the man.

Q.—Was he at your place? A.—Yes, sir.

Q.—And when was that? A.—Well, about a week or some weeks before the election.

Q.—There had been other people at your place the same day? A.—Yes, sir.

Q.—Then, did you talk to Mr. Gamey or did Mr. Gamey talk to you? A.—Well, he talked—yes—he talked to me.

Q.—And what did he say to you? A.—He said that he was paying his own way through his campaign.

Q.—And what else did he say? A.—And that he had been more of a—

The Chancellor: Go on. A.—I just forget.

Mr. Riddell: Was he talking about his politics?

Mr. Blake: That is not right.

Mr. Ritchie: Let the witness answer.

Witness: Yes, he was talking about his politics.

Mr. Riddell: We will have a whole chorus when I ask questions.

Witness: He was more independent than a party man.

Mr. Riddell: What is that? A.—That he was more of an independent than a

(1742)

party man.

Mr. Riddell: What is that? A.—That he was more of an independent than a party man.

Q.—More of an independent than a party man? A.—Yes.

Q.—Well, what else did he say? Did he say how he had been brought out, or anything of that kind?

Mr. Ritchie: That is objected to.

The Chancellor: Ask him what he said.

Mr. Riddell: Tell us what he said to you.

The Chancellor: He was asking you for your vote, was he? A.—The man did not say.

Mr. Riddell: Please tell me again, as nearly as you can, all that was said to you? A.—Well, he said just that he was going to pay his own way through his campaign, and that he was coming out as an independent more than as a party man.

Q.—Do you remember anything else that he said? A.—No, I do not remember anything else.

Q.—Do you attend any of the political meetings? A.—No, sir.

Q.—Did you attend any committee meetings, or anything of that kind? A.—No, sir.

Q.—You have told us all you recollect of what he said? A.—Yes, sir.

The Chancellor: How far was he away from Providence Bay? Do you know where that is? A.—I could not just say.

Q.—Twenty miles? A.—It is over twenty miles.

Cross-examined by Mr. Ritchie:

Q.—How far did you live from Providence Bay? A.—I did not catch what

(1743)

you said.

The Chancellor: He said over twenty miles.

Mr. Ritchie: And you had not personally known Mr. Gamey before this visit? A.—Well, I have seen him. I know him by sight.

Q.—But you had no interviews with him before that? A.—No.

Q.—And did he go out to your place to see you? A.—Yes, sir.

Q.—You are a farmer? A.—Yes, sir.

Q.—And did he go to canvass your vote? A.—Well, he did not say.

Q.—You suppose that is what he was there for? A.—Yes, sir.

Q.—Did he discuss the question of the mining policy of the Government with you? A.—No, sir.

Q.—Or the pulp policy, or the timber policy? A.—Not that I remember.

Q.—How long was he with you? A.—Him and the other party was quite a while.

Q.—Who was with him? A.—Theodore Masten, at Gore Bay.

Q.—Theodore Masten, of Gore Bay? A.—Yes, sir.

Q.—Did Mr. Masten ask you to vote for him? A.—No, sir.

Q.—So that while you thought he was canvassing your vote, or went for that purpose, he did not ask you to? A.—No.

Q.—Did you know who nominated him? On which side he was nominated? A.—Mr. Gamey?

Q.—Yes. A.—Yes.

Q.—Which side? A.—The Conservative side.

Q.—And you knew he was running as a Conservative

(1744)

candidate? A.—Yes, sir.

Q.—And you knew that Fraser was nominated on the Liberal side? A.—Yes, sir.

Q.—And you knew that Fraser would support—announced that he would support—the Ross Government if he was returned? A.—Yes, sir.

Q.—And you knew that Mr. Gamey was pledged to turn out the Ross Government if he was returned? A.—Well, that was—

Q.—That was what you understood? A.—Yes, sir.

Q.—So that you understood him to be a Conservative? A.—Yes.

Q.—You understood him to be a Conservative, and you understood, he was running upon the Conservatives ticket? A.—Yes, sir, I understood that.

Q.—What is that? A.—I did.

Q.—And you also knew that he would turn out the Ross Government if he could? That was his intention? A.—Yes.

Q.—That was his intention, to turn out the Ross Government if he was returned. Have you any strong political leanings yourself? A.—No.

Q.—You have not? Are you a Reformer, or a Conservative, as a rule? A.—Well, Reform as a rule.

Re-examined by Mr. Riddell:

Q.—From whom did you understand

he was a Conservative? How did you understand he was a Conservative? A.—He said he had been coming out as a Conservative.

Q.—When did he tell you that? A. That day.

Q.—And in what connection? What did he say? In what connection was that

(1745)

said? What was said at the same time, or about the same time? A.—At the time, he said that.

Q.—Yes. A.—Well, he said he was coming out for that, but he was going to pay his own way through this campaign, and he would be more of a Liberal than—

Q.—An independent? A.—More of an independent than a party man.

Q.—It was in that connection he said that? A.—Yes.

Malcolm McDougall, sworn. Examined by Mr. Riddell:

Q.—You are Malcolm McDougall? A.—Yes, sir.

Q.—And you live on Manitoulin Island? A.—Yes, sir.

Q.—What relation are you to the last witness? A.—I am his son.

Q.—Then, you know Mr. Gamey? A. Well, I know him to see him.

Q.—Was he at your place during the last election? A.—Yes, sir.

Q.—Who had been there the same day? A.—Well, Mr. Ed. Jackson had been there.

Q.—Who were they supporters of? A.—They were supporters for the Socialists, as I understood.

Q.—That is Mr. McMillan? A.—Yes, sir.

Q.—We will not go into anything that was said by them. Did you hear Mr. Gamey say anything? A.—Well, yes; I heard him.

Q.—Tell me as nearly as you can what he did say? A.—Well, I heard him say he was brought out as a Conservative,

(1746)

but he was paying his own way, and he was going in more as an independent than a party man.

Q.—To whom did he say that? A.—Well, I could not say. We were there when he said that. I was there when he said it. I could not say who he said it to.

Q.—Who else was there besides yourself? A.—My father and my brother, Laughlin McDougall.

Q.—Is he here to-day? A.—Yes, sir.

Q.—Were you all voters—you three? Were the three of you voters—your father, your brother, and yourself? A.—No, sir; my brother was not a voter.

Q.—You were a voter? A.—Yes, sir.

Q.—And your father. Can you tell me exactly how long that was before the ballots were cast? A.—I could not.

Q.—About how long? A.—It was not more than two weeks.

Q.—That is when the campaign was on, at all events? A.—Yes.

Cross-examined by Mr. Ritchie:

Q.—Did anyone see you on behalf of Mr. Fraser, the Liberal candidate? A.—No, sir.

Q.—You knew that Mr. Gamey was the Conservative candidate? A.—Yes, sir.

Q.—Brought out by a convention of Conservatives? A.—Yes, sir.

Q.—And he himself told you he was a Conservative when he met you? A.—Yes, sir.

Q.—He told you he was a Conservative? A.—He told me he was brought out as a Conservative.

(1747)

Q.—And that he was running on the Conservative ticket? A.—Well, I do not remember all he said then.

Q.—Although he was paying his own expenses? A.—Well, he said he was paying his own expenses.

Q.—And did he say at that time that if elected that he would support any good measures that might be brought forward by either Government? Was that the purport of his conversation? A.—Yes, I think that was.

Q.—That he would support any good measures, no matter which party presented them, but, at the same time, he led you to believe he was running as a Conservative? A.—Well, he had said he was brought out as a Conservative.

Q.—Although he did say he would support any good measure that might be proposed by either party? A.—Yes.

Q.—You knew that he was opposed to the Ross Government—that that was his platform—his platform was opposition to the Ross Government? A.—Well, yes.

Q.—You knew that, and you knew that, from what appeared in the newspapers, I suppose, and from what happened on the public platform? A.—Well, I understood by—

Q.—That was generally understood, was it not? A.—Yes, sir.

Q.—That if elected that he would vote to turn out the Ross Government—that that was what was generally understood? A.—Yes, sir.

Q.—Have you any political faith? A. Well, I have not much.

Q.—Which side do you lean to? A.—Well, I voted Reform this time.

Q.—Did you vote as a Reformer last time? A.—This is my first vote.

(1748)

Q.—And did you put it in on the good

Liberal cause last time? A.—Yes, sir.

Q.—So that nothing that Mr. Gamey said influenced you to vote for him? A.—No, sir.

Q.—You voted against him, and voted for a Liberal, because that was your faith, and Mr. Fraser was the man who was going to support the Ross Government? A.—Yes, sir.

Q.—And that Gamey would vote to turn that Government out? A.—Yes, sir.

Q.—And you did not want the Government turned out? A.—No, sir.

Q.—That is right.

Re-examined by Mr. Riddell:—

Q.—Did I understand you to tell my learned friend that Gamey told you he was running as a Conservative? A.—He said he was out as a Conservative.

Q.—What is it exactly that he did say? A.—Well, he said he was brought out as Conservative, but he was paying his own way, and he was going to be more as an independent than a party man.

Laughlin McDougall, jr., sworn. Examined by Mr. Riddell:—

Q.—You live also in Manitoulin Island? A.—Yes.

Q.—And you are a brother to the last witness? A.—Yes, sir.

Q.—And do you know Mr. Gamey? A.—Just by sight.

Q.—Was he at your house shortly before the election? A.—Yes, sir.

(1749)

Q.—You have heard what your brother said? A.—Yes, sir.

Q.—Now, tell us what your recollection is of what Mr. Gamey said upon that occasion? A.—Well, he said he was coming out—he said he came out as a Conservative, but he was more of an independent than a party man.

Q.—Did he say anything else? A.—Well, not that I remember.

Q.—Did he give any reason for being an independent rather than a party man? A.—Well, he said he paid his own way through. He paid his own expenses.

Q.—Do you recollect anything else he said? A.—No, not that I remember.

Cross-examined by Mr. Ritchie:—

Q.—Then you knew before that, did you not, that he was nominated in the Conservative interests? A.—Yes.

(1750)

Q.—And you know that Mr. Fraser was running in the Reform interest? A.—Yes.

Q.—And he himself told you he was running as a Conservative when he came there, but that he was paying his own expenses? A.—Yes, sir.

Q.—Did he say but if he was returned he would support good measures that might be proposed by either party? A.—Well, yes.

Q.—That was the burden of what he conveyed to you, that he would support good measures, that is, he would be sufficiently independent to support good measures no matter which side might propose them? A.—Yes.

Q.—And that was the purport of the whole conversation? A.—Yes, sir.

Q.—And he led you to believe he was still a Conservative? A.—Yes.

Q.—And that if returned he would vote against the Ross Government? A.—Yes, sir.

Q.—And you knew he had been denouncing the policy of the Ross Government? A.—Yes.

Q.—So that he did not make any converts in your place? A.—No.

Sylvester Berry, sworn. Examined by Mr. Riddell:—

Q.—Where do you live? A.—Providence Bay.

Q.—And are you a relation of William J. Berry, that we had here a short time ago? A.—A brother.

Q.—Were you at that meeting at Providence Bay school house? A.—Yes, sir.

(1751)

Q.—Did you hear Mr. Gamey speak? A.—I heard a part of his speech. I was not at the whole of the meeting, but I came in just as he was talking about the Government. He was talking about timber limits when I came in.

Q.—Was he approving of the timber limits policy? A.—He said the Government was simply giving the timber away, they were only getting 25 cents an acre for it, when I came in.

Q.—Then, what did you hear him say leaving aside that? What did you hear him say that bears upon this inquiry? A.—Well, I could not state the whole of his speech, but I remember him saying that he would support the party in power.

Q.—And in what connection was that? What had he been talking about at that time? Now, what did he talk about afterwards? A.—He says, he would not be like Mr. Campbell, he was not coming down here to be a figurehead for the Government. Of course, we all knew that Mr. Campbell came down here, and he just racketted with the Government for the whole time he was down here—four years.

Q.—With the Government?

Mr. Ritchie: That is what he said.

Mr. Riddell: Mr. Campbell had not been supporting the Government? A.—He was in opposition to the Government.

Q.—Then what was it he said about Mr. Campbell? A.—He would not be

like Mr. Campbell, that he was not coming down here as a figurehead for the Government.

Q.—How long had Mr. Campbell represented the constituency, do you remember? A.—Four years.

Q.—What that mentioned in that meeting, the length of time

(1752)

he had been representing the constituency, or do you remember? A.—I do not think he mentioned the four years, but he just put us in remembrance of Mr. Campbell, you know.

Q.—And, of course, you knew what that meant? A.—Yes, we all knew.

Cross-examined by Mr. Richie:

Q.—Now, this meeting you speak of was called in the Conservative interests? A.—I suppose so.

Q.—You do not know. Don't you know? Be frank? A.—Well—

Q.—Why do you hesitate? A.—I heard it was a conservative meeting.

Q.—Why didn't you say so frankly at first? All those who spoke from the platform there were Conservatives? A.—Yes.

Q.—And the meeting was to further the interests of the Conservative candidate? A.—Certainly.

Q.—And you knew that Gamey and the other speakers denounced the Ross Government? A.—Certainly.

Q.—Speak up, so that the reporter can hear you. Both in regard to the mineral, mining policy and pulp policy and timber policy? A.—Yes.

Q.—In fact in regard to every policy of the Government? A.—Yes, sir.

Q.—And they declared the Ross Government should be turned out? A.—Well, he said—

Q.—Wasn't that the substance of what the speaker said? A.—Well, he believed they would be turned out.

Q.—And I suppose you knew that if he was elected and went to Toronto that he would cast his vote in favor of turning out the Ross Government? He cannot take down your nod. A.—Yes.

(1753)

Q.—You knew that. And you also knew that if Mr. Fraser was returned he would support the Ross Government? A.—Yes, sir.

Q.—So that there was a well-defined issue between the two, was there not? A.—Certainly.

Q.—Now, Mr. Campbell did not live in the constituency? A.—No, sir.

Q.—He lived in Brampton, did he not? A.—I think so.

Q.—And what Mr. Gamey said was this, that if he was returned to power that

he would support any good measure that might be proposed, no matter from which side it might emanate? A.—He said he would support the party in power.

Q.—Didn't he say this, that if returned that he would support good measures—any good measures that might be proposed in the interests of the country, no matter which side proposed them? A.—Yes.

Q.—That is what he said. And did he say that he was not going to be a mere voting machine or something to that effect, like Campbell? A.—Yes, he was not going to be a mere voting machine.

Q.—That he was going to exercise a judgment as to what were good measures and what were not? A.—Certainly.

Q.—But he said, and you knew he was still running in the Conservative interests? A.—He was running that way.

Q.—And running as a party man? You knew that, did you not? A.—Not altogether.

Q.—You knew he was running as a party man—as a Conservative? A.—On their platform—

(1754)

Mr. Riddell: Let him answer. You interrupted him twice.

Witness: Not by his speech altogether. He was more of an Independent.

Q.—You have told us how far he was Independent. Did you think he was Independent when he denounced the Ross Government? Did you? Cannot you answer? A.—Supporting the party in power.

Q.—You have got that very glib. We have heard that several times. That is the one thing you have learned off by heart. Now, I ask you did you think when he declared he would vote to turn out the Ross Government and denounce the policy of the Ross Government—did you think he was then talking in the interests of the Conservative party? A.—I suppose so.

Q.—And you believed that if returned to power he would vote to turn out the Ross Government, did you not? A.—Well, I suppose so.

Q.—He did not deceive you by any talk about independence, did he? A.—No.

Q.—You went like a good Reformer and cast your ballot for Mr. Fraser, did you not? A.—I did not say I voted for Mr. Fraser, either.

Q.—Are you ashamed of him?

Mr. Riddell: You have no right to say.

Mr. Ritchie: Of course you do not want to answer. Were you persuaded to vote for Gamey or don't you want to say? A.—Yes, I was persuaded to vote for Mr. Gamey, too, by his speech.

Q.—What? A.—By his speech I was.

(1755)

Q.—And did you vote for Mr. Gamey? A.—I did not say.

Q.—What? A.—I did not say I voted for Mr. Gamey.

Q.—You did not say you voted for Mr. Gamey. I am told that you bear the reputation up there of being a very rabid, bitter partisan in the Reform interests. Is that so? A.—I did not show it at the last election.

Q.—That is all you will say for us, is it? That will do then.

Mr. Riddell: Were you a partisan at the last election, as my learned friend suggests? A.—I do not just understand you.

Q.—Were you a partisan? Do you know what a partisan is—a rabid partisan?

The Chancellor: He does not know the word.

Mr. Riddell: If he does not know the word I will not pursue it. I will leave it to my learned friend.

Mr. Blake: You can do your own work, thank you. You need not leave it to us.

Mr. Riddell: I suppose I can. That is what I am here for, at all events, without interruption.

Mr. Blake: Quite so.

Mr. Riddell: Then let us have it, if you please.

Q.—Then you were asked whether he deceived you. Did he deceive you as a matter of fact? Did you believe him? A.—No, I did not believe him.

Duncan Orr, sworn. Examined by Mr. Riddell:

Q.—Where do you live? A.—Gore Bay.

(1756)

Q.—And your business? A.—Working in the woods.

Q.—You will have to speak louder so that we can hear down here. And were you at Gore Bay during the last election? A.—Some of the time.

Q.—Then did you see Mr. Gamey? A.—Yes, sir.

Q.—Where did you see Mr. Gamey? A.—I saw him different times.

Q.—Did you have any conversation with him? A.—No, not particularly with him.

Q.—What? A.—No, sir.

Q.—Did not have any conversation with him. Did he speak to you? A.

—Well, he generally spoke to me when he met me.

Q.—Did you have any talk with him about the election? A.—No, sir; I never talked to him.

Q.—Did you hear Mr. Gamey having any talk with any one? A.—Yes, sir.

Q.—Who was it with? A.—I could not tell you.

Q.—Where was it? A.—It was somewhere along furnist Jackson Bros. store.

Q.—That was where? A.—Somewhere along in front of Jackson Bros. store in Gore Bay.

Q.—Do you know who the people were he was talking to? A.—It was likely I knew them, but I do not remember who they were.

Q.—What did he say? A.—Well, he said, he was just speaking about the Socialist, and he said, I have got nothing particular against Mr. Fraser or against the Socialists, as I came along down to where they were.

Q.—Nothing in particular against Mr. Fraser or against the Socialists? A.—Yes, sir; and he said I am paying my own way through this campaign, and I am independent of any party.

(1757)

Q.—Did you know how he had been brought out? A.—Well, he did not mention that.

Q.—He did not mention that? A.—Yes, sir; that he was brought out by the Conservative party.

Q.—Brought out as a Conservative? A.—Yes, sir.

Q.—Do you remember anything else he said beyond what you have told me, paying his own way, and that made him independent of any party—anything else he said? A.—He said he would work for the people of Manitoulin, and that he was going to work for the people of Manitoulin, he was going to work for the people of Manitoulin. I think those were the exact words.

Q.—Then are you a member of any committee or organization? A.—No, sir.

Q.—On either side? A.—No, sir.

Q.—Attend any political meeting during the last campaign? A.—No, sir.

Q.—You are a Reformer? A.—Yes, sir.

Cross-examined by Mr. Ritchie:

Q.—And I suppose you expected if Mr. Fraser the Liberal was elected he was going to work for the people of Manitoulin, too, didn't you? A.—I rather expected he would.

Q.—That is what you would expect either candidate to do if elected? A.—Certainly.

Q.—No matter which side of politics they were on? A.—Yes, sir.

Q.—So that you understood it just in that way. There was nothing strange

(1758)

about that, was there? You wouldn't think that any more strange, if Mr. Fraser had said he was going to work for the people of Manitoulin? A.—No, I would rather expect it.

Q.—You would expect whichever was elected he would work for the people of Manitoulin. When he was speaking about being independent, he was referring to the fact that he was paying his own expenses, was he not? A.—I suppose.

Q.—And that he was paying his own expenses, and that he was independent of anyone for financial aid? Wasn't that what he was referring to? He was paying it out of his own pocket? A.—Yes, he said he was paying his own way, and was independent of any party.

Q.—Independent of any party. At the same time you knew he was a Conservative running on the Conservative ticket? A.—Yes, sir; I supposed he was running on the Conservative ticket.

Q.—And didn't he tell you he was running as a Conservative? Didn't he tell you at this interview he was running as a Conservative? A.—He said he was brought out by the Conservative party, I think.

Q.—And didn't say anything to lead you to believe he was going to throw the Conservative party? A.—No, he said he was independent of any party.

Q.—Just in the same sense that Mr. Fraser would be independent? You would expect Mr. Fraser wouldn't you, although elected as a Liberal, to support any good measure that might be introduced, no matter from which side it emanated? A.—I suppose.

(1759)

Q.—You would expect that from the Liberal, wouldn't you? A.—I would expect he would work for the people.

Q.—You would expect he would. And I suppose you, like a good Reformer, voted for the Reform candidate? A.—Yes, sir.

Q.—You were not deceived by anything Mr. Gamey said? A.—No.

Q.—You were not? A.—No.

Q.—And I suppose you knew he had been denouncing for weeks before that—denouncing the Ross Government on the platform? A.—He might have been. I never heard him speak.

Q.—You have read the newspapers, I suppose? A.—Yes, sir.

Q.—And it was commonly known,

wasn't it, that he was denouncing the Ross Government? A.—I do not know.

Q.—Denouncing every policy, and all their policies? You knew that, didn't you? A.—I heard something about it.

Q.—And you understood that if he was elected, did you not, that he would vote to turn out the Ross Government? A.—No.

Q.—You understood that, didn't you, that if he was elected he would vote to turn out the Ross Government? A.—Well, I understood that if he was elected that he would be with whichever side was in power.

Q.—Didn't you understand he was going to vote against the Ross Government? He had been denouncing the policy of the Ross Government, hadn't he? A.—Well, he might have been.

Q.—I ask you on your oath, didn't he? A.—Well, he might have been.

Q.—I ask you on your oath didn't you know if he was elected that he would vote to turn out the Ross Government, and that Fraser would support it? A.—Well, I could not say as I did understand that altogether.

(1760)

Q.—What? A.—I cannot say as I did understand altogether that.

Q.—You cannot say that you did understand that. Do you mean to pledge your oath that you did not understand from the policy that he announced that he would vote to turn out the Ross Government if he got in? A.—Well, I understood that he was an Independent.

Q.—Of course, you have told us that several times. I want you to answer my question, and I am going to get an answer before you leave here. You say you told us you understood that he was denouncing the Ross Government—denouncing the whole policy of the Ross Government? Didn't you? A.—I never heard him say that.

Q.—I know you did not hear him say it. But you understood that, from what you heard and from what you read? Now, be frank. Isn't that so? A.—Well, I cannot say that I understood that he was going to vote against the Ross Government.

Q.—Did you hear that he had been denouncing the Ross Government, and would turn out the Government? A.—I heard that he said some measures of the Ross Government were all right concerning this New Ontario business.

Q.—Did you hear that he denounced the mining policy of the Government? A.—I cannot say as I did.

Q.—The pulp policy of the Government? A.—I cannot say as I did.

Q.—Did you vote for Mr. Fraser because you thought he would vote against

the Ross Government? A.—No, sir, I did not.

Q.—You did not. You voted for him because you supposed he would support the Ross Government? Answer the question? You voted for him because you supposed he would support the Ross

(1760½)

Government? A.—Well, I rather supposed he would—yes.

Q.—And you wanted to see that the Government continued in power, did you not? A.—Well—

Q.—Well, answer the question? A.—Yes.

Q.—You wanted to see that the Government remained in power, and, therefore, you did not vote for Mr. Gamey? A.—No, sir.

(1761)

Q.—And it was in consequence of that, was it not? It was because you thought Mr. Fraser would support the Ross Government, and that Gamey would not, that you voted for Fraser? Isn't that so? A.—No.

Q.—Do you swear that is not so? A.—Which?

Q.—You voted for Mr. Fraser, and did not vote for Gamey, because you believed that Fraser would support the Ross Government, and that Gamey would not? A.—No, that was not my particular reason.

Q.—That was not your particular reason for voting for Fraser? What was your reason? A.—Well, I was—

Q.—What was your reason for voting for him? A.—Well, I would vote for Mr. Fraser as a man, anyhow.

Q.—Was it because he was a Reformer that you voted for him? A.—Well; that had something to do with it.

Q.—Hadh't that all to do with it? A.—No, I do not say it had.

Q.—Had you ever voted any way except Reform? A.—I only voted twice in my life, I guess.

Q.—And you voted Reform? A.—Yes.

Q.—Then you can put it as you like. Then, you believed that if Mr. Gamey was elected that he would support the Ross Government, and vote against Whitney? A.—No.

Q.—You did not? A.—I did not believe that.

Q.—Then you must have believed the other way? A.—I believed that he was an independent, that he would support whichever party was in power, that is the way I understood it.

Q.—That is what you call an independent, supporting whichever party is in power? Is that your idea of independent?

(1762)

dence? A.—Well, I kind of understood that was—

Q.—Is that what you understand by "independent," a man is independent who supports whichever party is in power? A.—No, I do not actually think that myself.

Q.—Then, we will come back again. Did you believe Mr. Gamey if elected would vote in favor of continuing the Ross Government as against Whitney? A.—No, I did not.

Q.—You did not. That will do.

Robert Thorburn, sworn. Examined by Mr. Riddell:

Q.—Where do you live? A.—Gore Bay—the town.

Q.—And what is your business? A.—Farmer and timber and real estate.

Q.—Do you know Mr. Gamey? A.—I do.

Q.—How long have you known him? A.—Twenty years, anyway.

Q.—I understand he and you were in negotiation concerning some property? A.—That is right.

Q.—What was that? A.—He was buying—trying to negotiate for a house and lot for to build a residence upon.

Q.—And where was this? A.—The town of Gore Bay.

Q.—Then, did you see him a few days after the publication of what we have been calling The Globe interview? A.—I did.

Q.—Was that before, or was it after, the meeting of the Conservative Executive? A.—Before.

Q.—Where did you meet him? A.—On the street in Gore Bay in front of the Pacific Hotel.

Q.—And did you have some conversation with him? A.—I did.

(1763)

Q.—And what was that? A.—After bidding him the time of day, he said to me, about this place of yours, I would like very much to get it, but I do not think the people in the town who are here—the Conservatives—will allow me to live here. I asked him why. Well, he said, down the street they were very wrathful—the Conservatives were. I asked him then if he was not carrying out what he had been advocating through the country in his campaign, and he said yes, he was; he was taking an independent stand, and that he would support the Government in power in bringing forward good measures in connection with our district, and also New Ontario.

Q.—Was the name of any other previous member mentioned? A.—A. F. Campbell. He said he was not going to take the stand A. F. Campbell did, like a voting machine. He was going down in the interests of his constituency.

Q.—Can you tell me how long this was after you knew of The Globe interview? A.—Oh, four or five days afterwards, or maybe six days.

Q.—Can you tell how long it was before the meeting of the Conservative Executive? A.—That would be the 16th.

Q.—How long was it before that? A.—Oh, well, between the interview—about five or six days after the interview with The Globe paper.

Q.—Then, we can fix the date ourselves. Then, was there anything else said that you recall, or was that the substance of it? A.—That was about the substance of it.

(Adjournment, 1 p.m. until 2 p.m.).

(1800)

Tuesday afternoon session.

April 28th, 1903.

Cross-examination of Mr. Thorburn: By Mr. Ritchie:

Q.—Where did you say you live? A.—The town of Gore Bay.

Q.—How far from Mr. Gamey? A.—Nine miles.

Q.—And you say you had a conversation with Mr. Gamey in reference to the purchase of a house? A.—I did, and some land with it. A house and land.

Q.—Where was it situated? A.—In the town of Gore Bay.

Q.—And when did the negotiations between yourself and Mr. Gamey first commence? A.—Away back in May, May or June.

Q.—Some time about the time of his election? A.—That is about the time.

Q.—Shortly after his election? A.—Yes, just shortly after.

Q.—So that he apparently contemplated moving into Gore Bay? A.—That is it.

Q.—Then you told me you had a conversation with him shortly after the publication of what is known as the Globe interview? A.—I did.

Q.—Between that time and the date of the calling of the Conservative Convention? A.—The executive meeting.

Q.—The Conservative convention being on the 16th? A.—That is right.

Q.—And the Globe interview sometime about the 29th of January? Tell us again how the conversation opened, and what passed between you and Mr. Gamey? A.—Well, we met on the street in Gore Bay in front of the Pacific Hotel, and after passing the time of day, Mr. Gamey said, "about this place of yours, I

(1801)

would like very much to have it, but

I don't think my Conservative friends will allow me to live here."

Q.—Things were getting rather warm for Mr. Gamey at that time? A.—Well, yes; very warm.

Q.—Becoming so warm that his Conservative friends would not allow him to live there? A.—Correct.

Q.—What else was said? A.—I asked him why. He commenced telling me about the different things. I said, "Have you not taken the stand that you always said you would, an independent stand, and said that you would work for the interest of our district and New Ontario?" Yes, he said that is my stand.

Q.—And of course you regarded it as independent, any stand that a man might take in favor of the reform administration? A.—Not altogether.

Q.—But he would be independent if he did that? A.—Well, I considered a man that would vote for his interests would be an independent man.

Q.—Then you said that he was going to take an independent stand in this sense that he was going to support all good measures whether proposed by the Government or not? A.—I did not say that.

Q.—I took it down, and I could not have dreamed it. He said he was taking an independent stand, and would support all good measures if proposed by the Government? A.—In an independent way.

Q.—Naturally in an independent way. He would support all good measures proposed by the Government, in other words, he was a representative of the people, prepared

(1802)

to support all good measures, no matter from which side they emanated? A.—I considered—

Q.—That was the purport of the conversation, was it not? A.—The Government that were in power he would support.

Q.—And he said that he would support all good measures that that Government might propose? A.—Yes.

Q.—You knew he was a Conservative? A.—Well, not a very good Conservative, I don't think. He used to vote with the Liberals the time R. A. Lyon was elected.

Q.—He ran as a Conservative? A.—This time, yes.

Q.—He never ran before? A.—No.

Q.—Then we will deal with the time he did run. He was nominated by a Conservative Convention? A.—I understood so.

Q.—And he denounced in no stinted or measured language the Ross Government? A.—I never heard him but once.

Q.—And did you then hear him denounce the Government policy? A.—I wasn't in all the time.

Q.—Did you hear him while you were there? A.—I heard him denounce the mining.

Q.—And he may have denounced other policies of the Government? A.—He might have.

Q.—You were not there all the time? A.—No.

Q.—But he was known as a Conservative candidate? A.—That is what he was supposed to be.

Q.—And Fraser was the Reform candidate, was he not? A.—Yes.

Q.—And there was a square issue between them, one a supporter of the Government, and the other an opponent of the Government? A.—I could not say that altogether.

(1803)

Q.—So far as public utterance went he was opposed to the Government policy? A.—No, not always.

Q.—What part of the policy was he not opposed to? A.—You have reference to meetings?

Q.—Yes? A.—Yes. I heard that at the meeting, as to mining.

Q.—And that was all that was denounced there? A.—That is all I paid any attention to.

Q.—I suppose you did not vote for him as an independent? A.—No.

Q.—Did you overhear him make any public utterance in favor of the Government? A.—Mr. Gamey?

Q.—Yes? A.—I did at that time we were speaking of.

Q.—Before the election? A.—No, not before the election.

Q.—I am not speaking of that time. Then you heard him say that he was in opposition to the Government? A.—I didn't hear anything; I never had spoken to him about that.

Q.—Whatever you did hear was in opposition to the policy of the Government? A.—Second-handed by other parties.

Q.—Whatever you heard at all events? Was any person present at this interview you had with him after the Globe interview? A.—No, just he and I.

Q.—And this is a statement he volunteered to you? A.—Volunteered.

Q.—And you supposed at that time from the public interview that he was an out and out supporter of the Ross administration? A.—I kind of thought so, yes.

Q.—And you had not a shadow of doubt that whether he was elected to support the Ross Government or not he

(1804)

at that time made up his mind to flop over? A.—I couldn't say for that.

Q.—You believed that? A.—I thought that way.

Q.—That he had been got over to the Ross side? A.—I did not say bought.

Q.—No, you would not say bought. Would you say coaxed? A.—I thought he had changed his mind.

Q.—So that evidently, prior to the election, his mind was in the Conservative direction, and he changed his mind afterwards, you think? Now, I suppose you are known as a strong Reformer in that section of the country? A.—I have been.

Q.—And I suppose Mr. Gamey knew he was talking to a man who was a strong Reformer, a man with pronounced political leanings, he knew that? A.—I suppose so.

Q.—When did you first tell anyone of the interview you had with Mr. Gamey? A.—Oh, different people. We have often spoken about it in the ordinary way of business.

Q.—How long after the occurrence did you mention it to anybody? A.—I mentioned it to my family when I went home.

Q.—Rather pleased to think that the Government had got one more member to support them, was that it? A.—Certainly, I thought they were right.

Q.—Did not make any difference whether he was coaxed or bought over, his vote was just the same? A.—I had more confidence in him than to think he was bought over. I did not think he was bought over.

Q.—At all events, he was raised in your estimation when you thought he was going to support the Government?

(1805)

A.—I thought he was a little wiser.

Q.—When did you tell any person in connection with this investigation of the interview that you had? A.—I cannot recollect that particularly.

Q.—Then I suppose that you are not influenced by anything Mr. Gamey said in voting, to vote for him? A.—No, sir, nothing more than that I thought he would support the measures we expected.

Q.—You voted for Mr. Fraser? A.—Yes.

Q.—In fact, you hold several offices under the Government? A.—Small offices. Issuer of marriage licenses.

Q.—Also a license commissioner? A.—Yes.

Q.—Recommended also for Indian agent? A.—I presume so.

Q.—And you are naturally anxious to see the Ross Government sustained? A. On principle.

Re-examined by Mr. Riddell:

Q.—Has the Ross Government anything to do with the appointment of Indian agent? A.—Not at all, sir.

Q.—You told my learned friend that Mr. Gamey was not a good Conservative? What did you mean by that? A. He used to be around Mr. R. A. Lyon. Mr. Lyon said so.

Q.—What kind of politics was that? A.—Reform.

Mr. Ritchie: He said he stated that from hearsay.

Mr. Riddell: Then you also said, I do not know whether I caught it exactly, that he did not always in his party utterances oppose the Government. What did you mean by that? A.—No, in conversation with him, he did not.

Q.—When was that? A.—That would be about that time.

Q.—Do you know anything about be-

(1806)

fore the election, anything of that kind? A.—No, nothing. We had spoken, but just as friends, not politically at all, just neighbors.

Q.—Why did you state to him "have you not taken the stand you always told your constituents you would"?

A.—That is what I had heard them talking about, going through the constituency.

Neil McLean, sworn. Examined by Mr. Riddell:

Q.—Where do you live? A.—Manitoulin Island.

Q.—And what is your occupation? A.—Farming.

Q.—Are you a tenant farmer or do you own your own farm? A.—I own my own farm.

Q.—Do you know Mr. Gamey? A.—Yes.

Q.—Did you see him in Gore Bay shortly after The Globe interview? A.—I did.

Q.—Was that before or after the Conservative meeting? A.—Before.

Q.—Where was it you did see him? A.—In the Ocean House.

Q.—That is in Gore Bay? What took place between you? A.—I happened to meet him there, and he came up and shook hands with me.

Q.—What did you see him for? A.—Well, I was seeing him about getting some money from him.

Q.—To borrow it, do you mean? A.—Yes.

Q.—Did you ask him for it? A.—Yes.

Q.—What did he say? A.—Well, he said he had a little money at home, or some money at home, but the way his

friends were using him now that if he had to resign he would have to pull up stakes and get out of the country, and in that case he would need all the money he had.

Q.—What did you say to that? A.—Well, I said that if I was in his place

(1807)

I would not.

Q.—Would not what? A.—Would not resign.

Q.—Tell us all that was said, if you please? A.—Well, I said that I understood from the reports that I had heard of the meetings he had held—

Mr. Ritchie: Tell us what he said, not what you understood.

Mr. Riddell: He is saying what Mr. Gamey said. Do not interrupt him, please. A.—I say, I heard that Mr. Gamey, from reports of meetings held in my own section, that he was not going to Toronto to be any detriment to the Ross Government if they were sustained. That is in regard to his constituency, or words to that effect. I would not say they are the exact words.

Q.—Tell me as near as possible what he did say? A.—I made the remark to him that I understood that he had stated at this meeting, I had heard it from those who were at the meeting. I was not at the meeting myself, that if the Ross Government were sustained that any measure that would come up that would be of any benefit to his constituency, the Manitoulin Island, that he would not go against it.

Q.—What did he say to that? A.—Well, he said, "I tried to give that impression all through the campaign."

Q.—Was that all that was said between you? A.—That is all.

Q.—And that is how long before the Conservative meeting? A.—Oh, it might have been a week or ten days. It was shortly after this report came out in The Globe.

Q.—Did he say whether he would resign or not? A.—No, he did not. I understood from him that he would resign if his party requested him for to. That it would all rest with the association as to whether he did or not.

(1808)

Q.—You have told us what you said to him and he to you? A.—Yes.

Cross-examined by Mr. Ritchie:

Q.—How long after the Globe interview did this conversation take place?

A.—Oh, it might have been three or four days after the report.

Q.—Are you a Reformer? A.—I have voted Reform.

Q.—Are you a Reformer? Is that the way you usually vote? A.—I generally—I have voted Reform oftener than

I have any other way. I don't call myself Reform.

Q.—At all events, in the last election you were in favor of the Ross Government? A.—I took no part in it whatever.

Q.—What led to the conversation between Mr. Gamey and yourself? A.—Just me asking him for the loan of this money.

Q.—And he then told you that he had some money? A.—He said he had a little money in the house, but he might need it, that is if he had to resign.

Q.—So that things were becoming somewhat warm for him up there? A.—Yes, rather too warm.

Q.—A very strong feeling against him by the Conservatives? A.—Yes.

Q.—Do you mean that they thought he had betrayed them? A.—Well, that was it.

Q.—And that he thought things would be so warm that he would have to pull up stakes and leave the country? A.—That is the remark he made to me.

Q.—And if he did he needed all the money he had. Then what was it you said that you had heard of a report of an earlier meeting or of a meeting that had been held? A.—Well, when he spoke about resigning I said if I was

(1809)

in his place I would pay no attention to his friends, that I would not resign.

Q.—What more did you say? A.—Well, I went on and told him then what I understood from the meetings that he had held in this section.

Q.—You told him you had heard that he had said it at meetings? A.—Yes.

Q.—Were these meetings that were held before the election? A.—Yes.

Q.—I suppose you knew that he had been nominated by a Conservative convention? A.—I did.

Q.—And that he was running on a Conservative platform? A.—Certainly.

Q.—And that Mr. Fraser was the nominee of the Reform party? A.—Yes.

Q.—And running on the Reform platform? A.—I did.

Q.—And that was well understood by all the parties before the election? A.—As far as I am concerned, it was.

Q.—And as far as you know he declared if elected he would vote to turn out the Ross Government? A.—Most certainly I would not expect anything else.

Q.—You did not hear that? A.—No.

Q.—Were you present at any of these meetings at all? A.—I was not.

Q.—So you are not speaking of something you heard at the meetings yourself? A.—No, just what I heard from

Mr. Gamey and those that were at them.

(1810)

Q.—Now, what remark did he make in reply to that? A.—At the meeting or to myself.

Q.—What did you say to him? You said you understood that he had stated at the meeting? A.—I understood that he had stated at the meeting that if the Ross Government was sustained that he would support it, that is, any measure that came up that would lead to the benefit of his constituency.

Q.—Then let us understand exactly what he said. You said you understood that he had stated in pre-election meetings? A.—Yes.

Q.—That if the Ross Government was returned to power he would, nevertheless, support any measures they might propose which he thought were in the interest of his constituency? A.—Yes, that was the sense of it.

Q.—That is, if they were good measures and for the benefit of his constituents that he would vote for them even though the Ross Government proposed them? A.—Yes.

Q.—And that is all he said? A.—Yes, of course, it was me that said that in the first place, and then he said that was the impression he had tried to give all through the campaign.

Q.—You did not think there was anything strange about that, a candidate to support good measures? A.—Yes.

Q.—And that is all you would expect a Liberal candidate to do, to support good measures although proposed by a Tory administration? A.—Yes.

Q.—So that it appeared to you a natural thing for him to have so stated? A.—Yes, that is from the reports I had heard on the platform.

(1811)

Q.—Whether you had heard of these reports or not, you would have thought that a natural thing to do? A.—I would certainly think that he would support any good measures.

Q.—Who did you mention this conversation to? A.—I cannot tell you that. I don't think I mentioned it to scarcely any one.

Q.—How do you think they got you here as a witness, did you want a trip down here as a witness? A.—I would rather not.

Q.—It is nice weather for travelling? A.—It is nice weather in Manitoulin, too.

Q.—However, you have had the outing, and we have had the evidence. You are a brother-in-law of Mr. Fraser's? A.—I am.

Mr. Riddell: And not ashamed of it either? A.—No, sir.

Daniel B. McRae sworn. Examined by Mr. Riddell.

Q.—Where do you live? A.—Gore Bay.

Q.—And your occupation? A.—Lumbering, generally.

Q.—Were you at the meeting held by Mr. Gamey in Gore Bay? A.—I was.

Q.—Was that the last of the meetings? A.—The last I know of.

Q.—And how long was this before the ballots were actually cast? A.—Might be about a week, I just forget the date.

Q.—Then did you hear Mr. Gamey's speech? A.—I did, a good deal of it.

Q.—Can you tell me what happened about the end of the speech? A.—As near as I can recollect the words he used were, "If I am elected, which I will be elected, I don't

(1812)

want to go down to the House with my hands tied.' And wound up by saying he would support any good measures that came up to affect the district.

Q.—Support any good measures which might be brought up, is that what he said? A.—That is as near as I understood it.

Q.—Then did you see him shortly before the Conservative Executive meeting? A.—I did.

Q.—Where did you see him that time? A.—Just met him on the street.

Q.—Where, in Gore Bay? A.—Yes.

Q.—What conversation did you have with him at that time? A.—Well, I merely said to him that—this was after the report had come out in the Globe—I said to him, says I, "I hope you will stay on the side you have taken now and support the Government." He says yes, and he walked on and I walked the other way.

Q.—Is that all that took place? A.—That is all that took place.

Cross-examined by Mr. Ritchie:—

Q.—This meeting you speak of was a meeting held at Gore Bay? A.—Yes.

Q.—A public meeting? A.—Yes.

Q.—How long before the election was the meeting held? A.—I don't remember the date, probably about a week.

Q.—Was it a Conservative meeting? A.—Yes.

Q.—Called in the interest of the Conservative candidate? A.—Yes, called in the interest of the candidate.

Q.—Who were the speakers? A.—Mr. Gamey himself, and I think Mr.—

(1813)

Q.—Others speaking in his interests? A.—Atkinson, I think.

Q.—Speaking in his interest as a Conservative? A.—Yes.

Q.—You knew he was running on the

Conservative platform, that he was the Conservative and Mr. Fraser the Reform candidate? A.—Well, I thought so.

Q.—That is what you believed at that time? A.—Yes.

Q.—And he was addressing a meeting called in the Conservative interest? A.—Yes, sir.

Q.—And this that you refer to was a public statement by him on the platform? A.—Yes.

Q.—That if elected he did not want to go down with his hands tied, in other words he did not want to be a mere voting machine? A.—Well, I don't know what he meant. I know what I thought he meant.

Q.—He added to that that he would support any good measures no matter which side proposed them? A.—That would affect the district. That would be brought on by the Government, whatever Government was in power.

Q.—You did not think there was anything wrong about that, did you? A.—No, but then they don't very often do that.

Q.—Is that your experience of public men, that they do not often support good measures, that they will vote party whether the measures were good or bad? A.—I often thought so.

Q.—You did not think that was the right thing to do? A.—I did not.

Q.—And then you were rather pleased with the declaration of Mr. Gamey that if he went there he was not going to be a mere voting machine for bad measures for his party? A.—Well, I thought it was pretty sensible.

(1814)

Q.—And a man might say that and still be a good Conservative, vote for good measures proposed by a Reform Government? A.—I cannot say to that.

Q.—Will you say that you think that candidates running in the public interest support the party in respect of measures that are sometimes bad? A.—I often thought so.

Q.—You never heard a candidate proclaim on the stump that he was going to do that kind of thing? Support measures proposed by his party whether they were good or bad? A.—I don't think I did.

Q.—And what he stated on this platform is exactly what you would have expected to have heard from any candidate who had the interest of his country at heart? A.—Yes, but I did not expect it from an Opposition candidate to the Government, though.

Q.—If a Reformer had said that he was going there and going to support any good measures that might be proposed in the interest of his constituency.

would you think he ceased to be a Reformer? A.—No.

Q.—Then I hope you will be equally kind to Mr. Gamey? A.—Well, the Reform Government was in power at that time.

Q.—No, there was a general election. This was before the general election that you speak of? A.—Yes.

Q.—At all events, that is all he said on the public platform that if he was elected, and he thought he would be, that he would support good measures in the interest of his constituency no matter who proposed them? A.—That was the purport of it.

(1815)

Q.—Then after the Globe interview you saw the stand he was supposed to have taken at that time? A.—Yes.

Q.—And you said you hoped he would stick to that side? A.—Yes.

Q.—You are a good Reformer yourself? A.—I am a Reformer. I may not be a very good one.

Re-examined by Mr. Riddell.

Q.—We have heard of the meeting of the Conservative interest, were there Liberals there present as well as Conservatives? A.—Yes, and socialists both.

Q.—Was it an appeal made to Reformers as well as Conservatives? A.—It was made to the audience in the house.

Q.—And what was it you said about measures brought in by any Government in power? A.—Any measures that was for the benefit of the district.

Mr. Ritchie: My learned friend went into that in his examination in chief.

Mr. Riddell: What did you say? A.—Any measures that were brought in by the Government in power for the benefit of the district.

The Chief Justice: Have you very much more of this class of evidence?

Mr. Riddell: We have some who want to get away, my Lord. We have some more, I cannot say absolutely how many.

John Scott, sworn. Examined by Mr. Riddell:—

Q.—What is your business? A.—Farmer.

Q.—Where do you live? A.—In the Township of Mills.

(1816)

Q.—That is in Manitoulin Island? A.—Yes, sir.

Q.—Did Mr. Gamey speak in your neighborhood? A.—Yes, sir.

Q.—Were you at the meeting? A.—Yes.

Q.—How many meetings were you present at? A.—I was present at two, anyway.

Q.—Where were they? A.—One was at Long Bay and the other one was at Poplar, that is in the Township of Mills.

Q.—You were supporting, I think, the independent candidate, Mr. McMillan? A.—Yes, sir.

The Chancellor: Is that the Socialist?

Mr. Riddell: They called him a Socialist? A.—Yes.

Q.—And at Long Bay, were you speaking there? A.—Yes.

Q.—What was it that you said, and what was it that he said? A.—Well, I was trying to show the inconsistency of our sending a member down to Parliament to possibly be in opposition to the Government. I was advocating sending a man down for to support certain measures, and when Mr. Gamey spoke—

Q.—Sending a man down to support certain measures, anything in connection with the Government at all, or were these to be independent of whatever Government was to be in power?

Mr. Ritchie: Ask him what was said. A.—The measures were to be independent of any Government.

Mr. Riddell: Then you were going on to say something about Mr. Gamey. What did he say? A.—I might state that, of course, in our country, in a new country, it is very essential to be on the side of the Government.

(1817)

Q.—That is commonly supposed to be the proper thing? A.—And Mr. Gamey made it clear that he was going to be on the Government side. Of course he also made it very clear that the Ross Government was going to be defeated.

Q.—He made it clear that he was going to be on the Government side, please explain that, what did he say about it? A.—Well, he was not going to go down to Toronto here for to sit on the cold benches of the Opposition, that he was going to be in a position to get something, that his politics was the Manitoulin Island.

Q.—Do you mean whether the Ross Government were in power or not?

Mr. Ritchie: Ask him what was said.

The Chancellor: Better let him tell what was said. A.—Well, he stated that he would be on the Government side, that is on the side that he would be in a position to get what the people wanted in the Manitoulin Island?

The Chancellor: If he said anything more than what you have told us? No, he spoke, of course, about our wants on the Manitoulin Island, that is road money.

Mr. Riddell: Anything said about his politics? A.—His politics was Conservative; he was running as a Conservative

member, everyone understood that.

Mr. Kiddell: What did he say about his politics, do you remember? A.—Well, of course he appealed to the people as an independent, that is, he had advocated certain things that he believed in, that the people should own all railroads and telegraphs, and so forth, and also our timber, that the Government was working too much into the interest of

(1818)

the capitalist and not taking the laborer into consideration.

Q.—Did you see The Globe interview?

A.—I have read it.

Q.—Did you see any phrase there that was familiar? A.—Yes.

Q.—What was that? A.—That he would take the stand just as he had taken it when the Government was sustained.

Q.—To whom did he appeal at his meetings? A.—Well, he appealed to the general public, irrespective of party.

Q.—Then, was his appeal solely to the Conservatives to support him? A.—No.

Cross-Examined by Mr. Ritchie:

Q.—Were you ever present at a political meeting where the candidate appealed to only one section of the audience? That is a poser, is it? It takes you a long time to answer it? A.—Well, I would say no.

Q.—You never were. So that he was appealing to them, no matter what their political leanings might be? A.—Certainly.

Q.—But the meeting was one called in his interest? A.—There was a dispute about that? That is the Long Bay meeting.

Q.—As to who called it? A.—Yes, or who had the right to the meeting.

Q.—Now, how many were present at that meeting of those who were aspiring to be representatives? A.—Mr. Gamey was there, he was the only representative who was there.

Q.—And you were there representing whom? A.—Mr. McMillan.

Q.—The independent candidate? A.—Yes.

(1819)

Q.—He is the man you voted for? A.—Yes.

Q.—And the only independent you knew of up there, I suppose that is the reason you supported him? A.—He was advocating ideas that I considered was going to be to the best interest of the country, and so I was supporting him.

Q.—And it was well known that Mr. Gamey was running as a Conservative and Mr. Fraser as a Reformer? A.—Well, it was supposed that way.

Q.—And generally supposed that way? A.—Yes, sir.

Q.—Now, did you ever hear anybody score the Ross Government more strongly on the platform than Mr. Gamey? A.—No, I don't think I did.

Q.—He scored them right and left whenever he got the opportunity? A.—Yes.

Q.—He denounced the whole of their policy, did he not? A.—No, it was not the particular policy, it was the corruption of the Ross Government.

Q.—He denounced that, too? A.—Yes.

Q.—In no measured terms? A.—No.

Q.—In addition to denouncing the corruption of the Ross Government, I suppose he denounced the timber policy? A.—Yes.

Q.—The mining policy? A.—Yes.

Q.—The pulpwood policy? A.—He denounced one part of it, that was giving of such large concessions of the public domain to private individuals.

Q.—Did he denounce that as being done corruptly, too? A.—Well, he was opposed to that mode, he advocated that those should be divided up in smaller proportions, to give the poor man a chance.

(1820)

Q.—Then he in the most strenuous language opposed giving very large portions of the public domain to political hangers-on, did he not discuss it in that style? A.—Yes.

Q.—So that you had no reason to suppose that if elected he was going to support the Ross Government, from everything he said you thought he would be opposed to them, everything he said on the public platform? A.—Well no, after Mr. Gamey's turnover a very prominent Conservative denounced him—

Q.—I am not speaking of that. I am speaking of this particular meeting, you say you had never heard a man denounce the Ross Government more vigorously than he did, both in respect of the policy and in respect of what he thought was political corruption, up to the time of the election, that was his position was it not? A.—Yes.

Q.—And you were advocating sending a man to support certain measures independent of any Government? A.—Yes, sir.

Q.—Can you tell us what these measures were? A.—Well direct legislation was one.

The Chancellor: What is that? A.—Well to vote on measures instead of men, what is called the initiative and referendum, to vote on measures instead of men.

Mr. Ritchie: Anything else that you specially advocated? A.—Yes, that the public servants of our country should

be elected for life or good conduct, not appointed by any Government.

Q.—So that you approve of the elective system? A.—Yes.

(1821)

Q.—Anything else? A.—And public ownership of utilities.

Q.—On some of these lines Mr. Gamey was apparently in touch with you? A.—Yes, sir.

Q.—He was advocating public ownership of railways and telegraphs? A.—He was not advocating, he said he was in sympathy, he believed in it.

Q.—What did you say his announced policy was in regard to timber lands? A.—That they should be dealt out in small parcels, so that the capitalist could not control our timber interests and timber.

Q.—And did he say at any of these meetings it was given out in these large timber concessions, and by that means the Government were supplied with money to keep them in power, or anything to that effect? A.—I would not just say that he did.

Q.—Is that what he endeavored to convey so far as you could tell? A.—The idea that he was conveying was that it was an injury to the general welfare of our country that those timber limits should go into the hands of large capitalists, Americans.

Q.—And he looked up? A.—Yes.

Q.—And the whole profit going out? A.—Out of the country.

Q.—Going to foreigners? Now, you made a remark that I would like to have explained. You said that in a new country like New Ontario that it was essential to be on the side of the Government? A.—Yes, sir.

Q.—Why essential any more than in the older communities? A.—Because we have a great many wants in a new country, roads and so forth, and this Mr. Campbell that has been referred to, of course, we got nothing when he was

(1822)

in Parliament at all, or scarcely anything.

Q.—He was living at Brenton? A.—Yes.

Q.—Hundreds of miles from the constituency? A.—Yes.

Q.—And yet, while it is essential, they were dividing on party lines, running a Conservative and a Reformer and an independent? A.—Yes.

Q.—Now, did Mr. Gamey in all his platform utterances proclaim with certainty that Whitney was going to be elected, that the Government was doomed? A.—Yes.

Q.—And he announced that he was

going to be on the side of the Government? A.—Yes.

Q.—That Government, as he stated, being sure to be the Whitney Government? A.—Yes, I guess.

Q.—And he was going to support that Government? A.—Yes.

Re-examined by Mr. Riddell:

Q.—My learned friend asked you if, having heard what he had to say whether you would expect him to take complete opposition to the Ross Government, you said, well, no. Will you please explain what you meant by that? A.—Just repeat that again?

Q.—Mr. Ritchie asked you if, having heard Mr. Gamey's politics, so to speak, that is, his speeches, if you would not expect him to be in complete opposition to the Ross Government, and you said "well, no." I want you to explain what you mean by that? A.—Well, I couldn't explain it better than just when the report came out in The Globe of Mr. Gamey taking the stand that he took. I just thought that he was in perfect accord with the statements that he had made.

(1823)

Mr. Ritchie: Not that he had made, but the statements you had heard.

Mr. Riddell: Don't interrupt the witness. The witness is swearing.

Mr. Ritchie: I know he is, and I am interposing an objection. The witness has no right to say what he has heard. There is no use my interposing after he has said it.

The Chancellor: He had heard Mr. Gamey speak at meetings.

Mr. Ritchie: He is bringing him past the meetings, and after the elections, after The Globe interview.

The Chancellor: Certainly, his attitude in reference to The Globe interview.

Mr. Ritchie: Then I understood he was saying something that he had heard subsequent to the meetings.

The Chief Justice: What he had heard ought to be heard from Mr. Gamey, and not by rumor.

Mr. Riddell: I was asking the witness why he made the answer to my learned friend that he did, that is, after having heard Mr. Gamey's speeches, would he not expect Mr. Gamey to be in direct opposition to the Ross Government, and the witness said well, no. Then the witness said, "When I saw The Globe interview, I thought he was carrying out just what I had heard." Heard from whom? A.—From Mr. Gamey's own statements that he would support any good measures that were brought forward, that he was going to be on the Government side of the House.

(1824)

Charles White Affirms. Examined by Mr. Riddell.

Q.—Where do you live? A.—Gore Bay, sir.

Q.—And what is your business? A.—A barber.

Q.—Do you know Mr. Gamey? A.—Yes, sir.

Q.—Did you have a conversation with him shortly after the appearing in The Globe of what we have been calling The Globe interview? A.—Yes, sir.

Q.—What did he say to you? A.—He was laughing or smiling somewhat, and there was another customer there, and I asked him what he was smiling about. The other gentlemen in the shop, one was a Conservative and another was a Reformer. I think there was a Reformer in as well, and the Reformer went out, and the Conservative gentleman went out afterwards, and he said after they had gone out, he said: "I was smiling at what you would think of the political atmosphere." I understood, then, that he meant about the interview and his turnover, apparent turnover to the Reform Government. I said that I did not believe in placing the district interests, that they should be superior to the Provincial interests, I thought they should be subordinate to the Provincial interests. I quoted Burke's words: "Not local purposes, not local prejudices, but the general good."

Q.—What did he say to that? A.—He then referred to Mr. Campbell, or I thought he did, anyway Mr. A. F. Campbell's representation was brought up, and the withdrawal by the Government at that time of the Colonization Road money, because he was on the side of the Opposition. I stated that I was not as a Conservative.

(1825)

Q.—You are a Conservative? A.—I was at that time. I am not. I have withdrawn from politics altogether. I don't vote at all. I stated that I was a Conservative at that time, did not condemn Mr. Campbell, although many Conservatives did, and that I thought it was coercion on the part of the Government to withhold Government money in case of a man being in opposition, a Government just resting on the ascendancy of opinion only, that no such thing should be done.

Q.—What did he say to that? A.—I don't well remember, but he sort of diverted the conversation, it seemed to divert to something else. I don't well remember what it was, I did not expect to be called here, and I don't

well remember what the conversation was, sir.

Q.—What did he say to you? A.—He referred to Mr. Whitney in some way or other, but he told me that in confidence.

Q.—Tell us, please, what he said about Mr. Whitney. You have not told us. Tell us now, in the witness box. A.—Well, he referred to Mr. Whitney's policy as being lacking of construction, and referred incidentally to his going down to Perth, I think it was, I don't remember well, but he went down there to speak, and he felt that the policy of Mr. Whitney was lacking in that particular.

Q.—Lacking in what particular? A.—In not being constructive, but being more of a rather critical, criticizing the Ross Government.

Q.—What else did he say about Mr. Whitney? A.—Oh, I think that was the—that was all he said, and that was about the terminus of the conversation resting on the case so far as I know.

(1826)

Q.—Was there anything said about following Mr. Whitney or following anything else? —

Mr. Ritchie: Better ask him what was said.

Mr. Riddell: I am trying to bring his mind to it. A.—I don't remember his saying so, sir.

Q.—At all events he was finding fault, as you have said, with Mr. Whitney's policy? A.—He did it in that way that I have spoken of, but I thought it was rather to throw me off, I don't know, he seemed like a double-minded man, and I could not understand it in the matter.

Q.—But you are a Conservative? A.—No, sir, I was a Conservation.

Q.—You have been president of the Conservative Association? A.—I was vice-president first, and then I became president of the Local Association.

Q.—How long ago was that? A.—In the time of Dr. Fell and Mr. Farewell, I think.

Q.—Four years ago? A.—Four years ago, yes sir.

Q.—Is that all that you remember about it? A.—That is all, I think. Then the conversation changed, I don't remember any more.

Q.—What I want to get at is, I can only get it from you in the witness box, whether he said anything about Mr. Whitney and his policy, or Mr. Ross and his policy, comparing the two or whom he would follow? A.—No, there was no reference at all, I cannot remember anything whatever.

Q.—Then you have told us honestly all you remember? A.—I have sir.

(1827)

Cross-examined by Mr. Ritchie:

Q.—This conversation took place while he was in your shop? A.—Yes, sir.

Q.—And I don't know that I caught what you told my learned friend first, what was it that the discussion first took place about? A.—Mr. Gamey was smiling when these gentlemen were in, and I asked him, while they were in, or, at least, one of them had gone out, I thought, and while they were in I asked him what he was smiling about, while I was preparing to wait upon him. He did not say anything then. He spoke of something else, I don't know what, nothing in particular, or it did not impress me sufficiently for me to remember it, I don't know what it was, and after that Mr. Holden had gone out, he then addressed me, he said, "What I was smiling at was, what do you think of the political situation?"

Q.—Is that all that was said at that time? A.—Or the political atmosphere, I don't know which of the two expressions.

Q.—What did you say in answer to that? A.—Well, I said that I did not believe in the placing the district interests, I believed in placing them subordinate to the Provincial interests, and quoted Burke's words in support of that argument.

Q.—That the Provincial should prevail over sectional interests? A.—Yes.

Q.—That is, that the general interests of the Province should prevail over the particular interests of the Manitoulin?

A.—The local interests; yes.

(1828)

Q.—Then, what was said? A.—Whether he introduced the matter of Mr. A. F. Campbell, I don't know, but it was introduced, anyway.

Q.—What was said in that connection? A.—Well, Mr. Gamey had used it as an argument in favor of him pursuing this course, but I am not sure of that, at any rate, I think it was because I took the position; I remember well saying that I as a Conservative at that time did not condemn Mr. Campbell's acting the way he did, although some Conservatives did.

Q.—What was the fact as to Mr. Campbell; you say that the Colonization Roads grant was withdrawn? A. It was complained generally on the Island that the road grants, they did not have the road grants as they formerly had them.

Q.—They did have them before that? A.—Yes.

Q.—But when Campbell, who was a member of the Opposition, got in the road grants were withdrawn? A.—Yes,

the general complaints are that way, I am not able to prove the matter at all. I don't know that they were, I am only saying that there was a great deal of complaint.

Q.—At all events, either withdrawn or largely diminished? A.—Yes, sir.

Q.—Who represented the constituency prior to Mr. Campbell? Was it a Reformer or a Conservative? A.—A Reformer, I think, by the name—

Q.—Never mind his name; it was a Reformer? A.—Yes.

Q.—During the time the Reformer represented the constituency, did the constituency get the road grants? A.—He

(1829)

was considered a very good man for getting the road grants.

Q.—But after Campbell got in, you say they were either withdrawn or—? A.—That was the complaint, at any rate, and I spoke of the rumors. I don't know it myself.

Q.—Then this conversation took place after the Globe interview? A.—After the Globe interview.

Q.—After it became generally known that Mr. Gamey was supposed to support the Government? A.—Yes, sir.

Q.—You knew that he had been elected as a Conservative, on the Conservative platform? A.—Oh, yes, I had not attended any of the meetings though, sir.

Q.—It was generally known that he was running on the Conservative platform? A.—Yes, sir.

Q.—And that Mr. Fraser was running in the Reform interest? A.—Yes, sir.

Q.—So that the Globe interview had indicated to you that he had changed around, Mr. Gamey had changed around? A.—It did, yes it did; of course, I reserved my judgment about it. I didn't know how to understand it.

Q.—You simply saw the interview in the Globe, and thought that was true—A.—I supposed so.

Q.—That he had deserted the Conservative party, and gone over to assist the Ross party? A.—Yes, sir.

Q.—And the only thing you heard him say about the Whitney policy was that he had not got a sufficiently constructed policy? A.—Yes, that his policy was too much occupied in criticizing the Ross Government, and the defects of that.

(1830)

Q.—He thought that, in addition to that, he should have some policy of his own? A.—Yes, there may have been something else said by me, but I don't remember it well, not sufficiently to speak of it.

Q.—Do you remember him saying that he was going to the Perth election, or was it before that? A.—He instanced

his going down there, and made some reference to it.

Q.—Had he been at the Perth election before this time? A.—Yes, sir.

Q.—Did he instance what he referred to in some of his addresses during the Perth election? A.—He made some mention, but I don't remember it.

Re-examined by Mr. Riddell:

Q.—Mr. Gamey was elected in 1902. Mr. Farewell had two terms, had he not? A.—Yes.

Q.—That would be two terms of four years each? A.—I don't remember whether Mr. Farewell had two terms. Dr. Fell was opposed to him.

Q.—I want to get at what Mr. Campbell's time was. Mr. Campbell's time was '90 to '94? A.—I don't remember the dates.

Q.—Mr. Lyon was before Mr. Campbell? A.—Yes.

Q.—I thought, perhaps, you might remember that it was from '90 to '94 that Mr. Campbell was in? A.—No, sir.

Q.—It was in Sir Oliver Mowat's time? A.—Yes, sir.

The Chief Justice: He says he remembered immediately before Mr. Gamey there was a Reformer.

Mr. Riddell: Yes, my Lord, Mr. Farewell; he had two terms.

(1835)

Dr. Leonard Douglas Hogan, sworn. Examined by Mr. Riddell:—

Q.—Where do you live? A.—I have been living in Gore Bay since the first of last October.

Q.—That is Gore Bay, Manitoulin Island? A.—Yes, sir.

Q.—Do you know Dr. Fell? A.—Yes, sir.

Q.—Do you know Mr. Gamey? A.—Yes, sir.

Q.—Did you overhear or hear a conversation between these two? A.—Yes, sir, it was just after the interview in the Globe.

Q.—Dr. Fell, was he a candidate? A.—He had been at one time, I understand.

Q.—Where was it that you heard this interview? A.—Just beneath the window of our office.

Q.—Dr. Fell is a Conservative? A.—Yes, sir.

Q.—What was the conversation? A.—I cannot just remember the words of the conversation, the drift of it was that Dr. Fell was giving Mr. Gamey a calling down for going over to the Government, and Mr. Gamey did not seem to have anything to say for himself as far as I could hear. He talked low, I could hear Dr. Fell very distinctly and Mr. Gamey did not seem to have anything to say much at all, he would say a word here and there.

Q.—What did Dr. Fell say to him?

A.—He said he took it as a personal insult because he had lent his time and so forth to help Mr. Gamey get the place. He had, I understood, been stumping for Mr. Gamey, and he took it as a personal insult, together, of course, going over from his own party. He thought that was not the proper thing to do, of course, when he was elected as a Conservative.

Q.—Then have you told us all of that conversation? A.—Yes, I think I have.

(1836)

The Chief Justice: That was after the Globe interview? A.—Yes, sir.

Mr. Riddell: Did he justify himself at all? A.—He did not seem to, and when Dr. Fell came back upstairs he said as much to me.

Mr. Ritchie: Never mind that.

Mr. Riddell: I am very much afraid I cannot ask you that. You have told us all your remember about it? A.—Yes.

Q.—We could not get a statement from you, and we have to take it now. You are a Conservative, are you? A.—No, I am a Reformer.

Cross-examined by Mr. Ritchie:—

Q.—Dr. Fell is a dentist? A.—Yes, sir.

Q.—And you are a student in his office? A.—Yes, sir.

Q.—And you say that Dr. Fell was a Conservative and apparently had given his support to Mr. Gamey? A.—Yes, sir.

Q.—Yes sir. Worked for him hard in the election? A.—So I understood.

Q.—And after having seen the Globe interview he was upbraiding Mr. Gamey for having deserted the Conservative party? A.—Yes, sir.

Q.—Told him that he was elected as a Conservative? A.—Yes, sir.

Q.—And I suppose that he ought to be ashamed of himself now to go to the other side? A.—Yes, sir.

Q.—He said that he took it as a personal insult to him? A.—Yes, sir, as a personal insult.

(1837)

Q.—Apart altogether from the fact that he deserted the party who had elected him? A.—Yes, he brought in both those points.

Q.—And Gamey did not seem to say anything in justification, at all events, you did not hear anything he said? A.—No, I could not hear anything.

Jesse Lehman, sworn. Examined by Mr. Riddell:—

Q.—Where do you live? A.—Kagawond, Manitoulin Island.

Q.—Is there a lake by that name out there? A.—Yes, there is a lake there, but this is a small village.

Q.—And what is your occupation?
A.—A merchant.

Q.—And do you know Mr. Gamey?
A.—Yes.

Q.—Did he hold a meeting at Kagawong?
A.—He did.

Q.—And did you hear his speech?
A.—Yes.

Q.—Did you hear him say anything which bears upon this inquiry?
A.—Yes.

Q.—What was it, if you please?
A.—Towards the end of his speech he said that Manitoulin was his politics. The Chief Justice: Is this during the campaign?

A.—Yes, during the campaign. I don't know just the words he used, but as near as—

Mr. Riddell: Give me as nearly as possible?
A.—Well, the meaning was that if the Ross Government was sustained—

Mr. Ritchie: Never mind. Did he say this?
A.—He said this, I don't know that those are the words that he said.

Mr. Riddell: That is the substance of it?
A.—That is the substance, that

(1838)

he would give them a support so far that they would be obliged to—or he under an obligation to give him road agents or anything of this kind that he might ask for.

Q.—Did he say anything else as to his course as representative if elected?
A.—I don't know that he said anything else.

Q.—Did he speak about any previous representative?
A.—Yes, he referred to A. F. Campbell as an illustration just.

Q.—An illustration of what?
A.—Of opposing the Government in power. An illustration of the benefits that they would not get any benefits if they opposed the Government in power.

Q.—How many were there at that meeting?
A.—I don't know how many there would be.

The Chancellor: Twenty, or thirty, or fifty, give us some idea?
A.—There would be over fifty.

Mr. Riddell: Was it called on his behalf or a joint meeting?
A.—A Conservative meeting.

Q.—At that meeting were there Reformers as well as Conservatives?
A.—Yes.

Q.—A regular political meeting in the country?
A.—Yes, sir.

Q.—And that was the only previous representative that he mentioned, Mr. Campbell?
A.—That is the only one I remember.

Q.—Was he going to follow his example?
A.—No.

(1839)

Cross-examined by Mr. Ritchie:

Q.—You knew, of course, that he was nominated at a Conservative convention?
A.—Yes, sir.

Q.—A nominee of the Conservative party?
A.—Yes, sir.

Q.—And Fraser was the nominee of the Reform party?
A.—Yes, sir.

Q.—A square issue as between Conservatives and Reformers?
A.—I believe so.

Q.—And you say you were present at one meeting at Kagawong, a meeting called in the interests of the Conservative party?
A.—I was present at two meetings, but just the one Conservative meeting.

Q.—And that is the one you are speaking about?
A.—Yes.

Q.—And the speakers were all Conservatives?
A.—All Conservatives.

Q.—Did you ever hear anyone on a platform score the Ross Government in stronger language than Mr. Gamey did at this meeting?
A.—Yes.

Q.—Tell us who they were?
A.—Dr. Fell.

Q.—On the same platform?
A.—Yes.

Q.—Anybody else?
A.—No, I cannot say that I did.

Q.—Did he stand next to Dr. Fell in denunciation of the Ross Government?
A.—Well, he denounced them pretty strongly.

Q.—No mistaking where he was as an opponent of the Ross Government?
A.—No.

Q.—Nobody could mistake that?
A.—No.

Q.—He denounced not merely their policy, but he charged them with corruption, did he not?
A.—Well, I could not swear that he did just charge them with corruption.

(1840)

Q.—Did he not charge them with corrupt acts in connection with the administration of the affairs of the country?
A.—He denounced their policy.

Q.—And he, did he not, in addition to that, charge them with corrupt acts in connection with the administration of the affairs of the country?
A.—I could not swear that he did.

Q.—And you cannot say that he did not?
A.—No.

Q.—He denounced in unmeasured terms their timber policy?
A.—Yes.

Q.—Pointed out that they were granting large blocks of timber lands to wealthy capitalists?
A.—Yes.

Q.—To the disadvantage of the poorer classes?
A.—Yes.

Q.—Did he not charge also that a corruption fund was raised in this way

by means of these large timber grants and pulp concessions? A.—I don't remember him charging that way.

Q.—At all events there was no doubt in your mind as to where he stood as being an opponent of the Ross Government, was there? A.—No.

Q.—You said about the end of his speech that he said that Manitoulin was his politics. Did he say that he was going to support the Government in power? A.—Not exactly in those words.

Q.—Did he say who was going to be the next Premier? A.—Well, his speech through, he tried to show us in the forepart of his speech that Whitney would be the next Premier.

Q.—Did he say there was no doubt whatever that Whitney would be the next Premier, that the Ross Government must go? A.—No, he did not.

Q.—But at all events, he expressed his decided opinion that Whitney would be the leader of the Government? A.—He did, but he made a provision at the last—

(1841)

Q.—One question at a time. He said he was going to support Whitney? A.—Yes, that was his politics.

Q.—That was his politics to support Whitney. Then you say, at the end of his speech, he said Manitoulin was his politics, and if the Ross Government was returned he would support any good measures they might propose? A.—I did not take his words in that way.

Q.—Did he say, if the Ross Government was returned he would support any measures that were proposed that were in the interests of his constituents the Manitoulin? A.—He said he would support them so far as that, he would think they were under an obligation to give him what he was asked for for his country or his constituency.

Q.—Then the feeling that was broadcast was, that the Manitoulin had not been fairly treated by the Ross Government because Campbell was a Conservative and was in opposition, was that the feeling at that time? A.—I don't know what the feeling was broadcast at that time. I wasn't taking any part, had no vote at that time.

Q.—Then you said Campbell's name was mentioned, you thought? A.—He mentioned it as an illustration.

Q.—Was that the reason he referred to it? A.—I supposed it was.

Q.—That owing to Campbell being in opposition to the Government, Manitoulin was deprived of these road grants? A.—I supposed so.

Q.—Road grants that the people thought they were justly entitled to? A.—Yes.

Q.—And he had said that if the Ross Government was returned he would give sufficient support to get something for the constituency. Was that the way it was put? A.—That is the way I understood it.

(1842)

Q.—Or, was it rather put in this way, I do not care how you put it, that if they were returned he would support any measures that might lead on to the benefit of the Manitoulin? A.—No, I think it was put the other way.

Q.—Notwithstanding what he said then you knew it was his intention to defeat the Ross Government if he possibly could? A.—Yes, I supposed that.

Q.—You had no doubt of it in your mind? A.—No.

Q.—And you had no doubt in your own mind that he declaimed in very vigorous language against their policy on all grounds, did you not? A.—Well, I could not say on all grounds, but on many points.

Q.—And you cannot say whether he intimated whether they had been guilty of any corrupt acts in the affairs of the country? A.—No, I could not swear that he did.

Q.—Do you recollect a single matter as to which he endorsed the policy of the Ross Government? A.—No.

Re-examined by Mr. Riddell:

Q.—You told my learned friend that you supposed he would defeat the Ross Government if he could, and what do you suppose he would do if the Ross Government were not defeated? A.—I supposed he would give them his support from his speech.

Q.—You also said he said he would support Mr. Whitney. I might have misunderstood you?

Mr. Ritchie: That is what he said.

Mr. Riddell: I just want to know what that was. What did he say about supporting Mr. Whitney? A.—I meant from his speech, if the Whitney Government was returned to power I supposed he was going to support them.

(1843)

Q.—He was not going to be "agin the Government"? A.—That is the way.

Thomas Bowser, sworn. Examined by Mr. Riddell.

Q.—Where do you live? A.—Kagawong, on the Manitoulin Island.

Q.—And your occupation? A.—Lumber manufacturer.

Q.—Do you know Mr. Gamey? A.—Yes, sir.

Q.—Did he hold a public meeting during the campaign at Kagawong?

A.—Yes, sir.

Q.—Can you tell me about how long that was before the actual casting of the ballots? A.—Well, no; it was just sometime about the time the sleighing was breaking up, as near as I can remember.

Q.—Who were the speakers there? A.—Mr. Gamey and Mr. Kinney—young Kinney.

Q.—Is that the young gentleman we had here who was behind the pianos? A.—I couldn't say. He used to teach school at Kagawong, the same young man.

Q.—Did you hear Mr. Gamey's speech? A.—Yes, sir.

Q.—Tell us what he said which bears upon this matter we are investigating here? A.—Well, he went on to denounce the Ross Government very strongly, and their timber policy and mining, spoke very loudly on their mining policy.

Q.—After he had got through finding fault with their policy, what else did he say towards the end of his speech?

Mr. Ritchie: Don't you want the whole of it?

Mr. Riddell: No, it would take too long. A.—He said he would support any Government in power in the development of New Ontario and his constituency.

Q.—What did he say about any Government? A.—Well, when I said any Government, he may have said either Government. But I construed—I took from him that he said any Government, or either Government.

(1844)

Q.—What else did he say about giving them a support, can you say what kind of a support he would give them? A.—Well, I took it to be an independent support.

Q.—Is that what he said? A.—Well, I cannot just use the words he said.

Q.—But that is the impression? A.—That is the impression I had, that I took from what he said.

Q.—Did you mention this fact to any person? A.—Yes.

Q.—When? A.—Oh, I mentioned it to my folks, my son and his brother-in-law, and several others when I went home.

Q.—When, that same night? A.—Well, maybe not that night, but it was in general conversation.

Cross-examined by Mr. Ritchie:

Q.—Was this meeting called in the interest of the Conservative candidate? A.—Yes.

Q.—Was this the meeting at which Dr. Fell was present? A.—No, sir; at least I didn't see him.

Q.—And did not hear him? A.—No.

Q.—And you said to my learned friend that Mr. Gamey denounced the Ross Government in strong language? A.—Yes, sir.

Q.—Denounced their mining policy? A.—Yes, sir.

Q.—Timber policy? A.—Yes, sir.

Q.—What else? A.—Their policy all through.

Q.—You don't know of a single matter in respect of which he approved of the policy of the Ross Government? A.—Well, no.

Q.—And he used somewhat vigorous language? A.—Yes, quite loud.

(1845)

Q.—And do you recollect his charging that the Ross Government was handing over to large capitalists and to foreigners large tracts of our timber lands? A.—Yes, sir.

Q.—He denounced them strongly for that? A.—Yes, sir.

Q.—Did he also say that by these means they were enabled to secure a corruption fund? A.—Yes, sir; I think he did, but I won't swear that positively.

Q.—That is the best of your recollection? A.—Yes, the best of my recollection.

Q.—So that he did not seem to be on the best of terms with the Ross Government, nor with the policy of that Government? A.—Oh, no.

Q.—And you regarded him then as an out-and-out Conservative? A.—Well, I don't know about that.

Q.—Did you ever hear a Conservative talk more strongly against the Ross Government than he did? A.—No, he talked very loudly that night.

Q.—You knew of course that Mr. Fraser was the Reform candidate? A.—Yes, sir.

Q.—And I think you told us that this was a meeting called in the interest of the Conservative party? A.—Yes, sir.

Q.—Let me see if I gathered aright what he said, that he would support any Government that would do justice to Manitoulin? A.—For New Ontario and his constituents. The words I took, the development of New Ontario, and—

Q.—That is, that any measure that might be introduced by any Government having in view the development of New Ontario would have his support? A.—Yes, that is the meaning I took out of it.

(1846)

Q.—You did not understand that he was to do any corrupt act or to sell

himself, did you? A.—No, he did not say so.

Q.—That is not what he led you to infer: but that he would support any Government that would do justice to New Ontario in developing the resources of that country? A.—That is the meaning I took out of his conversation.

Q.—And you were not surprised to hear that, were you? A.—No.

Q.—Whether he said that or not, you would have expected him to do that when he is the representative of that constituency? A.—Yes.

Q.—And no matter what declaration the Liberal, Mr. Fraser, might make, you would expect Mr. Fraser to do the same thing, no matter what Government was in power? A.—Yes, to do what is right.

Q.—And you did not wish Mr. Gamey to do anything but what was right? A.—No.

Q.—And his constituents did not expect anything else of him, any more than you would expect that Mr. Fraser would not do right, that is so, is it not? A.—Well, I had not very much confidence in Mr. Gamey myself.

Q.—I am not speaking in what confidence you had, I am speaking of what happened at this meeting. There was nothing said at the meeting that you thought he ought not to do? A.—So far as supporting any Government in power.

Q.—You would naturally expect that he would support any Government measures, no matter which side they came from, that tended to develop New Ontario? A.—Yes, that is what he said.

(1847)

Q.—And you would look upon that as a duty he was bound to perform in the interest of his constituents? A.—Oh, certainly.

Q.—And if Mr. Fraser were elected you would look upon it as a duty upon his part to support any measures even though proposed by a Tory Government, that had in view the benefit of New Ontario? A.—He should.

Q.—I suppose you have been at many political meetings? A.—Well, I have been at some.

Q.—Did you ever hear a candidate for political honors declare at any meeting that he would not support good measures if they emanated from some particular side? A.—I don't know that I did.

Q.—They all claim that they will support good measures no matter from which side they emanate? A.—Oh, yes, all try to fish—

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Q.—They all try to, at all events. There was nothing said at that meeting that led you to vote for him? A.—No, sir.

Q.—You are a Reformer? A.—Yes, sir.

Q.—And voted for Mr. Fraser? A.—Yes, sir.

Q.—So that you did not go to that meeting with any idea that you might have a sudden conversion? A.—Well, some of his friends came around putting up some of his bills and called at my place and invited me strongly to come down and I said I would.

Q.—And you went there, not with any idea of being converted, you had made up your mind before that that you were going to vote for the Reform candidate? A.—Oh, I think so.

Q.—No matter who he was. That will do.

(1848)

Mr. Turner called on a subpoena by Mr. Riddell:

Q.—You are subpoenaed to produce a document, Mr. Turner. I do not swear you.

(A document produced and handed to Mr. Riddell, afterwards marked exhibit 70).

William J. Brooks sworn. Examined by Mr. Riddell:

Q.—I think you reside at Providence Bay? A.—Yes, sir.

Q.—You are a merchant and owner of a shingle mill there? A.—Yes.

Q.—Do you remember in the spring of 1902, shortly before the Long Day meeting, that is, shortly before the active campaign started, Mr. Gamey being at your place? A.—Yes.

Q.—Who was with him? A.—His brother.

Q.—Is that Wilfrid? A.—Yes.

Q.—Then was politics mentioned? A.—Not until Mr. Gamey went out.

Q.—Who went out with him? A.—I went along with him.

Q.—And where was his brother? A.—He went on to hitch up.

Q.—Then what was said? A.—He said he was getting ready to start out on his campaign, and if I could, he would like to have my friendly support.

Q.—Did he say on what ticket he was running? A.—Yes.

Q.—He asked you to give him your friendly support if you could. What did you say to that? A.—I asked him how it would be if he got in and the Ross Government got in.

Q.—What do you mean by that? A.—The road grants and privileges we

(1849)

were making application for.

Q.—What did he say to that? A.—He said he could do as much in the

lobby as our member probably could do on the floor.

Q.—Do you know if he knew the members of the Administration? A.—Yes, he said he did. He said he was personally acquainted with Mr. Ross and he knew the Ministers.

Q.—What is the name of that constituency? A.—Manitoulin.

Q.—Was that mentioned? A.—Yes, he said he would work for the people of Manitoulin when he got down there.

The Chief Justice: When did he say this conversation was?

Mr. Riddell: Shortly before the active campaign began that he expected to come out.

Q.—Were you living in the Manitoulin during Mr. Campbell's time? A.—No, I was not.

Q.—You cannot tell us how often he represented the constituency? A.—No.

Q.—Did you know Mr. Campbell? A.—No, I have seen the gentleman.

Q.—Was anything said about him during that conversation? A.—Yes.

Q.—What was it? A.—I said to him, you know when Mr. Campbell was down there was very little done for the constituency. He said yes, he knew that, that he had been kicking against everything that was brought up in the House.

Mr. Riddell: What did he say he would do? A.—He said he could do as much in the lobby if the Ross Government got in again as our man, Mr. Fraser, could, if he was on the floor.

Q.—How did he compare himself with Mr. Campbell, if at all? A.—He made a great difference.

Q.—How? A.—Well, that he could do as much in the lobby, that he could lobby the members into getting these grants and privileges, and that Campbell had not done anything of that kind.

(1850)

Q.—Then you did see him afterwards? A.—Yes, I saw him.

Q.—When was the next time you saw him? A.—The Saturday before the Conservative meeting in Gore Bay, about the 14th.

Q.—Where did you see him? A.—He was at my shop in Providence.

Q.—What was said? A.—He asked me if I knew the notoriety he was getting. I said I had heard of it. He said he thought those people in Gore Bay were a little too fast, that two or three of them had been down to Toronto here and were trying to make big men of themselves.

Q.—Was the Government spoken of? A.—Yes.

Q.—What did he say about the Government? A.—He told me that when he went up with the estimates that the

first thing they asked him was how it would be, would he be friendly to them, that he might be the first man to charge them with extravagance, when the House would meet. He said he had decided to do so.

Q.—Decided to do what? A.—To be friendly to them in order to get these grants or estimates rather.

Q.—Was there anything else said about the grants? (A pause).

The Chancellor: Is it that you are thinking or that you don't know? A.—That is all I know just now about the grants.

Mr. Riddell: Did it appear from what he said that it would be an easy matter to get the grants?

(1851)

Mr. Ritchie: Ask him what was said.

The Chancellor: What was said?

Mr. Riddell: Anything else said about the grants? A.—That is all I remember.

Q.—Then, what was it about the people at Gore Bay? A.—He said he thought they were going a little too fast.

Q.—In what way? A.—Making a fuss about that interview in The Toronto Globe. That was all that was said about that.

Q.—Hear anything about the Walker House? A.—No, sir.

Q.—Then, did you hear anything about Mr. Whitney? A.—Yes, he said. Mr. Whitney had not used him right in Perth, sent him out to the outlying school-houses, and he thought that he was a little jealous of him.

Q.—What else? A.—Well, he felt that he was side-tracked, he said.

Q.—Side-tracked by whom? A.—By Mr. Whitney.

Q.—Where? A.—When he was out in Perth.

Q.—How did the conversation terminate? A.—Well, at the end of the conversation, he said to me: "Was it the Conservative party of Gamey that elected me?"

Q.—Then were you asked to see some person? A.—Yes, he asked me to inquire around to see how the people in our country around there felt about it, about the interview.

Q.—Any names mentioned at all of persons that you were to see? A.—No, no names mentioned.

Q.—But you were to see how the people felt about it? A.—Yes.

Q.—Do you remember anything else that was spoken of? A.—That is all just then that I remember.

Q.—Do you know where McGregor Island is? A.—I know pretty close to where it is.

(1852)

Q.—What direction is it from your place? A.—Northwest of our place.

Q.—And how far from Manitoulin Island? A.—It would be four or five miles, three or four or five miles from the Manitoulin shores.

Q.—That is what I mean, from shore to shore? A.—Yes.

Q.—Anything said about McGregor Island? A.—Yes, he told me that the timber on McGregor Island was hollow, that it was no good, that anybody could have it for \$5,000 if they had the money.

Mr. Ritchie: Who said this? A.—Mr. Gamey.

The Chancellor: And anyone could have what? A.—That anyone who had the money could buy it for \$5,000.

Mr. Riddell: Any other figures mentioned than \$5,000? A.—No, not to me.

Cross-Examined by Mr. Ritchie:

Q.—When did you say your first interview took place? A.—Before Mr. Gamey started out speaking.

Q.—It was before Mr. Gamey was nominated by the Convention? A.—Before he started out speaking.

Q.—Was it before his nomination, too? A.—No, it was shortly before he had the meeting in Long Bay.

Q.—How long was he nominated before the meeting in Long Bay? A.—Oh, I think it was four weeks about.

Q.—Can you give us any idea of the time of the year it was that you had this conversation? A.—It would be about the 15th of April, I would think.

Q.—In April, at all events? A.—Yes.

Q.—It was known at that time, of course, that if he was not nominated that he was to be the Conservative candidate? A.—It was understood, yes, sir.

(1853)

Q.—And you knew he was running as a Conservative? A.—Yes, sir.

Q.—And you had no doubt as to what his beliefs were at that time? A.—Yes, I knew he was a Conservative.

Q.—You had no doubt on that point? A.—No.

Q.—Then he went to you to solicit your vote? A.—He spoke to me.

Q.—He went to see you about something else, too, in the course of the conversation did he solicit your vote? A.—He told me if I saw my way clear he would like to have my vote.

Q.—And I suppose he knew you were a Reformer? A.—Yes.

Q.—And you knew he was a Conservative? A.—Yes.

Q.—And he did not pretend to be anything else than he was, did he? A.—No.

Q.—Then, when he asked for your support, what did you say to him? A.—I said if the Ross Government got in and he got in how would it be about our road grants.

Q.—What led you to ask him that question? A.—Well, Mr. Campbell had been in before and there had been very little done.

Q.—Mr. Campbell had been in for some four years, he was a Conservative member and was Opposition, and you felt and the people there felt that, owing to that fact, they were not getting justice done to them? A.—Not while he was in.

Q.—In other words, you were not getting the road grants that you should have got? A.—Yes.

Q.—And it was felt that the reason you did not get it was because Campbell was supporting the Conservative party? A.—Yes.

(1854)

Q.—Having that in view, and having also in view a benefit to your constituency in getting the Colonization Roads grants, you say you asked him the position he would take, or what he could do in case the Ross Government was elected and he was also elected? A.—Yes.

Q.—Then did he tell you he would have more influence than Campbell? A.—He said he could do more in the lobby, he said to me that Campbell had been a kicker, and had not done anything for us, but he could do more for us in the lobby, providing the Ross Government got in, or do as much in the lobby.

Q.—That is by influencing other members outside? A.—Yes.

Q.—By jollying them along or using his personal influence with them? A.—His personal influence.

Q.—He could do enough there, he thought, to procure the grants. He did not suggest to you that he was going to sell himself politically, in order to do that? A.—No, sir.

Q.—Nothing of the kind. Did not say that for the purpose of getting this, he was going to vote for any measures the Ross Government might propose? A.—He did not say so.

Q.—Simply that he thought he could use his influence in the lobby so as to secure some measure of justice for Manitoulin? A.—Yes.

Q.—And did you feel that Manitoulin had prior to that been suffering an injustice in respect of these grants? A.—Yes.

Q.—And the people very generally thought that? A.—Yes.

Q.—Then, was anything further said at that interview that you recollect? A.—No, not in that conversation.

Q.—Then did you tell him at that conversation whether you would vote for him or not? A.—No, sir, I did not.

(1855)

Q.—What did you tell him? A.—There was nothing said.

Q.—You did not pledge yourself one way or the other? A.—No.

Q.—And he left. Up to the time of the election and until after the election, you had no doubt that he was a staunch Conservative? A.—Yes.

Q.—That is right; you had none whatever? A.—I understood he was a Conservative.

Q.—Then you say you had a conversation with him subsequent to the date of The Globe interview? A.—Yes.

Q.—Where did that conversation take place? A.—In my shop.

Q.—At Providence Bay? A.—Providence Bay.

Q.—And how was the conversation opened? A.—He asked me, he said, "I suppose you have heard of the notoriety I am getting just now?" I said yes.

Q.—That was in connection with The Globe interview? A.—Yes.

Q.—What date was that? A.—The 14th February.

Q.—Two days before the meeting of the convention? A.—The Saturday before.

Q.—The convention was on Monday, the 16th. What did you reply to that? A.—I said I had.

Q.—What next was said? A.—He told me he thought these people in Gore Bay were going a little too fast.

Q.—Did he tell you they were wrathful there with the stand he was supposed to have taken? A.—Yes, he said they were angry.

Q.—Did he tell you they had been abusing him? A.—No, I don't know that he did.

Q.—Now, what next was said? A.—We talked along; he mentioned about McGregor Island.

(1856)

Q.—What led to the conversation about McGregor Island? A.—Well, some people had been saying that he was getting a big share out of that.

Q.—Some persons were saying that Gamey was making something big out of McGregor Island for agreeing to support the Government? A.—Yes.

Q.—That was one of the charges against him? A.—Yes.

Q.—That he was being paid in that way? A.—Yes.

Q.—Was anything said about a charge that he had been paid money? A.—No, he said he had got no money.

Q.—Did you suggest that it had been said that he was getting a large sum out of McGregor Island? A.—Yes, I had heard it.

Q.—And you upbraided him with that? A.—No, I did not upbraid him.

Q.—You mentioned it to him? A.—Yes, he said McGregor Island wasn't worth very much.

Q.—He denied that he was getting very much out of that by saying that the timber there was all hollow and any one could get it who wanted it for \$5,000? A.—Yes.

Q.—Get it from whom? A.—From the Government, I suppose.

Q.—Did he tell you how he knew that? A.—No.

Q.—Was this all that happened about McGregor Island? A.—Yes.

Q.—Then you went on to tell my learned friend something about the estimates, that he had been up to see somebody, to see the Government, will you repeat this? A.—Well, he said he had been up to the House with the estimates.

Q.—What estimates? A.—Well, I suppose the road grants and expenditures.

Q.—That is, he went up with a list of estimates he wanted the Government to grant? A.—To grant to the island, yes.

(1857)

Q.—That is, road grants? A.—Road grants.

Q.—Did he tell you the amount? A.—No, he did not say.

Q.—Who did he tell you he had been up to see? A.—He said he had been up to the Ministers, up to the House.

Q.—Did you understand that he had been to see the Ministers? A.—Yes, those in authority.

Q.—Did he tell you which particular Minister he had seen? A.—No.

Q.—At all events, he led you to understand he had been up to the Ministers, up to the House, and he had spoken to them about these estimates? A.—Yes.

Q.—And what was the first thing they asked him? A.—They asked him whether he was going to be friendly to them or not.

Q.—What had that to do with the allowance of the estimates? A.—Well, he said that he might, when the House would meet, he might be the first man to charge them with extravagance, but, if he had been friendly with them, they did not mind about the extravagance? A.—He did not say.

Q.—Was not that what you gathered from what he said, that if he was friendly, the matter of extravagance would not cut any figure?

Mr. Riddell: Anything of that kind? A.—No, he did not say anything about that, he said they might be charged with extravagance.

Mr. Ritchie: What was to happen in

(1858)

case he was friendly? A.—Well, I inferred if he was friendly with them that we would get our road grants.

Q.—If he was friendly to them you inferred that Manitoulin would get the road grants they wanted? A.—Yes.

Q.—And that if he was unfriendly Manitoulin would not get them? A.—Yes.

Q.—So that the question of whether Manitoulin was to get justice or not was to depend upon the attitude of Mr. Gamey to the Government?

Mr. Riddell: That is argument.

Mr. Ritchie: What? A.—Well, yes.

Q.—You said something about Mr. Whitney, was it on this same occasion that he spoke about Mr. Whitney? A.—Yes.

Q.—I did not catch all you said about that? A.—It was on this occasion that he spoke about it; he said Mr. Whitney had sent him out to the outlying places, to the school-houses, and that he had not had a chance to speak.

Q.—You had assumed at this time, from what you saw or heard about The Globe interview, that he had determined to cast in his lot with the Government? A.—Well, I inferred he intended to be friendly to the Government.

Q.—You say, he spoke about the charges that had been made, the rumors that had been going about that he was going to get some big thing out of Manitoulin Island? A.—Out of this McGregor Island.

Q.—And then he said that was of no value? A.—No value.

Q.—Or, at least, very little value, and then did he begin to excuse himself by saying Whitney had sent him out to small places? A.—Well, he did not like it.

Q.—He did not say that was what led him to throw in his lot with the Gov-

Q.—That is with reference to his turn-over? A.—How he stood with the people there.

Re-examined by Mr. Riddell:

Q.—You did not tell me anything of what you have been telling my learned friend of his dealings with the Government, that is as to whether they attempted to buy him or anything of that kind? A.—He said the Government did not have to buy him, or anything of that kind, that they had already a majority.

Q.—Was it on February 14th that he said that? A.—Yes.

Mr. Johnston: I ask to put in this paper to-night. It is the report of the

(1860)

meeting of 16th February, 1903, in Mr. Gamey's handwriting, produced by the telegraph operator, Mr. Turner. I want Mr. Turner to go home. A report of the executive meeting of the 16th of February.

The Chancellor: Is that the one he sent to The Globe? He said he did not know the one put in by The Globe was correct or not. This is the original?

Mr. Johnston: This is the original. I don't know whether it is correct or not. My learned friend can compare it.

Mr. Ritchie: I have handed it to Mr. Gamey to see whether he will admit that it is his handwriting. Mr. Gamey says it is his handwriting. (The document is marked Exhibit 70.) You do not need the witness now that he says it is his handwriting?

Mr. Johnston: Oh, no.

(Adjourned to 10 a.m. on Wednesday, April 29th, 1903.)

(1861)

FOURTEENTH DAY.

April 29th, 1903, 10 a.m.

ernment, or intended to support them? A.—No.

Q.—That was a mere side matter? A.—Yes.

Q.—You told my learned friend that he asked you to see certain persons, I did not gather who they were? A.—Not certain persons, but to see those around the village there.

Q.—What were you to do or say to them? A.—To see what kind of feeling they had towards him.

Q.—You were to endeavor to sound these people and ascertain what feelings they bore towards him? A.—Yes.

Q.—Whether friendly or unfriendly? A.—Yes.

Q.—Were you commissioned in any way to help him? A.—No, I was not.

Q.—Just to find out the feeling whether they were bitterly opposed to him or not? A.—Yes.

The Chancellor: Mr. Clarke, are you ready?

Mr. Clarke: Yes, my Lord. Am I to proceed first, my Lord?

The Chancellor: Yes. You are taking objections to the jurisdiction, I understand?

Mr. Clarke: Yes, my Lord. I was going to say, in regard to that objection to the jurisdiction, that I do not wish my client's position in this matter to be misunderstood. Whether your Lordships have or have not jurisdiction in this matter, they do not wish to take any untenable position in regard to the propriety of what has occurred. They do not wish to defend anything that would be improper in itself, quite regardless of your Lordship's jurisdiction to punish, and, for that reason, I would ask your Lordships to allow me to defer dis-

cussing the question of jurisdiction for a moment while I read an affidavit of my client on the subject, to explain the position.

The Chancellor: Very well.

Mr. Clarke: We wish to put ourselves in a proper position before the Court, regardless of your Lordships' jurisdiction.

The Chancellor: Still, we have some regard to our jurisdiction, notwithstanding.

Mr. Clarke: Yes, my Lord.

The Chancellor: You can leave that question for the present.

(1862)

Mr. Clarke: I will leave that question for the present. I will read an affidavit of Mr. William Douglas, of the city of Toronto, who makes oath and says:

"1. I am the Managing Director and General Manager of The Mail Printing Company, which said company publishes The Daily Mail and Empire newspaper, and an evening edition of the same newspaper.

"2. About the time of the opening of the proceedings in this matter. I had conferences with the editors and the heads of the various literary departments of The Daily Mail and Empire, and impressed upon them that the proceedings in the matter before the Commission should be treated with the greatest fairness, and the evidence, on both sides, fully brought out, adding that no man was to be condemned until proven guilty.

"3. That the report of the proceedings in this matter on Friday, 24th April, and the comments thereon which appeared in the first column on the first page of The Daily Mail and Empire on Saturday, the 25th April, were published in the ordinary course, as the proceedings of the earlier days had been. That, in publishing the said report and the comments thereon, no contempt or disrespect to the honorable the judges presiding in this matter was intended, nor was there any intention of interfering with the proper administration of justice in this enquiry or of prejudicing the fair trial of the matter in question.

"4. That, in the evening edition of The Mail and Empire published on the 25th April and in the morning edition of The Daily Mail and Empire published on the 27th April, the reference to The Trust

(1863)

and Guarantee Company and the cheque for \$3,000 was explained in as prominent a position on the first page as the reference thereto had occurred in The Daily Mail and Empire published on the 25th April. Copies of the said two issues are now produced and shown to

me, and marked exhibits "A" and "B" to this, my affidavit.

"5. That the public newspapers on both sides of politics, both in Toronto and throughout this Province, had given the proceedings in this matter great prominence, and had assailed the parties concerned in the severest terms. That I respectfully direct attention to the report of the proceedings contained in the evening edition of The Globe newspaper published on the 21st April, 1903 (a copy of which is now produced, and shown to me and marked as exhibit "C," under the heading, "Gamey's Disappearance," "Three Crimes Alleged," which appears in the left-hand column on the first page of the said newspaper.

"6. That the statements contained in The Toronto Daily Star of the 11th April, 1903, now produced and shown to me, and marked exhibit "D" to this my affidavit, in the right-hand column on the first page, under the heading, "Surprise in the Gamey Case," and in the first column on the second page of The Chatham Daily News newspaper, now produced and shown to me, and marked exhibit "E" to this my affidavit, and on the right hand corner of the first page of The London Advertiser of the 22nd April, 1903, now produced and shown to me, and marked as exhibit "F" to this my affidavit, are samples of what has appeared in the newspapers.

"7. A copy of the six o'clock edition of The Evening Telegram newspaper, a

(1864)

newspaper published in the city of Toronto, Friday afternoon, April 24th, 1903, is now produced, and shown to me, and marked as exhibit "G" to this my affidavit.

"8. In view of the great latitude the press has assumed in this matter, probably less care was taken in regard to what was published in The Mail and Empire of the 25th April, 1903, than would otherwise have been taken.

(Sgd.) W. J. Douglas.

Sworn before me at the City of Toronto, in the County of York, this 29th day of April 1903.

(Sgd.) Edward Meek,

A Commissioner, &c."

It is material to the position of my client in this matter, that the attitude of the whole press, and the course pursued by the press at large, on both sides of politics, should be brought to your Lordship's attention.

The Chancellor: We cannot try the whole press of this country on this accusation. There may be a great many sins. The particular points before us here are the two things which we indi-

cated to you yesterday, and which are so clear, to our minds, as to make it apparent that every fair-minded person would at once assent to what we said. Those are the two things which we are dealing with now. There may be a good deal of miscellaneous criticisms which may be open to observation when it is nicely scrutinized. We do not propose on this present occasion to deal with any sort of general criticism, but there are two salient points emphasized in this matter in your paper. Those are the ones we are dealing with. It is no answer to call in a number and say you sinned in the same way. At one is brought to the

(1865)

attention of the court, and the opinion of the court expressed in that one particular case, it may probably effect a cure as to all. It is hoped it will have that effect. Leaving for the moment, the question of jurisdiction, which we will probably deal with later on, as it has been raised, the points for your consideration are the two we mentioned yesterday. First of all, making a public disclosure, and calling special attention to it, as to \$3,000, connecting it with the Trust and Loan Company, which was not in evidence, and could not have been divulged. That is one thing. Second, as to this statement which was made in large letters so that everybody could see it, "Startling Development Made by Lawyers in the Gamey Case. Ontario Bank Cashed \$3,000 cheque two days before date on which Gamey was bribed." Passing judgment upon the case that Gamey was bribed, and the only question now is to find out, not so much the person, because there is only one person indicated as the person making the bribe—not so much to find out who did the bribing, but the source from which the money came.

Now, even with regard to those two matters, if your paper, or the editor of it, pleases to express his opinion, that those were regrettable matters, that they should be withdrawn, and undertakes there shall be no repetition of them in the future, there is no need for going further with this motion.

Mr. Clarke : My Lord, I entirely agree with your Lordship, that the publication of any matter is wholly improper, and my client will not for one moment attempt to justify that course, but, in

(1866)

dealing with how publicly this matter was talked of, I would point out two things in regard to that particular publication.

The Chancellor : We do not propose in a case of this kind, where the matter is first brought before us, where a question is raised, and entertained seriously in some quarters apparently, that there is no jurisdiction in this court to protect itself, and to protect the witnesses and parties before it—where that exists, we would not propose either to commit for contempt, as it is called, or even to impose a fine. Attention has been called to this in a public way, and if the person whom you represent expresses his regret that these things should have been improperly published in his paper, first, that this was not evidence, and should not have been disclosed, and, second, this statement about pre-judging the case, that Gamey was bribed, which was a matter before us, and undertakes against a repetition of those offences in the future, the matter will be at an end, so far as we are concerned.

Mr. Clarke : Of course, my Lords, I have already read about the statements.

The Chancellor : That is encumbered with a great many other things there. It you like to put in a few words your undertaking, your expression of regret that those two things appeared in the paper, and that it shall not occur again so far as you are concerned, the matter is at an end, so far as we are concerned.

Mr. Clarke : Well, my Lord, I quite assent to that position, and I have no doubt that my client is quite willing to take it, but I must in justice to my

(1867)

client direct your Lordship's attention to the fact that this matter had, to a certain extent, appeared in evidence. That is one proposition of fact with which your Lordship does not agree, and I direct your Lordship's attention to it, and the statement of counsel.

The Chancellor : Where ?

Mr. Clarke : I direct your Lordship's attention to the first page, 1450, of the evidence, lines 3 to 7.

The Chancellor : That is not the page.

Mr. Clarke : It is 1452, my Lord.

The Chancellor : Yes. The Trust and Guarantee is a deposit. That is a different thing.

Mr. Clarke : Then they had the teller in the box. That is common knowledge. They were examining a teller of the bank.

The Chancellor : Just refer to the evidence that you say discloses what you referred to in the newspaper.

Mr. Clarke : If your Lordship will let me finish my reference.

The Chancellor : I wish you to refer to the evidence, and not make comments

between. You say page 1452, lines 3 to 7. We will read that.

"That disposes of your two supplementary books A to L?" A.—Yes.

Q.—Then you have two supplementary M to Z? A.—Yes.

Q.—The Trusts and Guarantee, is that a deposit? A.—Those are deposits made by the tellers. Both deposits and cheques are in this book.

There is no disclosure there. Now, what next?

(1868)

Mr. Clarke : 1455, lines 7 to 13.

The Chancellor : We will commence at line 1 :

Mr. Riddell : I am taking no objection on behalf of those who are accused, but it does seem to me that to turn up the accounts of the bank, of a private customer, that the customer ought to be heard.

Mr. Ritchie : I have not given the names of any of them. I have purposely abstained from doing so.

Q.—Look at folio 629. Can you tell anything about that \$3,000 cheque that appears there? A.—I do not know how to trace that. It has passed out of our hands.

Q.—Is there no other entry? A.—No.

Q.—All you have got besides this is the supplementary cash book which gives the name? A.—Exactly.

Now, what next?

Mr. Clarke : The next is 1469.

The Chancellor : That is the next day. That is entirely a different day.

Mr. Clarke : There was something which occurred on the next day I wish to show.

The Chancellor : But you cannot go to the next day now.

Mr. Clarke : Well, my Lord, counsel referred to this.

The Chief Justice : The article had been published in the meantime.

Mr. Clarke : But if you take what occurred on the next day when my learned friend, Mr. Riddell, addressed your Lordships upon this subject, he declared it had been disclosed in evidence, and I direct your Lordships' attention to it, that it had become knowledge here in court.

The Chancellor : This is the very thing.

(1869)

you apparently are taking Mr. Riddell as proof of the fact. We have the record before us, and it is not disclosed. We cannot help what Mr. Riddell said the next day. Our intention was that it should not be disclosed, and it has not been disclosed, except by this intervention of the newspaper reporter who has made it public property, when it was never intended to be so. This book con-

dems your position. Mr. Clarke, as plainly as can be. Do you still adhere to it, and say you were justified in publishing it as a piece of evidence?

Mr. Clarke : Yes, my Lord, not by way of justification, but by way of excuse.

The Chief Justice : If you look at page 1455, speaking about the \$3,000 cheque, the last company, or customer of the bank mentioned was not the Trust and Guarantee Company. Half way down the page, line 16, page 1452, another company is mentioned, so that the natural connection of that \$3,000 cheque, would not be with the Trust and Guarantee Company, but with another Guarantee Company, the name of which is mentioned at line 16, page 1452.

Mr. Clarke : Well, my Lord. I can only say that it appears to have become public knowledge, because in the six o'clock edition—.

The Chancellor : Of course it has become public knowledge, because the reporters have put it through the papers. That is the very thing we are complaining of.

Mr. Clarke : Within an hour after the adjournment of the court it appears to have been out in the evening papers.

The Chancellor : It was divulged, and it should not have been. We do not know how or why, but it is there, and it should not have been there in the paper.

(1870)

Mr. Clarke : Well, my Lord, as I have already stated, my clients have no desire whatever to justify the publication of this matter at all, and they have already expressed their regret, and I now repeat the regret, that the matter has been published.

The Chancellor : Then, we understand that the editor and the paper, in this open way, regret that these two things were published, as to this premature disclosure of evidence, and as to this statement that Gamey was bribed, and that so far as the editor is concerned, it will not be repeated in future.

Mr. Clarke : Yes, my Lord.

The Chancellor : Then the court will take that statement, made in open court, as a sufficient acknowledgement, without putting it in writing.

Then, so that there may be no mistake about the position of this tribunal, and that it may serve as a safeguard for any repetition in the future, or any discussion about what the powers of the court are, I will just refer to this Parnell Commission. First of all, my brother has the Commission under which we act, and will be good enough to read that part. This was read at the commencement of the proceedings in open court, so that the public might be advised of the powers we were acting

under—it was advisedly done—by Mr. Grant.

The Chief Justice: The Commission after reciting the charges that were made by Mr. Gamey, a member of the Legislative Assembly, and the other recitals, proceeds in the operative part to say:

(1871)

"And we do hereby confer on you, our said Commissioners, full power and authority to proceed with all reasonable despatch to hear, inquire into and investigate the said charges." I will leave out the surplusage. It empowers us to hear and examine all witnesses on oath, requiring them to give evidence, documents, etc., to the poenae, and so on. Now, this is the part to which we particularly refer:

"And we do hereby confer on you all the powers, rights and privileges concerning the hearing and investigation of the said charges, the making of the said enquiry, the execution of this Commission, the examination of witnesses, the taking of evidence, and the production of documents and things, which are possessed by or conferred on a judge in the trial of causes, either by Common Law or by Statute, it being intended that you, our said Commissioners, shall have the same rights, powers and privileges as judges of the High Court have in the trial of causes and in respect of all matters incidental thereto."

The Chancellor: Now, that Commission was founded on the Statute of the Province which empowered its issue, and that Commission was, if possible, fortified by a special Act of the Parliament at its present sittings, by which the ordinary powers given to us were very much enlarged in this case with regard to the protection of witness. With the exception that this is a Provincial Act, and the other is an Imperial Act, but no difference as to the Crown being

(1872)

represented—the position, I say, is precisely similar to the case of the Parnell Commission, where "The United Ireland" paper was brought up for contempt of court by the court, and the publisher, Mr. O'Brien, conducted his defence, as the courts say, with a speech of great ability.

It is necessary to observe that this is a case of the highest authority. The Commissioners were Mr. President Hannen, a name of great distinction in the judiciary; Mr. Justice A. L. Smith, and afterwards Lord Justice, a man eminent for his common sense, if I may be allowed to say so, and Mr. Justice Day, whose knowledge of the practice was well known. Those three gentlemen constituted the Commission. Mr. President Hannen proceeds to deal with the

ground upon which the publisher, and the proprietor sought to justify the article.

"He says that the questions before us are not of a judicial character, but of a political character, and that, therefore, he is entitled to deal with them so far as they are political in the manner that he has. And further, he says that The Times has continued to circulate the charges." That is on another point. There is the *tu quoque* argument, that The Times has done as badly as the other.

"Now, in dealing with these points in the order, I have mentioned, it is to be observed, that the tribunal, though undoubtedly exceptional, is based on the same foundation as every other court in the Kingdom. It is constituted by Act of Parliament, and therefore is the creature of the law, which we are all equally bound to obey,

(1873)

"even though we may object to it, or think it harsh or unjust, and it is obvious that we, at least, must deal with the matter with the feeling that this court, constituted as it is, is entitled to the same respect that is required by any of the ordinary courts. Then Mr. O'Brien says that the questions before us are not judicial, but that they are political. Let me say most emphatically that we have nothing to do with any political questions whatever. We entirely discard them from our attention. They cannot in any way influence our judgment. We have set before us a purely judicial question to investigate, certain definite charges, which we have to enquire into, and we do not allow ourselves to be influenced in any way by any political questions whatever which may surround the particular questions we have to determine upon. And I myself must point out that this distinction between the judicial enquiry we are engaged in, and the political questions connected with it, indicates exactly the proper line of division between that which may be permitted, and that which cannot be permitted to writers in the public press. With regard to the political questions, they are as free to write and comment now as they were before the institution of this tribunal: but the judicial question which we have before us they are not entitled to discuss in a manner calculated to prejudice the due investigation of the facts which have to be brought before us."

So much for the jurisdiction of the court, and the attitude of the court towards the so-called political questions, with which I entirely concur, and which I wish to adopt as my own.

Then as to the other matter, I need not dilate on the publishing of evi-

dence, which was not to be evidence, that is so manifestly improper, divulging private affairs in the public press, connected with the suggestion of criminal intimacy—that is so manifestly unjust it need not be dilated upon; but, upon the other, where in the head lines

(1874)

of this paper it is said that the Ontario Bank cashed this cheque two days before the date on which Gamey was bribed, there is the statement made on the front page of the paper, catching the eye of everybody, people in the street cars, people seeing it in the hands of their neighbors, without being explained, without going further down, there is the bald statement, "That Gamey was bribed."

Now, Mr. President Hannen proceeds:

"Now, it must be obvious that neither we nor anyone else can be in a position fairly to make any such charges as that. It must depend entirely upon the evidence which we have to receive, whether or not it will be established whether the letter was a forgery; and, above all, if it be a forgery, whether it is to be imputed to the particular person who is evidently designated or suggested by this writer."

Now, it does not follow that because Mr. Gamey says, or because Mr. Gamey swears that he was bribed, that this Commission is going to find that he was bribed. That is a matter to be ascertained when the whole evidence is in, and it seems altogether improper to have these flaming head lines that "Gamey was bribed."

(1875)

However, the matter ends so far as we are concerned, I am glad it has ended in such a way as this. And, I do hope that we may be allowed to pursue our investigation without these collateral questions being brought in to disturb the course of proceedings, at great expense, and not to the furtherance of justice at all.

Now, what can we take up?

(1876)

Warren Richard Abrey, sworn. Examined by Mr. Johnston:

Q.—You live at Gore Bay? A.—Yes, sir.

Q.—And your position? A.—I am Registrar of Deeds.

Q.—Were you the returning officer for Manitoulin election on the 29th May, 1902? A.—Yes, sir.

Q.—The election at which Mr. Gamey was returned as member? A.—Yes, sir.

Q.—You have no railway communication on the island? A.—No, sir.

Q.—It is alleged in his statement that the returns by the returning officers were held back and not declared until June 17th; he says this, I believe, was done to give the Government a chance to protest my election, if necessary after they saw how the rest of the protests stood. Is that correct? A.—That is the date that the returns were made.

Q.—Is it correct? A.—Not that the returns were withheld. It is a big district with outlying places that are hard to get at.

The Chief Justice: What is the date of the election? A.—29th May.

The Chief Justice: And the returns were made on what day? A.—On the 17th of the next month, nineteen days afterwards.

Mr. Riddell: 19th June? —

Witness: 17th June.

Mr. Johnston: You say it is a large district? A.—Yes, but that does not cover it all. The returns were to have been made on the 12th June, 14 days. I left fourteen

(1877)

days between the election and the time the ballots were to be counted, and one of the deputy returning officers and his poll clerk neglected to sign the poll books, and where he lives the mail boat only makes a weekly trip, and drops into this Meldrum Bay every Monday night and remains over, and my idea was when we arranged that my returns would be made on Wednesday, the 17th—this boat remains in Meldrum Bay over Monday night, and gets into Gore Bay on Tuesday evening.

Q.—We do not care about all that. You could not go by boat? A.—No.

Q.—And have them by the 12th.

The Chancellor: You say it was a necessary delay? A.—Yes.

Q.—And not a wilful delay.

Mr. Johnston: You had to make a personal trip. I understand, to get the return signed? A.—I was afraid there would be some slip, and I made a personal trip.

Q.—On your bicycle? A.—Yes, sir. I broke down and the bicycle never run until the other day.

Q.—And the distance is about what? A.—Sixty miles each way.

Cross-examined by Mr. Ritchie:—

Q.—Why did you give fourteen days in the first place? Couldn't you have collected them in five or six days? A.—I do not think it.

Q.—Will you swear you could not have collected all the ballot boxes in five or six days? A.—I will not swear we could not. I do not think I could. I was afraid I could not.

(1878)

Q.—You gave fourteen days for that purpose ? A.—I do not think it was too much time.

Q.—Of course at that time there was no difficulty as to water communication ? The ice was all gone at that time ? A.—Some of the places there is no steam boats run to at all.

John F. Boyd, sworn. Examined by Mr. Johnston :—

Q.—Now you are in a position with the Government or under the Government ? A.—Yes, sir.

Q.—Attached to what department ? A.—Public Works.

Q.—That is under the Honourable Mr. Latchford ? A.—Yes, sir.

Q.—And your position is what ? A.—Inspector of Colonization Roads.

Q.—And that takes you up in the newer territories ? A.—Yes, sir.

Q.—Altogether, Manitoulin, Algoma and these other places ? A.—And Sault Ste. Marie. I have charge of colonization roads there.

Q.—And you have been in the Government employ for how long ? A.—Since '98—spring of '98.

Q.—Now, have you anything to say with reference to the grants that are made from time to time ? A.—Well, I am consulted to a certain degree.

Q.—You will have to speak a little louder ? A.—I am consulted to a certain degree, and asked to report upon different petitions that are made.

Q.—And you know how applications have been made during the past five

(1879)

years for road grants in what is now the district of Manitoulin ? A.—I know of the grants that have been made.

Q.—And do you know whether they have been equal to or much less than the amount actually applied for ? A.—Well, yes, we always expect to have more applications than grants that are made.

Q.—But as a fact has that been so ? A.—Yes.

The Chancellor : What is so ?

Mr. Johnston : That much greater applications are made for grants than are actually given.

The Chancellor : Larger amounts demanded than are given ?

Mr. Johnston : Yes. Now, you have made a statement, or rather, you can give us a statement for two or three years with reference to the grants that have been made to what is now the present district of Manitoulin ? A.—I can—yes.

Q.—I will just take the sum totals until we see how they run. You know

this of your own knowledge since '98 ?

A.—Of my own knowledge—yes.

Q.—You will have to speak a little louder, Mr. Boyd. What is your first year ? '98 ? A.—'98 it was \$4,607.81.

Q.—And in '99 ? A.—\$3,586.83.

Q.—And in 1900 ? A.—\$2,635.20.

Q.—And in 1901 ? A.—\$2,547.42.

Q.—And in 1902 ? A.—\$1,921.36.

Q.—And during that period you had one or two large outlays ? A.—Yes, during 1898 and 1899, there was an unusual expenditure on account of the large bridge.

Q.—Now, you saw the statement that was made by Mr. Gamey—the statement made in regard to road grants, etc., applied for 1903 ? A.—He sent me one. I think, in January—Mr. Gamey did.

(1880)

The Chancellor : That is in the correspondence ?

Mr. Johnston : Yes, my Lord. I am not going over that. I merely ask the witness if he ever saw it, and to the extent of his application for \$5,000 or over, had you examined the various items ? A.—Yes.

Q.—And had you recommended any of it ? A.—Well, I had recommended some of it—yes—not all of it.

Q.—And those grants that would not be recommended or approved by you, would they go through ? Do they go through as a rule ? A.—Well—

Q.—I mean from past experience ? Those that are not recommended by you—do they go through ? A.—Sometimes petitions and grants go through without any recommendation.

Q.—Those that are recommended by you—do they always go through ? A.—Not always.

Q.—So that the final authority would be the Minister himself ? A.—Yes, sir.

Q.—On the 16th August, 1902, did you see Mr. Gamey ? A.—I did, sir.

Q.—Where did you see him ? A.—At his home, Manitoulin Island.

Q.—Were you there for some considerable time ? A.—About two hours I think.

Q.—Now, I do not want all the conversation that took place between you, and I want to confine it as much as possible to the matters that we are now trying to investigate. Did he speak to you with reference to his attitude towards

(1881)

the Ross Administration ? A.—Yes.

Q.—What did he say about that ? A.—He told me he had made up his mind to support the Ross Government.

Q.—Did he give any reason? A.—Yes. He said his reason for doing that was, that he believed that their policy was the correct and beneficial policy to that northern country, and furthermore he did not think that by pursuing an opposition course to the Government he could accomplish any good either in the Conservative interests as against the Government, and he would only prejudice himself, and the interests of his district by pursuing an opposition course.

Q.—Was anything said at that time about the present Government continuing or discontinuing? A.—Yes. He stated his opinion then that it was a undoubted fact that the Ross Government were in power, and would continue so for the next four years.

Q.—Did he say anything about his own party, and the treatment of his party? A.—Yes, he complained of some of the treatment.

Q.—What did he say? A.—Of his own party locally on Manitoulin. He said that he had been forced, or, rather driven, into convention with the understanding that he was to have the support of the Island financially, and he had been disappointed.

Q.—Anything about the protest in that connection? A.—Yes.

Mr. Ritchie: Do not lead the witness, please.

Mr. Johnston: I am not leading. I am directing his attention to the subject matter.

Witness: He also addressed himself in the same terms of disappoint-

(1882)

ment with his people and his party in regard to helping him with his protest.

Q.—Was there any talk between you as to any of the officials on the Island? A.—It is rather hard to recall the exact language he used, but as I told you, I was there for two hours, and Mr. Gamey talked very freely with me, that is in regard to his intentions.

Q.—You had dinner there? A.—I stayed for dinner at his house, and it was quite a surprise to me to hear him say he was going to support the Ross Government. I asked him then how he expected to reconcile himself with his Conservative friends.

Q.—And what did he say? A.—He said as far as the Conservative party of Manitoulin Island were concerned, he only considered there were about four men he would have to consult.

Q.—Did he name them? A.—Well, he named some of them.

Q.—Whom did he name? A.—He named Mr. Irving, of Manitouwaning; Mr. Turner, of Little Current, and Dr. Johnston, of Gore Bay—three at least.

Q.—Then what about the others? The Chancellor: Did he mention four?

Witness: Those three are all I can remember.

The Chancellor: And another.

Mr. Johnston: Three are the only names you remember. Then about the others? These were leading Conservatives I understand? A.—Yes.

Q.—But the rank and file of his party? Anything said about that? A.—Well, no; that was his statement. He said he would only consider there were about four whom he would con-

(1883)

sult as the Conservative party. I inferring that he would leave it to those to deal with the rank and file.

Q.—Was there anything said specially with regard to Mr. Turner? A.—Yes, he said that he probably might conciliate Mr. Turner by advocating a subsidy for his telephone line between Gore Bay and Meldrum Bay.

Q.—A telephone line owned by Mr. Turner? A.—Yes, sir.

Q.—You telegraph to Little Current, and then you communicate by telephone from there? A.—To different points on the Island.

Q.—To all points on the Island. Was any Minister's name mentioned in that interview? A.—I do not think so.

Q.—Was any Member of Parliament's name mentioned, or any further Member's name mentioned in that interview? A.—Not that I remember except that it would be A. F. Campbell.

Q.—No, but was there anything said with reference to the conduct of any other Member of Parliament? A.—Yes.

Q.—What? A.—He spoke of Mr. Beattie, of Parry Sound, adopting a similar course to the one he proposed to adopt.

Q.—Did he give any reason for that? A.—Yes, sir. He pointed out the advantages and the benefits that had accrued to Parry Sound district through Mr. Beattie's course, and he felt he was acting in the best interests of his riding and the people generally in supporting the Government.

Q.—Do you know what Beattie's course was? A.—Yes.

Q.—Both of you knew that. I suppose? A.—Yes.

Q.—He became independent after having been elected as a Conservative? A.—Yes.

(1884)

Q.—Then did the question of votes on the Island come up between you in connection with his election? Did he say anything? A.—In what way?

Q.—Did he say anything about how he was elected? A.—No, I do not know particularly. He claimed to have polled a great many Liberal votes as well as Conservative.

Q.—Now, making it as short as possible, was there any discussion between you and him—any conversation as to the Leader of the Opposition and the Leader of the Government—Whitney and Ross? A.—Yes.

Q.—Just tell us what was said by him? A.—It is rather difficult to recall the exact terms.

Q.—Just tell us what was said by him? A.—It is rather difficult to recall the exact terms.

Q.—Give the substance of it? A.—The substance of it was that he was drawing comparisons as between Mr. Whitney and Mr. Ross to the disparagement of Mr. Whitney. He did not think Mr. Whitney understood the needs and necessities of that northern country, and he believed that Mr. Ross and his Government did better than Mr. Whitney did.

Q.—Then coming to his question of the vote in the House, was that talked of between you? A.—He told me that he intended to vote with the Government. His reason for that, he said, was that he believed the Government were there and were sustained, and any opposition he might give them would not affect it any, and that he would rather have their sympathy, and give them his vote.

Q.—Did there appear to be any—so far as you could tell—anything behind this conversation in any way, or was it voluntarily entered into between you and him? A.—It was entirely voluntary on Mr. Gamey's part.

(1885)

Q.—Was it solicited by you in any way? A.—No. It came in the natural course of conversation.

Q.—Did you go there to get any information from him, or get any conversation of this kind from him? A.—I did not. I was merely passing on the road. Mr. Gamey was at his gate, and he asked me to stop.

Q.—You have known him for some years? A.—For some years.

Q.—And you have been there before? A.—Yes, sir.

Q.—You had often seen him, I suppose. Did you know at that time anything about Mr. Gamey's position politically, excepting what you had seen in the newspapers? A.—No.

Q.—Did you know anything about his attitude towards the Ross Government, except what he told you on that day? A.—Not until I heard it from himself.

Q.—And you never saw him again, I understand. Now, let me have exhibits 23, 24, 47 and 39. I think I asked you if you had seen him since? A.—Not before the 10th March.

The Chancellor: You did not see him from August until March, you say? A.—No, my Lord.

Mr. Johnston: Now, you got this letter, exhibit 23, from him? A.—Yes.

Q.—That enclosed a list of grants for the session? A.—Yes.

The Chancellor: What is the date?

Mr. Johnston: 24th December, 1902.

Q.—Do you know what he meant in that letter, "fully expected to go to the Sault to see you before Christmas?" A.—No.

Q.—Was this your first communication with him that you recollect after

(1886)

the 16th day of August, 1902? A.—Yes.

Q.—That is exhibit 23. When you got this letter did you examine the list that he has given you? A.—Yes.

Q.—Then, on the same day, he sends you exhibit 24, or was that the enclosure? A.—This is the enclosure. It is the list of road grants.

The Chancellor: That is the list you examined? A.—Yes, my Lord.

Mr. Johnston: And we have a petition here which is marked exhibit 39, residents of Campbell. Is that the petition he referred to? A.—That is the one referred to in this letter of the 24th December.

Q.—In exhibit 23. Who is Mr. Campbell? A.—Mr. Campbell is Deputy Minister of Public Works.

Q.—He belongs to the Colonization Roads Department? A.—It is under his administration—yes.

Q.—Because, I see on the 30th January, he writes to Mr. Campbell about the school apparently. Would that be his Department? A.—No.

Q.—But I mean as to the road between the 5th and 10th line. The school is only referred to incidentally as being a reason. It was impossible at certain times for the twenty-five children, etc., to attend. Then having, got that letter, you wrote the letter of January 3rd, to the Minister? A.—I did, sir.

Q.—In which you gave your opinion of Mr. Gamey—I am not troubling you about that for the moment—in which you advised to go slow? A.—That is my letter.

Q.—That is exhibit 47. Now, was that the letter that enclosed his petition

(1887)

or rather his application for road grants? A.—With this list of road grants.

Q.—Exhibit 24. Were you friendly with Mr. Gamey at that time? A.—Yes.

Q.—And still are, so far as you are concerned? A.—As far as I know.

Q.—Then, will you just say why you wrote the letter of January 3rd to your Minister, Mr. Latchford? A.—Well, in looking over this list of grants here, I noticed some applications from places where I did not consider that the grants were as necessary as they were in other portions, some places that were thickly populated and better able to take care of their roads were recommended by Mr. Gamey, leaving out some other places that were poorly settled, and not in a position to take care of their own roads.

Q.—And then you called the attention of the Minister to that fact, and also said something about the man himself being a little zealous, and a little over-estimated, you thought? A.—Yes, I attributed some preference, politically or otherwise, to portions that were recommended; I thought it was more of a personal interest than a public interest.

Q.—More of a personal interest than a public interest, and that was all your connection with the matter? A.—Yes.

Q.—In order that it may appear on record, because, I think, we have not had it yet—you do not make grants to organized and older municipalities? A.—Sometimes.

Q.—As a rule, you do not, I mean, like the County of York, for instance, the County of Peel, or any of these counties about here? A.—There are none of these

(1888)

districts that have a county organization at all up there. *

Q.—The old organized counties you do not, as a rule, make grants to for roads? A.—I cannot say anything about that. I cannot say anything about that.

Q.—Then, the grants that you make to the unorganized counties or places where they have unorganized counties are based upon what principle, do you know? A.—Well, in sparsely settled districts—

Mr. Ritchie: I suppose, this witness cannot know anything about that except from hearsay.

Mr. Johnston: He knows what he does.

Witness: Grants are usually made in sparsely-settled districts where there is not sufficient settlement or statute labor to keep up their roads.

Q.—That is the rule you have adopted in your recommendations? A.—That is

the rule I have adopted in my recommendations.

Cross-examined by Mr. Ritchie:

Q.—I believe that you succeeded your father in this office, did you not? A.—I did, sir.

Q.—And you say that sometimes when you recommended that grants should be made for roads your recommendations were approved of? A.—Sometimes.

Q.—And sometimes they were not? A.—Sometimes they were not.

Q.—And quite frequently the Minister would make grants without recommendations from you at all? A.—Not often without a recommendation from me.

Q.—But that has been done on several occasions? A.—I cannot recall any just now.

(1889)

Q.—That have been made without your recommendation? A.—I believe there have been.

Q.—Made by the Minister without your recommendation at all? A.—Not often.

Q.—Now, then, you gave us the figures for grants from '98 to 1902, and I observe that year by year the grants were decreasing in amount? A.—Well, as I explained to Mr.—

Q.—Is that the fact, that year by year they were decreasing in amount? A.—No.

Q.—We got \$4,600 first, then \$3,500 odd, \$2,600 and \$2,500 and \$1,900? A.—But those first two years did not represent road appropriations.

Q.—What did they represent? A.—A large portion of that was an unusual expenditure in a large bridge built up there.

Q.—At all events these were expenditures in that district? A.—In that district.

Q.—For either roads or bridges, so that so far as the people there were concerned the grants were less year by year for the public purposes? A.—They have been, in the last three years, less than in 1898 and '99.

Q.—And less in '99 than in '98. However, you have given the figures. I will not bother you any more about that. Then Mr. Gamey sent you in a list of certain grants. Do you know Mr. Boyd, how much the grant was for the bridge that you speak of? A.—\$2,850.

Q.—And in '99 what was the amount for the bridge? A.—\$1,892.

Q.—Now, in 1898, have you given us the figures for the whole of the year? You were only there a part of that year.

(1890)

Have you given us the figures for the whole of the year, or only the portion of the year that you were in office?

A.—That is the portion I was in office.

Q.—In '98 you went there at what time in the year? A.—To Manitoulin, do you mean?

Q.—Yes? A.—As nearly as I can recollect, about the month of August.

The Chancellor: When he began to be an officer.

Mr. Ritchie: Yes, my Lord, it was in August? A.—In August, my Lord, when I first went to Manitoulin, but I was appointed in July.

Q.—Then the figures for \$4,600 odd represent the expenditure during the half of the year—during the last half of '98. A.—Well, that was the only season or time any expenditure was made during the summer season.

Q.—There was no expenditure made in '98 before you took office? A.—Yes, sir.

Q.—How much was the expenditure in '98 before you took office? A.—I could not say as to that.

Q.—But at all events this expenditure that you speak of, \$4,600 odd, was made after August or after July? A.—Yes.

Q.—How much more had been expended in '98 prior to July you cannot say? A.—No.

Q.—Now, where was all this expenditure made? Was it on the Island or part on the mainland? A.—On the Island.

Q.—This expenditure you have given to us is expenditure on the Island? A.—On Manitoulin and Cockburn Islands. I think there was an item for Cockburn Island.

Q.—At all events it does not include the mainland? A.—No.

(1891)

Q.—And the same remark applies to all your figures? A.—Yes.

Q.—That they apply only to the Island and not to the mainland. Now, then, Mr. Gamey sent you in on the 24th of December the grants that he wished to have you put through during his then ensuing session? A.—Yes, sir.

Q.—And the list accompanied this letter of 24th December, 1902, from Gamey to you? A.—Yes, sir.

Q.—Then, in that letter he says: "Enclosed, find petition of residents of Campbell for a grant of \$300, 8th concession of Campbell. This grant is needed very bad, and I hope you may see your way to recommend it. I would also like the following grants the coming season. "and he gives you a list. Now, do you know if these grants asked for by Mr. Gamey, were made or not? A.—Well, they have not been yet. The estimates are under consideration now.

Q.—And you do not know whether

these items are included in the estimates or not? A.—Well, the estimates are not finished yet.

Q.—Don you know whether these are included in the estimates or not? A.—I think they are. Excuse me. As I said, the estimates were not prepared. They are included in the list under consideration; not included in the estimates.

Q.—There was a list also sent in to the Minister of Public Works by Mr. Gamey? A.—Yes, sir.

Q.—As showing grants that he required? A.—I believe so.

Q.—And do you know what the total of that list was? A.—That is the only list I can speak of. That is the only one I handled.

(1892)

Q.—You do not know the total of the list that Mr. Gamey sent in to the Minister of Public Works? A.—No.

Q.—You had not heard it was close on to \$6.00? A.—I never saw it.

Q.—And you could not say, of course, whether these are included in the estimates now under consideration, or not? A.—In the lists?

Q.—They are included in the lists under consideration?

The Chancellor: That is under consideration in the present House?

Witness: Yes.

Mr. Johnston: The estimates go in as a lump sum in the Budget Speech. The details are given afterwards.

Mr. Ritchie: Then will you tell us how it was that you came to go to see Mr. Gamey on the 16th August last? A.—Yes. Driving through the Island on my way to Gore Bay.

Q.—Where had you been prior to that time? A.—Providence Bay.

Q.—How long had you been at Providence Bay? A.—I had been there part of the day before over night, and left there that morning.

Q.—Did you do any work at Providence Bay? A.—I did.

Q.—How long did you spend at that work? A.—I spent part of the day before.

Q.—How much of the day? A.—It is hard to recall just exactly.

Q.—An hour or so? A.—Oh, more than that.

Q.—Two or three hours? A.—Yes.

Q.—Then how far is Providence Bay from where Mr. Gamey

(1893)

lives? A.—I should judge 16 or 17 miles.

Q.—You live at the Sault. I understand? A.—Yes, sir.

Q.—How long prior to the 16th August had you left the Sault? A.—I left there about the 10th or 11th, as near as I can remember.

Q.—Of August? A.—Yes, sir.

Q.—Where did you go from the Sault first? A.—Little Current.

Q.—And what day did you leave Little Current? A.—I left there on the 13th.

Q.—And where did you go from there? A.—To Manitowaning.

Q.—And left Manitowaning when? A.—On the 14th.

The Chancellor: Were you driving? A.—Driving through the Island.

Mr. Ritchie: And where did you go after the 14th? A.—I went out in the township of Tegerman, that is south-east.

Q.—And on the 15th? A.—I was over night at Providence Bay, as I tell you.

Q.—And from Providence Bay you went to what place? A.—To Meldrum Bay.

Q.—How far is that away? A.—It is about, I should judge, nearly 40 miles.

Q.—Is Mr. Gamey's house right between Providence Bay and Meldrum Bay? A.—Between Providence Bay and Meldrum Bay?

Q.—Is it on the direct road between these places? A.—Nearly so.

Q.—Well, is it? Give us your oath? I am told it is two or three miles out of the direct road? You

(1894)

were going direct from Providence Bay to Meldrum Bay? A.—No.

Q.—How were you going? A.—My intention was to go to Gore Bay. I was going to Gore Bay for dinner, and probably stay over Sunday.

Q.—Then would you pass Mr. Gamey's house in going to Gore Bay? A.—Yes.

Q.—On the direct road? A.—Yes.

Q.—Did you go to Gore Bay? A.—No.

Q.—When did you change your mind? A.—I changed my mind when it was about 8 or 10 miles from Mr. Gamey's into Gore Bay. I intended to go there for dinner. I stopped at I was at Mr. Gamey's. As I tell you, Mr. Gamey's about 11 o'clock and changed my mind, and thought I might as well go to Meldrum Bay—no, it was Silver-Water it was called—the Meldrum Bay road I was going to.

Q.—Then you would be driving fifteen miles to Gore Bay for your dinner? A.—No.

Q.—What is the distance from Providence Bay to Gore Bay? A.—About twenty-five miles.

Q.—And you were going to Silver-Water? A.—Silver-Water.

Q.—That was your objective point when you left Providence Bay? A.—No.

Q.—What was your objective point? A.—It was on Saturday, and I doubted whether I could reach the work at Silver-Water in time to get through that Saturday, and I was a little bit indifferent whether I did or not, and I was going into Gore Bay.

(1895)

Q.—When did you resolve this doubt you had in your mind? Was it after you started on the journey, or do you mean to tell us when you set out you did not know whether you were going to Gore Bay or near Meldrum Bay? A.—I tell you I was going to Gore Bay when I started.

Q.—You had fully made up your mind to that. And what time did you leave Gore Bay? A.—I did not go to Gore Bay.

Q.—Or, at least, Providence Bay? A.—I should judge between 7 and 8 o'clock in the morning.

Q.—And you arrived at Mr. Gamey's house at what time? A.—About 11, as near as I can remember.

Q.—And what is the distance from Providence Bay to Gamey's house? A.—Fifteen miles.

Q.—Well, did it take you between 7 and 8, until 11, to drive the fifteen miles? A.—I am not speaking definitely as to half an hour.

Q.—Didn't you arrive at Mr. Gamey's house before 10 o'clock in the morning? A.—Possibly it might have been 10 o'clock.

Q.—Now, I am instructed that you went in there and tied up your horse? A.—That is not so.

Q.—Do you swear that you did not stop at Mr. Gamey's house before you were asked to go in? A.—Mr. Gamey was at the gate when I was driving past.

Q.—You swear that you did not stop there before he asked you to go in? A.—I stopped to speak to him as I always had done. He was standing at the gate—on the road.

Q.—And what was the first conversation you had with him? A.—Well, just the ordinary conversation, such as people would engage in as they meet.

(1896)

Q.—Do you recollect what it was?
A.—I don't recollect what the first conversation was.

Q.—How long were you talking with him before he asked you to go into the house? A.—Nearly as soon as I stopped he asked me to put up my horse and stay to dinner.

Q.—And although it might have been 10 o'clock, he asked you then to stop to dinner. Did you tell him you were going to Gore Bay for dinner? A.—No.

Q.—Then you must have been with him two or three hours before dinner hour, or what time did you get dinner? A.—Well, I could not say. I was at his house. I presume, about two hours.

Q.—And you could not tell us anything that passed between you except with reference to his attitude politically? A.—In the ordinary conversation politics, of course, came around.

Q.—But that is all you recollect anything about—the political discussion? A.—Yes, that is all.

Q.—Do you swear that you had not intended to stop at Gamey's house—to call there? A.—I do.

Q.—You pledge your oath to that? A.—I did not know he was there.

Q.—You did not know he was there. Did you know that he had just returned from Toronto—that he had been down in Toronto? A.—I did not.

Q.—You had not heard it? A.—No.

Q.—And how do you fix the date as being the 16th August? A.—I keep a diary of my work as I go through the district.

Q.—Show me the entry you have of this particular date?

(1897)

A.—There is an entry in connection with the work in the Township of Carnarvon, Providence Bay, is in the Township of Carnarvon. I was there on the 15th. Now, this Meldrum Bay and Silver Water road—I was there on the 16th. So that makes me positive. I will mark that one there for you.

Q.—I have my finger on it. So, then, you have not got an entry here of being at Mr. Gamey's house? A.—No, that was not an official visit, I did not consider.

Q.—I am not asking that. You have no entry? A.—That is how I fix it.

Q.—You were at Silver Water on the 16th August? A.—And I was at Providence Bay on the 15th.

Q.—So that you say it was while you were going from one place to the other

that you stopped at Mr. Gamey's house?
A.—Yes.

Q.—Now, do you keep a list of your expenses, too? A.—Of my expenses?

Q.—Yes. In this book? A.—No.

Q.—You do not. In any book? A.—No.

Q.—Did not keep any list of expenses, what you pay for dinner or anything of that kind? Have no list whatever? You have already told me you have no entry. Now, did you report to anyone the conversation that you had with Mr. Gamey on the 16th August? A.—I did not.

Q.—What? A.—No.

Q.—You did not? A.—No.

Q.—When did you first divulge the conversation? A.—I think, perhaps, it was after this excitement on the floor of the House—after Mr. Gamey made his statement.

(1898)

Q.—It was after Mr. Gamey made his statement on the floor of the House that you disclosed this conversation on the 16th August? A.—Yes, sir.

Q.—To whom did you disclose it? A.—I might have mentioned it to several. I was not very careful about it.

Q.—To whom did you mention it? A.—I was not at all guarded in mentioning it to any person.

Q.—I do not ask you that. I ask you whom you mentioned it to? A.—Well, Mr. Brodie, for one, I can recollect I mentioned it to.

Q.—And who was he? A.—Reform candidate in Algoma.

Q.—Anybody else? A.—I mentioned it to several. I told my brother.

Q.—Anybody else? A.—I was not at all guarded in speaking of it. Mr. Gamey did not tell me this matter in confidence at all.

Q.—I did not say he did. Did you report it to any of the Ministers? A.—No, I did not.

Q.—Neither directly or indirectly? A.—No.

Q.—How long after the statement was made in the House was it that you disclosed the matter to Mr. Brodie? A.—I could not just remember.

Q.—A week or two weeks or a month? A.—It was not a month.

Q.—Do you know how my learned friend got the information as to the conversation? A.—Yes, I presume I gave it to him myself.

Q.—Do you know how he became aware that you had such a conversation? A.—I do not know that.

Q.—Did you write to anybody about it? A.—I did not.

(1899)

Q.—You did not write to anybody about it. Did you have on the 16th any road to examine near Gamey's place? A.—I told you I came to Providence Bay—

Q.—Had you any road to examine near his place? A.—No, I had no road.

Q.—You did not examine any road. Now, were you on your way from Carnarvon road to Silver Water road? A.—I explained about it being a Saturday, and I had not made up my mind whether I would go into Gore Bay or go to Silver Water. I had almost made up my mind to go into Gore Bay, in fact, I had fully made up my mind to go into Gore Bay, until I passed Mr. Gamey's house.

Q.—If you were going from the Carnarvon road to the Silver Water road you would go several miles out of your way in order to call at Mr. Gamey's place—some five miles—if you had been going from the Carnarvon road to Silver Water road you would have gone four or five miles out of your way? A.—No, not so far. Possibly two miles.

Q.—Possibly two miles out of your road.

Mr. Gamey: Five miles exactly.

Mr. Ritchie: What do you say? Mr. Gamey said it would be five miles? A. If I had a map, I could show where Mr. Gamey lives, and show he is not correct.

Q.—Are you quite sure it would not be more than two miles out of your way? A.—To be correct, it might be $2\frac{1}{2}$ miles.

Q.—So that, of course, if you had to go two miles one way and two miles the other way, that would be five miles out of your way? A.—I explained to you I was not going to Mr. Gamey's at all. I was going to Gore Bay.

(1900)

Q.—Now, you say you had this conversation on the 16th August, and did not report it to anybody until after the statement was made by Mr. Gamey in the House? A.—I do not think so.

Q.—You do not think so. You did not discuss it with anybody? A.—I may have privately with my brother.

Q.—But you have no recollection of ever discussing it with anybody? A.—I have no recollection.

Q.—Now, at this time in August that you say he had the conversation, do you recollect what the Government majority was at that time? A.—Somewhere about three or four, I think.

Q.—Wasn't it one at that time? A.—I do not recollect.

(1901)

Q.—Whether it was one majority at that time or not? A.—I don't recollect.

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Q.—Now, I suppose that you were aware that Mr. Gamey was the nominee of the Conservative convention? A.—Yes.

Q.—And that he ran as a Conservative? A.—Yes.

Q.—And that in his platform speeches he denounced in vigorous terms the Ross Government? A.—I think he did.

Q.—That he denounced the policy of the Ross Government in respect of the mining policy, the timber policy, in fact, the whole policy of the Ross Government? A.—I think he did.

Q.—And there was no doubt so far as you were concerned, that you had looked upon him at that time as an out-and-out Conservative running in the Conservative interests? A.—He was undoubtedly the Conservative nominee.

Q.—And you expected he was an out-and-out Conservative prior to the election? A.—That was my surprise, when he told me he was going to support the Government.

Q.—He denounced them in such strong language, that when he told you he was going to support the Government, on the 16th August—when he told you that, you were amazed? A.—Yes.

Q.—Did you express to him your surprise? A.—I may have.

Q.—But whether you expressed it to him or not, you were undoubtedly very, very much surprised? A.—I was.

Q.—Did you ask him how he could square his attitude with the Conservatives who had supported him? A.—I did.

Q.—And I suppose you thought he would have very much difficulty in satisfying the Conservative supporters? A.—I thought naturally he would.

(1902)

Q.—And then he pointed out that one of them he would probably silence by getting a subsidy for the Government for his telephone line? A.—Yes, he mentioned that.

Q.—He was to satisfy him at the public expense? A.—Yes.

Q.—Now did he tell you how he was to satisfy the others? A.—Yes. Dr. Johnston, of Gore Bay—he spoke of having him appointed as Jail Surgeon.

Q.—And what about the other man, Mr. Irving—what was he to get out of the public? A.—He was going to find some position for him.

Q.—He was going to satisfy all these people by providing something from the public chest? A.—Yes.

Q.—Now, I understand that you are a strong Reformer, and always have been? A.—I vote that way.

Q.—And work that way whenever you do work? A.—I work on Colonization Roads a little.

Q.—And do some political work on the roads, too, as well as road work? A.—I have never been asked to.

Q.—What is that? A.—I have never been asked to.

Q.—But you have done it without being asked? A.—I do not think so.

Q.—What? A.—I do not think so.

Q.—Do you swear that you have never canvassed for the Liberal candidate? A.—

—No, I cannot do that.

Q.—You cannot do that. And while you are working on the road, you might do a little good political work? A.—Well, I am not supposed to.

Q.—I know you are not supposed to. Officials are not supposed to do it, but

(1903)

frequently do it. At all events you were an active supporter of the Government—of the Ross Government? A.—As an official in the district.

Q.—Interested in the continuance in office of the Ross Government? A.—In the administration in the particular department that I was employed under.

Q.—When did the raise in salary take place? A.—On the 7th July.

Q.—And just about this time you got a raise of salary did you not—a considerable raise? A.—I think I did.

Q.—Of how much? A.—That is hard to define. It was in connection with some travelling expenses I was allowed, that I heretofore had not been allowed.

Q.—A raise of salary took place on the 7th July, and you cannot give us approximately in figures how much that raise was? A.—No.

Q.—500? A.—Oh, no.

Q.—What? A.—No.

Q.—It was not as much as \$500? A.—No.

Q.—And you tell us you cannot say approximately how much it was? A.—

—No. I cannot without my book.

Q.—Then you knew, of course, at the time of this conversation with Mr. Gamey, that the position of the Ross Government was, to say the least of it, somewhat precarious? A.—I do not know that we were discussing that to any extent.

Q.—I am not saying you were. But you knew like everyone else who read the newspapers, that the position of the Ross Government was somewhat precarious? A.—Their majority was small. That was generally known.

(1904)

Q.—It would be a matter of very great moment to them to know that they could increase that majority? A.—Yes, naturally.

Q.—And the statement made by Mr. Gamey to you that he was going to support the Government, was a great surprise? A.—It was.

Q.—Why didn't you then at once communicate that to the Premier so as to ease his mind, to some extent? A.—Well, I have never been in communication with the Premier, or any other of the Ministers, only the one I am working under.

Q.—Why didn't you communicate to the one you are working under—Mr. Latchford? A.—Well, I did not consider that that was my business.

Q.—Didn't you think it would be a welcome piece of news to him? A.—Well, Mr. Gamey told me—

Q.—Didn't you think it would be a welcome piece of news to Mr. Latchford? A.—Well, I cannot say as to that; I do not think he would be disappointed.

The Chancellor: What did you say Mr. Gamey told you and you were stopped? What were you going to say? You say Mr. Gamey told you and you were stopped? A.—Mr. Gamey told me he was going to support the Government, and I expected naturally Mr. Gamey would inform the Ministers at the proper time of his intention.

Mr. Ritchie: He had not told you he had informed the Ministers before that? A.—No, he had not.

Q.—And so far as you knew, none of the Ministers knew about it? A.—So far as I knew.

(1905)

Q.—Then why didn't you communicate that fact to Mr. Latchford? A.—Well, as I told you, I did not consider it my business. I am employed in connection with colonization roads.

Q.—Is it not your business to ask for votes, and yet you say sometimes you have done that? A.—I have.

Q.—At all events, you did not communicate it to anybody? A.—I did not.

Q.—Were you and Mr. Gamey on friendly terms? A.—Always have been.

Q.—Then, did you become aware that Mr. Gamey had got the patronage for Manitoulin District from the Government? A.—No.

Q.—You never heard that? A.—I had heard it, but not through any official source.

Q.—From whom did you hear it? A.—Why, from men on the street.

Q.—Did it seem to be generally known? A.—It seemed to be general talk; it seemed to be doubted considerably.

Q.—It was a current rumor he had got the patronage? A.—It was a rumor.

Q.—And you had heard it on several occasions. Then, on the 3rd January, you forwarded to the Minister of Public Works the list of grants that Mr. Gamey wished to have made in your district for colonization roads? A.—Yes.

Q.—3rd January, 1903. Now, you say in that letter: "I have been led to believe that Mr. Gamey expects some patronage in making grants and appointments"? A.—Yes. The letter I enclosed with that will show you where I was led to believe that. Mr. Gamey led me to believe that in his letter.

(1906)

Q.—But you had been led to believe it by statements made by others? A.—By Mr. Gamey's letter chiefly.

Q.—"I have been led to believe Mr. Gamey expects some patronage in making grants and appointments." A.—Mr. Gamey's letter will explain that portion of the letter.

Q.—Then you say also: "But fear that unless some decided advantage shall be obtained from this, we are running the risk of denoralizing our party in that portion of the district for the future." So that you did not approve of Mr. Gamey getting the patronage? A.—For the reason, as I explained to you, his grants I did not think were asked so much in the public interests, as they were in a political interest, and for that reason I would not support them.

Q.—Then you say in that the letter that you enclose in this to Latchford on the 3rd January—you say that that led you to believe he expected the patronage? Is that it? A.—Mr. Gamey's letter.

Q.—Is this the letter enclosed, the letter of the 24th December? You need not read it all through. Did you receive another letter? A.—I received another one besides this.

Q.—What date? A.—If you show it to me I can tell.

Mr. Johnston: There are two of the same date.

Mr. Ritchie: Is that the one you refer to? A.—Yes. You will see where he cites that in his letter.

Q.—What does he cite in his letter? Where does he tell you that in the letter? A.—He says you will find the Department understand that I am going to ask, and I wish you to do your best to push them through.

(1907)

Q.—You will find the Department understand what I am going to ask? A.—That is the first and only intimation I ever had from—.

Q.—You told us you had it from current rumor, that he had the patronage? A.—It was talked of on the street, but that is the first notice I ever had, or intimation that I had in any definite way.

Q.—Then you got two letters of the 24th? A.—Dated the 24th.

Q.—Both came in the same envelope, I suppose—one being a letter that might

be regarded say, as official, and the other private? A.—Private.

Q.—The private letter is the only one that refers to the patronage? A.—Yes.

Q.—In the other he simply asks you to recommend the particular grants that he mentions? That is all in the official letter. Now, did you send both these letters to the Minister? A.—Yes.

Q.—The one marked private, as well as the other? A.—I did.

Q.—Then when you say: "I beg to enclose you letter from Gamey," you should have said "letters" from Mr. Gamey? A.—Well, the one was a letter, and the other was a list.

(1908)

Q.—Oh, no, they were both letters, both addressed to you? A.—Possibly I should have said "letters"; they were both enclosed with that.

Q.—What reply did you get from Mr. Latchford to this letter of yours of the 3rd January? A.—None at all. I did not expect any.

Q.—You did not get any? A.—No.

Q.—So that you did not hear from him as to whether the patronage was to go to Mr. Gamey or not? A.—I did not.

Q.—Now, what was the next communication that you had from Mr. Gamey? What is the next letter you got from Mr. Gamey? A.—I think about the 25th January.

Q.—Was that it, the 30th January? A.—It might have been. I only received these three letters from Mr. Gamey.

Q.—There is a letter of the 30th January. Is that the next? A.—Yes, sir, that would be the next.

The Chief Justice: What is the number of that exhibit?

Mr. Ritchie: That is a letter to Mr. Campbell. Was that sent to you?

The Chief Justice: What exhibit is that? A new one?

Mr. Ritchie: No, my Lord, Exhibit 39, three documents.

Witness: That is not my letter at all. There was a letter somewhere about that date—about the 25th or 30th January—along in that week I got a letter from Mr. Gamey.

Mr. Johnston: We had it produced here. Perhaps Mr. McPherson has it.

Mr. Ritchie: Then he went on writing you, as if he had the patronage? A.—No, I do not think he felt confident himself that he had, because—

(1909)

Q.—Did he tell you so? A.—He put a good deal of energy in trying to arrange. He wrote me at Sault Ste. Marie—he

Q.—How do you know he did? A.—With me.

was there a couple of days—he telephoned to my house two or three times.

Q.—How do you know what he wanted to see you about? A.—His letter explains.

Q.—Which letter? A.—You have it there. The letter of the 30th, after he left Sault Ste. Marie in which he regretted not seeing me, that he wanted to talk about roads. I do not think he felt confident himself that he had the patronage.

Q.—Now I see in this very letter of the 3rd February you say, “The enclosed petition for 10th concession Campbell road is not included in your former list”? A.—Yes, sir.

Q.—But can be included either in supplemental estimates or taken from the street roads grant? A.—Short roads grant.

Q.—“If you are intending to come to the Sault in the near future and could give me an idea when you will be here, I will be glad to meet you and talk over road matters.”

The Chancellor: Has that letter been put in?

Mr. Ritchie: Oh, yes, my Lord. It is part of this exhibit 39.

Q.—So that that is the way you wrote him. A.—Exactly.

Q.—Telling him it could be included in the supplemental grants or taken from the short roads? A.—Did I say it could or it might.

Q.—But it can be included either in the supplemental estimates or taken from short roads grants? A.—It could be included.

(1910)

Then you wind up by saying that if he was going to the Sault in the near future and could give you an idea when he would be up that you would be glad to meet him and could talk over road matters? A.—As I would be with any person.

Q.—It was not because he was member for the district, was it, that you wished to talk it over with him? A.—There is a certain amount of deference due to a member of Parliament.

Q.—And more deference due to him when he happens to support the Government? A.—Well—

Q.—Well? A.—Possibly.

Q.—Possibly that might be so. Then apparently you did not wish that Mr. Gamey should have the patronage? A.—Well, I did not think he was using it in the way that he professed to use it or for the interest that he professed.

Q.—But it did not make any difference how he used it provided the party could get a decided advantage from it, did it? A.—My letter there explains

itself. I have nothing to say about that letter.

Q.—If the party got a decided advantage by giving the patronage to Mr. Gamey then you are quite willing he should have it. At all events that is how you put it. You say you have been led to believe he expects the patronage in grants and appointments, but fear that unless some decided advantage shall be obtained from this we are running the risk of demoralizing our party in that portion of the district for the future. A.—Read the rest of that.

(1911)

Q.—Yes, I have read the whole of it before. I am asking you now what you consider a sufficiently decided advantage to induce the Government to give him the patronage? A.—That is for the Minister to decide himself, what he would consider an advantage.

Q.—What he would consider. What greater advantage could, in your opinion, at that time accrue to the Government than the support of Mr. Gamey as a member? A.—That was a decided advantage to the Government to have Mr. Gamey's support.

Q.—And that is the only advantage, I suppose that you thought could accrue to the Government so far as Mr. Gamey was concerned? A.—That would be an advantage.

Q.—Can you conceive of any other advantage? A.—That in itself would be an advantage.

Q.—And a decided advantage, wouldn't it? That is what the Government most wanted at that time, votes to keep them in power? A.—I suppose that is what the Government want.

Q.—And yet you tell us that on the 16th August, some months prior to this time, you knew Gamey was going to support the Government because you got it from his own lips? A.—I did not know. I said Mr. Gamey had told me.

Q.—Did you believe what he told you? A.—Well, from the manner in which he told me that day I was inclined to believe him.

Q.—Then knowing that he was going to support the Government, why did you want to write in this way, that unless they were going to get a decided advantage? A.—Well, I explained my reasons in that letter.

Q.—The letter speaks for itself? A.—Yes.

(1912)

Q.—Can you suggest any other advantage that could accrue to the Government beyond his vote? A.—Possibly that is not for me to suggest. I cannot tell whether it is or not.

Q.—You say to the Minister—you denur to his getting the patronage unless the party is going to get some decided advantage by giving it to him?
A.—I have said I thought it was an advantage for the Government at that time to have Mr. Gamey's support.

Q.—We all agree with you in that. Can you suggest any other advantage that the Government could get beyond Gamey's vote? A.—Well, I do not know what would be considered an advantage. I have said that his vote would be considered an advantage.

Q.—You did not know what would be a decided advantage? A.—As I have said his vote would be considered an advantage. You say any other advantage. I do not know.

Q.—You cannot suggest any other advantage? A.—I cannot suggest any other.

Q.—Why, then, was it that you did not tell Mr. Latchford in this letter that Gamey had said he was going to support the Government? A.—I did tell him in that letter of the conversation that Mr. Gamey and I had had.

Q.—Did you? A.—Yes.

Mr. Riddell: Exhibit 47 is the letter.

Mr. Ritchie: Now, did you say you told in that letter that Gamey said he was going to support the Government?
A.—Yes.

Q.—Point it out to me?

(1913)

The Chancellor: This letter is in, is it?

Mr. Ritchie: Yes, my Lord.

Witness: You can discern there it speaks of Mr. Gamey that we have talked the subject together, but I have only his statement of what he alleges.

Mr. Riddell: That is Exhibit 47.

The Chief Justice: But the letter which is enclosed in that?

Mr. Ritchie: That is the letter of the 24th December. Exhibits 23 and 24. He says he enclosed both.

The Chancellor: What is the date of the letter you have been just referring to?

Mr. Ritchie: January 3rd, 1903. Exhibit 47.

The Chancellor: In which the witness says he and Gamey had been talking together?

Mr. Ritchie: January 3rd.

Q.—Now, what you did tell him was this. You say, "I beg to enclose you a letter from Mr. Gamey together with a list of grants and petitions for one in particular. This letter I am also at a loss to know in just what terms to make a reply. However, courtesy, and the fact of Mr. Gamey being a member of the Legislature, would demand a reply in

any case. Nothing was said about Mr. Gamey supporting the Government. A.—Read on.

Q.—I will read on. "I have been led to believe Mr. Gamey expects some patronage in making grants and appointments," and so on. "I think possibly I know this man more thoroughly through long acquaintance than some of his intimate political friends." Who were his political friends that you speak of? Conservatives? A.—Yes.

Q.—You referred to Conservatives?
A.—Yes.

Q.—Said nothing about his change of politics? You said "I know this man through long acquaintance more thoroughly than some of his intimate political friends. There you referred you say

(1914)

to his Conservative friends? A.—Any of his political friends.

Q.—You mean Conservatives? A.—Any political friends.

Q.—What side of politics? A.—Any side.

Q.—And you told us before that he was elected as Conservative? A.—Yes.

Q.—And you said a little while ago in the box that you referred to his Conservative friends? Do you want to take that back? A.—Is it not possible for a Conservative to have other friends?

Q.—Did you mean his Liberal friends when you referred to political friends?
A.—I meant by that his Conservative political friends of course.

Q.—Well, why did you hedge about it? He is a man considerably over-estimated, is extremely zealous and ambitious for power and patronage. I feel that you should be made fully aware of the foregoing facts, and it is my excuse, etc. You can discern from it that we have talked the subject together.—A that is the first intimation I gave Mr Latchford that Mr. Gamey and I had been talking together.

Q.—Why didn't you enlighten him a little more, and tell him the subject matter of the talk was that he would support the Government. "But I have only his statement for what he alleges." Let us see that private letter. (Exhibit 23), "I believe that you should be made aware of the foregoing facts, and this is my excuse for forwarding you this private letter. You can discern from it that we have talked the subject matter together, but I have only his statement for what he alleges." Now let us see how much light is thrown upon the matter by this private letter.

The Chancellor: There was another private letter.

Mr. Ritchie : There was a letter enclosing both, dated the same date.

(1915)

The Chancellor : I thought he referred to this private letter as the one he was writing.

Witness : It was the enclosed letter.

Mr. Ritchie : There was the enclosed letter.

Mr. Ritchie : There were two letters, one that might be considered as official and the other marked "private," and he excuses himself for enclosing the private letter. That is dated December 24th, exhibit 23.

Now all he says in this letter is "Enclosed find list of grants, etc. Will you kindly forward to the department. There is only one petition. The others have all had petitions before, and are all very needy cases. You will find that the department understands that I am going to ask, and I wish you to do the best to push them through. I will go down about the 7th January, and go to the department and back you up all I can. I had fully expected to go to the Sault to see you before Xmas, but I found I did not have time. Kindly advise me of any further way I can assist you in these or any other grants. Yours truly, R. R. Gamey."

Is there a word in that to indicate that he promised or told you he would support the Government? A.—I think so.

Q.—At all events that is the only justification—that letter? A.—He had been in Toronto here several times during the interval between the time I had been talking to him and the date on which I received this letter. He says here you will find the department understand that I am going to ask.

The Chancellor : Is it understood "What I am going to ask," or understands "that I am going to ask?"

(1916)

Mr. Ritchie : Now, I suppose that is a member he might ask the department for these grants without changing his political allegiance? A.—Well, I inferred from that letter that Mr. Gamey wished me to understand that he was to have the patronage in the distribution of these different road grants and the location of them.

Q.—Is there anything said in that letter to indicate to Mr. Latchford that Gamey had changed his political allegiance, and was going to support the Government? A.—I would take it that way.

Q.—You would take it what way? A.—That he expected to be consulted, and that he wanted me to understand

that he was to be consulted. For that reason I wrote to Mr. Latchford to let him know just the position that Mr. Gamey had taken, or was assuming to take. I did not believe him at the time.

Q.—And you swore in the box a few minutes ago that when he told you on the 16th August you did believe him? A.—I am speaking of this letter now.

Q.—What part did you not believe? A.—I did not believe that paragraph there. "You will find the department understand that I am going to ask."

Q.—You did not believe that? A.—Well, I doubted it. I cannot say I disbelieved it, although I wanted some verification other than Mr. Gamey's statement.

Q.—At all events you did not believe it? A.—I doubted it.

Q.—Then if you doubted he had any arrangement or understanding with the department why didn't you tell them explicitly

(1917)

that he had promised to support the Government? A.—Well, I consider that I would be undertaking a good deal to address a member of the Government on something outside of my own line of work or business. I considered that was none of my business at all.

Q.—That is your excuse. Now, doesn't it occur to you that this letter itself was outside the line of your duty? A.—No.

Q.—When you told him that he should not get the patronage unless some decided advantage should accrue to the party. Did you think that was part of your duty? A.—I consider that was my duty to my chief.

Q.—To point that out. That unless the party got some decided advantage, that Gamey should not get the patronage? A.—Not at all. I considered it my duty to acquaint my chief, and let him know the exact condition of affairs, and my impression of it, let it go for what it was worth, he could put his own discount on it after he received my letter.

Q.—And you thought you would be going outside of your duty if you disclosed to the Minister that Gamey said he had changed his political allegiance? A.—That is another subject altogether.

Q.—Did you have any communication from the Minister of Public Works, suggesting that Mr. Gamey should have the patronage? A.—I did not.

Q.—Did you ever have any communication from Mr. Stratton, or any Minister, intimating that they expected Gamey was going to support the Government? A.—I did not.

(1918)

Q.—Nothing of that kind at all. Then did you infer that Mr. Gamey would not get the patronage unless he was supporting the Government? A.—Did I infer in my letter?

Q.—Did you infer at the time you wrote the letter to the Minister—did you think that was the only way he could get the patronage, by supporting the Government? A.—I was not talking of patronage.

Q.—Oh, yes, you have referred to patronage in this, saying he expected it. Did you believe at that time that he would not get the patronage unless he supported the Government? A.—I covered the whole ground in that letter.

Q.—Was that what you believed at the time you wrote that letter? A.—He had told me he was a supporter of the Government.

Q.—Did you believe he would not get the patronage unless he did support the Government? A.—He had told me he would.

Q.—Answer my question. Did you believe he would not get the patronage unless he supported the Government? A.—I did not know. I have not the distribution of patronage. I was not giving Mr. Gamey patronage.

Q.—And you had no belief about the matter, one way or the other? A.—I did not know.

Q.—And you swear that you had no belief? A.—I swear I did not know.

Q.—What did you believe at the time you wrote the letter? Did you believe that unless he supported the Government he would not get the patronage? A.—I could not believe what I did not know. I did not know.

(1919)

Q.—You decline to say whether you believe it or not? A.—I do not know.

Q.—You decline to say whether you believed it or not? I am asking you? A.—I say I do not know what the action of the Government would be regarding Mr. Gamey.

Q.—That is all you will say? You will not say what your belief was? A.—I do not know. I do not know what their mind or opinion is.

Q.—Who was the independent candidate in the election contest? A.—Mr. McMillan.

Q.—Did you have any conversation with him at any time? A.—Yes.

Q.—When? A.—I saw him here in Toronto a week ago.

Q.—I am not speaking about a week ago. I am speaking of about the time of the election in Manitoulin? A.—Yes. I met Mr. McMillan during the election.

Q.—Did you have any conversation with him? A.—Yes, sir.

Q.—About his retiring from the contest? A.—Yes.

Q.—When was that? A.—Sometime during the month of May. I don't recollect the correct date.

Q.—Where did you see him? A.—Gore Bay.

Q.—Did you go there to see him? A.—No.

Q.—Were you asked to see him? A.—No.

Q.—You swear that nobody suggested you should see him? A.—Yes.

Q.—Swear to that? A.—Yes.

Q.—And how often did you see him about getting him to retire?

Mr. Johnston: That is not evidence, unless my learned friend is able to con-

(1920)

nect the actions of this man.

The Chancellor: I do not see that it is relevant. Let it go on.

Witness: I did not go to see Mr. McMillan at any time. I did not go to see him. We had a conversation.

Mr. Ritchie: Did you have more than one conversation? A.—Not after his nomination.

Q.—Did you have before his nomination? A.—Mr. McMillan is a man I met every time I go to Gore Bay.

Q.—You had several conversation with him about retiring from the contest? A.—I possibly may have. I met him every time I go there.

Q.—Do you recollect sending other people to him to get him to retire? A.—I did not.

Q.—Will you swear you did not? A.—I will.

Q.—This was something you did of your own motion? A.—Entirely. Individually.

Q.—And why did you want him to retire? A.—Because I felt there was no possible chance of his being elected. He was a friend of mine, and I thought he was only subjecting himself to ridicule, for entering the contest at all.

Q.—And it might interfere with the chances of the Reform nominee? A.—Mr. McMillan was a personal friend of mine. I knew he had no possible chance of winning.

Q.—And that whatever votes he took away, he would take away from the Liberal candidate? A.—Mr. Gamey claimed he was taking away as many of his votes as the other.

Q.—Did you consider that to be part of your duty, to see Mr. McMillan on

(1921)

this line? A.—I did not consider it my duty. I considered it my privilege.

Q.—How long was it before you saw Mr. McMillan that you had been in

Toronto? A.—Well, at what time do you refer to?

Q.—What? A.—Last winter—I think last spring in March—I came from Toronto.

Q.—Were you in Toronto in April? A.—I think not. I think it was March.

Q.—Were you in Toronto in May? A.—No, I was not in Toronto in May.

Q.—Did you while in Toronto have any conversation with anybody about Mr. McMillan's candidature? A.—No.

(1922)

D.—Did you when you were in Toronto go straight from Toronto to Gore Bay?

A.—Yes, sir.

Q.—And was it on that occasion that you had a conversation with Mr. McMillan? A.—No.

Q.—How long after that? A.—Well, that was in March. I saw Mr. McMillan in March, when I went from Toronto here and talked to him.

Q.—On what line? A.—On general lines.

Q.—Talked to him about retiring from the contest? A.—No.

Q.—You did not speak to him about it? A.—No.

Q.—You knew he was in the field at that time? A.—He was not in the field.

Q.—Was his name mentioned? A.—As a probable candidate.

Q.—And you did not discuss with him his not running? A.—No.

Q.—No discussion of that kind at all? Now, when did you next see Mr. Gamey after the 16th August?

The Chancellor: Not until the 10th March, he says.

Witness: I saw him some time after the 10th March.

Mr. Ritchie: Then you did not see Mr. Gamey until after his statement was made in the House? A.—Not from the 16th August.

Q.—How long after his statement was made in the House was it that you saw him? A.—I came here to Toronto on the 23rd or 24th March, and it was on either one of those two days I saw him.

The Chancellor: What date did you say? A.—Either the 23rd or 24th March, my Lord. I came to Toronto at that time. I cannot just recall which day I saw him.

(1923)

Mr. Ritchie: And, of course, you had no conversation with him about this matter when you saw him in March? A.—No.

Re-examined by Mr. Johnston:

Q.—How long have you known Mr. Millan? A.—I have known him three or four years.

Q.—Was there any other reason or motive for speaking to him about retiring except the personal friendship with him? A.—None at all. I considered Mr. McMillan's position was absurd.

The Chancellor: He says it was an individual matter.

Mr. Johnston: My learned friend has talked about an expression "A decided advantage." I see you refer in your letter to that. I will get the exact words of it.

The Chief Justice: "Unless some decided advantage shall be obtained from this."

Mr. Johnston: Then he says, "We are running the risk of demoralizing our party in that portion of the district for the future." Now, you were apparently pointing out the disadvantage unless there was some corresponding advantage? A.—Yes.

Q.—If Mr. Gamey's theory about these road grants or his recommendation had been carried out, as to your judgment in the matter, would it or would it not have affected the party up there—the line which he was then taking? A.—I think it would.

Q.—I do not want anything further than the mere fact.

The Chancellor: You mean the money he recommended would not have been wisely applied in many cases? A.—Yes, my Lord.

Mr. Johnston: And as he says it would be applied in places where 'he

(1924)

got his support, without justification, and, therefore, there would have been trouble in other places where there were Liberals and where the money was needed? A.—Yes.

Q.—You were asked about Mr. Ross' precarious condition. At that time was Mr. Whitney's political condition more or less precarious than Mr. Ross'—at the time you had this talk? A.—Well, the Government had a majority at that time.

Q.—But I am asking you about Mr. Whitney's position. Was it more or less precarious, that is the word my learned friend used? A.—Well, I should imagine it was.

Q.—You thought it was more precarious than Mr. Ross' at the time you had this talk? Then your raise of salary is imputed apparently to wrong motive? I would like you to explain that because I think in justice to you as a civil servant you should have the right to do so? A.—Last spring I made an application to the Minister of Public Works to have some allowance made for my travelling expenses. Formerly my travelling expenses had been paid out of my salary, and, having a coast line from Michipocoten to Killarney, 400 miles in ex-

tent, and, consequently, travelling all the time, I felt that it was an injustice to me to ask me to pay my railway and steamboat fares out of my ordinary salary. I brought this to the notice of Mr. Latchford, and he agreed to allow my steamboat and railway fares.

Q.—Is the same allowance made to other inspectors, do you know? A.—I cannot say as to that.

Q.—Then one matter more. You were asked if the road grants had not been gradually decreasing? Decreasing in the last four or five years—or five years—say, from '98? Would you look at

(1925)

the statements you have in '98, and tell me what was really for road grants, never mind the special circumstance of the bridge. I want to get that figure down? A.—In '98 there would be \$1,757.

Q.—So that was the lowest year of the lot? A.—That is for roads entirely.

Q.—I am not speaking about a bridge or a special matter of that kind. Then in the following year, which is the exceptional year, give me that for roads? A.—\$1,694.66.

Q.—And in the grants that Mr. Gamey asked for under Exhibit 24. I see that \$300 of that is Campbell petition? A.—Yes.

Q.—And \$400 is a renewal of a former year's grant? A.—Yes.

Q.—So that is \$700 quite apart from his recommendation? A.—Yes.

Q.—That comes out of his recommendation in that way? That will do.

Mr. Ritchie: You gave us \$1,757 as the road grant for '98? You refer to the expenditure during the last half of the year when you were employed? A.—That is all the road grants for '98.

Q.—During the half of the year you were employed?

The Chancellor: He said that was only the half year. We will have to get the figures from some place else if it is important.

Mr. Johnston: He said it was the road grant for the whole year.

(1926)

Mr. Ritchie: No.

Mr. Johnston: Let us clear it up.

The Chancellor: He does not know. He was only there from July.

Mr. Johnston: He knows whether the money was expended or not.

The Chancellor: He said not before. Ask him if he knows.

Mr. Johnston: There may be some misunderstanding. Do you know whether you have given us all the moneys that were expended for the year '98 on roads? A.—Yes, that is all the money.

The Chancellor: None expended in the earlier part of the year? A.—No. The work was not started until I took charge of it.

Mr. Johnston: There are a few short witnesses, to prove particular dates. My learned friend, Mr. McEvoy, is familiar with that evidence. He will take those before adjournment.

The Chancellor: Very well.

Thomas McKenzie Bayne, sworn. Examined by Mr. McEvoy:

Q.—What is your occupation? A.—I am manager of the Walker House.

Q.—And you produce here two books. What do you call this book? A.—This is the Day Book.

Q.—Will you turn to the 1st of September there? A.—Yes, I have that.

(1927)

The Chancellor: What date is that?

A.—September 1st.

Q.—What year? A.—1902.

Mr. McEvoy: Do you find on your register any entry in reference to Mr. Gamey? A.—I do.

Q.—What is that entry? A.—He registers as arriving late on the 1st of September.

Q.—Arriving late on the 1st of September, and what room was he assigned to? A.—No. 113.

Q.—113. Was there anybody else assigned to that room with him? A.—There was.

Q.—Is that shown by your register? A.—Yes, sir.

Q.—Who was that? A.—S. J. Martin, Ottawa.

Q.—Was he in the same room? A.—He was assigned to a bed in the same room.

Q.—Now, what do you call this larger book? A.—This is the ledger.

Q.—Will you turn to the accounts of these two gentlemen, and tell me if you can, how long they remained in that room together? Which account have you now? Mr. Gamey's or Mr. Martin's? A.—Mr. Gamey's.

Q.—He remained how long? A.—He left on the night of the 11th, after dinner, that is, the afternoon of the 11th, after dinner.

Q.—Still occupying the room up to that time. A.—Yes.

Mr. Riddell: Dinner at noon? A.—Dinner at noon—yes, sir.

Mr. McEvoy: Then, look at Mr. Martin's ledger account. How long was he there in this room with this gentleman? A.—Mr. Martin left after breakfast on the 9th.

(1928)

Q.—So that Mr. Martin and Mr. Gamey, according to your book, occupied that room jointly from the 1st to the

9th September, Mr. Gamey continuing two days afterwards? A.—Yes.

Q.—Now, look at your day book or hotel register. Will you look at your hotel register again on the date of the 6th September, and tell me if any other gentleman was put in that room with these two men, Martin and Gamey?

The Chancellor: Three in the room, then?

Mr. Johnston: This was Exhibition time.

Mr. McEvoy: This is the 6th September? A.—There was.

Q.—Who was that? A.—A. Bowen.

Q.—Do you know him? A.—I do not.

Q.—How long did he remain there?

A.—He is registered from Kempville.

Q.—And he registered, and was put in that same room? A.—Yes.

Q.—113? A.—He arrived after dinner.

Q.—On the 6th? A.—No, for dinner on the 6th.

Q.—He arrived for dinner on the 6th, and was put in room 113. Now, will you turn to your ledger, and see when Mr. Bowen was taken from that room? A.—Mr. Bowen left after supper on the 7th.

Q.—So he occupied the room but one night, apparently, from your books? A. Yes, sir.

Q.—Can you show me from the books you have produced here the date on which Mr. Gamey arrived in January—the time at which he arrived in the city on the 29th January or thereabouts?

(1929)

How far back does this book go? It may be in the ledger. January, 1903. Have you that in this ledger? A.—This ledger does not go that far.

Mr. Riddell: He can bring up the other one. That can be done afterwards.

The Chancellor: Then, that is all now.

Mr. McEvoy: So far as I am concerned.

Cross-examined by Mr. Ritchie:

Q.—Just turn up your register of the 1st of September. There is the entry you refer to. Now, first he apparently was in room 105? A.—Yes.

Q.—How long was he in room 105? A. I cannot say, he was in it at all. It is a smaller room, and he was assigned to a larger room.

Q.—When was he assigned to the larger room? A.—Before he went to bed.

Q.—That same night? A.—Before he retired.

Q.—Are you quite sure he did not sleep in room 105 that night? A.—I can tell you in a moment. The books do not show that he did. It shows that he slept in 113.

Q.—Are you able to swear to that positively, that he was not one night in

105? A.—Well, I would not swear positively, but these books are supposed to be correct.

Q.—You have no personal knowledge of the matter then at all? You have no personal recollection of the matter at all? A.—No, I cannot recollect.

Q.—You are speaking from what appears in the books. Apparently, according to the register, both Mr. Gamey and Mr. Martin were assigned in the first place to room 105? A.—Yes.

(1930)

Q.—And the entry as against Mr. Gamey's name is that he came late? A.—Yes, sir.

Q.—And late means after supper? A.—Yes.

Q.—That means after supper, and what time do you have supper—between what hours? A.—From 6 to 9.

Q.—So that he would come probably after 8 o'clock, anyway, or after nine? A.—Well, I could not state that positively. He came after supper. He did not get supper there.

Q.—Now, then, what about Mr. Martin? When did he come? A.—He came for supper.

Q.—He came for supper. Then, how is it that Mr. Gamey who came late on that day is registered before Mr. Martin who came for supper? A.—Well, my clerks do this work. I do not do this work.

Q.—There appears to be an alteration in that "S." What is that? A.—Two dots.

A.—Two dots. There are evidently two dots in there. The first you had was that Martin apparently came in late, too, there were two dots? A.—Yes.

Q.—Underneath the "L." which would signify he also came late? A.—That is right.

Q.—And then over these two dots the letter "S" is put? A.—Yes, that is done by my clerks.

Q.—Why was that? A.—I could not say, unless Mr. Gamey told the clerk he had supper and did not register until later. They often do that. Guests often arrive and do not register until after they have their meal.

Q.—But, as a rule, they register before they have their meal? A.—As a rule.

(1931)

Q.—And apparently Mr. Martin came into the hotel so far as this register shows—came in after Mr. Gamey? A.—Before Mr. Gamey.

Q.—No, he came in after Mr. Gamey, so far as the register shows? A.—That is right.

Q.—Gamey's name is registered before Martin's? A.—Yes.

Q.—And if Gamey came in and was marked as late then ordinarily you would say that Martin came in late, if the ordinary rule of registration had been carried out.

The Chancellor: They might come in all together. You cannot tell from that. A crowd of people come in and register in order.

Witness. We often have guests who do not register for hours after they come.

The Chancellor: One man may have got a special supper. He may have felt hungry.

Mr. Riddell: One might say he had supper, and the other say he had not.

Mr. Ritchie: You cannot tell whether they slept in 105 that night? A.—In the ledger they are marked as sleeping in 113.

Q.—Although both were put down as occupying room 105 in the first place? A.—Yes, and that being a small room, I suppose the clerk decided to give them a larger room.

Mr. Johnston: Find out who occupied 105.

Mr. Ritchie: You do not know as a matter of fact whether Mr. Gamey slept in this room over night or not? A.—No, sir. I do not keep track of my guests so closely as that.

(1932)

Q.—You knew he had friends here? He makes a rule of staying at the Walker House? A.—Yes.

Q.—You knew he had friends in the city and is frequently in the habit of staying with them? Did you know that? A.—I knew he had friends. I did not know that he stayed out very much.

Q.—He might or might not? A.—Yes.

Q.—Then you have not got the January date? A.—No.

Q.—Then you said Mr. Gamey left some time after dinner and you are only speaking of that from the books? A.—The books are supposed to be correct.

Q.—You have no personal recollection? A.—No.

Q.—You know where he lives, of course? A.—Gore Bay, that is all I know.

Q.—And you know the time the train goes out for there? Late at night? A.—Yes.

Q.—11 o'clock? 11.15.

Q.—That is the time he says he went home, but he may have paid up some time before supper time and still have been in the city and not have left until the 11 o'clock train? A.—Yes, that is frequently done.

Q.—Do you know that he left on the 11 o'clock train? A.—No, sir. All I know is he left—paid his bill after dinner on the 11th.

Q.—And how long after dinner you do not know? He might have paid it at supper time without having supper there? A.—He might have. If he had not supper he would not be charged for supper.

Mr. McEvoy: This entry has been spoken of. There is precisely the same entering so far as the room is concerned, in reference to Mr. Gamey and

(1933)

in reference to Mr. Martin, that there is an "L" there with two dots. There is a letter opposite Mr. Gamey's name. Then room 105, that is struck out, and room 113 put further over on the line? A.—Yes.

Q.—The very same thing in reference to Mr. Martin's registration, except that the letter "S" is put there with the two dots in it? That is the only difference? A.—Mr. Martin had supper and Mr. Gamey had not supper.

Mr. Johnston: Show who the man was that slept in 105.

Witness: These two gentlemen occupied 105 that night.

Q.—Who are the men who really did occupy 105 that night? A.—Mr. Edgcombe was one and Dobie, of Toronto, was the other.

Q.—They were the real occupants of 105, and it also appears there had been a change made? A.—Yes.

Q.—For the purpose of changing these gentlemen? A.—Yes.

Q.—That appears from the book also. That is all.

Mr. Riddell: Mr. Bayne will get the other book for January and bring it up this afternoon.

Mr. Johnston: You might look at it at lunch time. It may not be material.

Joseph Doane, sworn. Examined by Mr. McEvoy:

Q.—What is your business? A.—Livery stable keeper.

Q.—And you produce your blotter? A. Yes, sir.

Q.—Or desk book for the month of September last? A.—Yes.

(1934)

Q.—Will you turn to the 10th September?

Mr. Ritchie: That is not evidence, entries in his books.

The Chancellor: Well, it is admissible. He can prove what is in his books. I do not know what they will prove.

Mr. Ritchie: If he knows anything about it. Surely entries in the books are not evidence.

The Chancellor. I will take for granted he does not keep a book for fun.

Mr. Johnston: Can you say without reference to the book?

The Chancellor: Go on. Let us see what it is.

Mr. McEvoy: Have you an entry there with reference to Mr. Stratton on the 10th?

Witness: Yes.

Q.—What is that entry? A.—The Hon. Mr. Stratton.

Q.—Will you just tell me what that entry is? The Hon. Mr. Stratton? A.—The east door of the Parliament Buildings, a victoria, 12.25.

Mr. Johnston: What is it? A.—12.25.

Q.—That is noon? A.—Noon.

Mr. McEvoy: Whose handwriting is that in? A.—That is my handwriting.

Q.—And what does that mean? A.—That means that there was a victoria sent for Mr. Stratton at 12.25.

Q.—What is that word in the left hand edge of your book? A.—That means the driver, Baird.

(1935)

Q.—What is his full name? A.—Antonio Baird.

Q.—He is the driver? A.—Yes.

Q.—That is as much of the entry as you made? A.—Yes, sir.

Q.—Further on in the book, what is the rest of the entry? A.—One to Osgoode Hall and two back.

Q.—One to Osgoode Hall and two back? A.—Yes, sir.

The Chancellor: Is that Mr. Stratton, too?

Mr. McEvoy: The same entry carried out further. One to Osgoode Hall and back.

The Chief Justice: He said one to Osgoode Hall and two back.

Mr. McEvoy: He is mistaken.

Q.—What time does the book show him to have returned? A.—1.25.

The Chancellor: The same day?

Mr. McEvoy: Yes, my lord.

Q.—That was then from 12.25 to 1.25? A.—Yes.

Q.—Now is that the time the victoria was gone from the stable or the time it was in the service of Mr. Stratton? A.—The time the victoria was gone from the stable.

Q.—Does that include the time coming back as well? A.—Yes, that includes all.

Q.—All the time the victoria was away from the stable. A.—That includes the time the victoria left the Parliament Buildings. It was ordered at the Parliament Buildings for 12.25.

(1936)

The victoria was ordered at the Par-

liament Buildings at 12.25. It would take about five minutes to go over there. We lose the time one way and they lose the time back.

Q.—There was about five minutes of that time? A.—We would lose.

Q.—Otherwise the coupe was used for that time? A.—Yes.

Q.—Now this other entry, this entry you have spoken of, "One to Osgoode Hall and back, 1.25." Whose writing is that? A.—The book-keeper's writing.

Q.—What is his name? A.—Mr. Crysdale.

The Chief Justice: I suppose he takes the report from the driver of where he has been? A.—Yes.

Cross-examined by

Q.—All these entries are on page 152 of your book? A.—That is the date.

Q.—10th September. How many pages of your book do the entries for the business of the 10th September take up? A.—Two and a half.

Q.—Then are the entries on page 153 for the 10th September, too? A.—Yes, sir.

Q.—What is Mr. Stratton's name there? Is that the same gentleman? A.—Yes.

Q.—Tell what that is? A.—I have nothing to do with that. I did not write that down. The book-keeper did that.

Q.—Do you mean to tell me that is not your writing? A.—No, sir.

Q.—You say that this is you writing on page 152? A.—Yes, sir.

(1937)

Q.—And that the other is not yours? A.—It is not mine.

Q.—They look very much alike. What is the entry? Whose writing is it? A.—The book-keeper, Mr. Crysdale.

Mr. McEvoy: He is here, and will be called to prove that entry.

Mr. McPherson: Then I see, looking down the page, there is another one further down, "Honourable Mr. Stratton"? A.—That is my brother, Fred Doane.

Q.—Is he here, too? A.—No, he is not in town.

Q.—What day? A.—10th September.

Q.—He seems to have been using a rig three times that day. Tell me the first entry in reference to Mr. Stratton on page 153, 10th September? A.—I told you I do not know anything at all about that.

The Chancellor: You can read what it is. A.—"Stratton, east wing, victoria, 3.55.

Mr. McPherson: 3.35 is it not? A.—3.35.

The Chancellor: What is it? 3.35 or 3.55? A.—3.35 victoria east wing.

Q.—Is that in the afternoon? A.—That is in the afternoon.

Q.—3.35, and what is the rest of the entry? A.—I guess that is to Exhibition Park and back.

Q.—Does that meant two passengers?

A.—Yes; returned at 6.35.

Q.—That means that same afternoon? A.—Yes.

Q.—What is the entry below that again? Still on page 153 about Mr. Stratton? A.—Honourable Mr. Stratton, east door, Parliament Buildings, victoria, 7.30, and returned at 12.

(1938)

The Chancellor: That is midnight? A.—Yes.

Mr. Johnston: That is the Exhibition.

Mr. McPherson: Has there been something torn off? A.—No. That is simply when we write an order for probably to-morrow, we take a little strip and mucilage it on.

Q.—There has been a mucilage slip on there which has been taken off? A.—Yes, sir.

Q.—What was on that mucilage slip? A.—I do not know.

Q.—Who took it off? A.—I don't know.

Q.—East door, Parliament Buildings, victoria, 7.30, returned 12? A.—Returned at 12.

Q.—Where was that to? A.—I do not not. You will have to get the driver.

Q.—Who, is the driver? A.—Lodge.

Q.—What is his Christian name? A.—James Lodge.

The Chancellor: That is midnight?

Mr. McPherson: Yes, my Lord. Is he in your employ now? A.—No.

Q.—Where is he now? A.—In Toronto.

Q.—Do you know where he is? A.—Yes.

Q.—Where? He lives on St. Nicholas street. I do not know exactly the number.

Q.—And what is the name of the driver for the rig in your handwriting? A.—Winfield. He lives in Toronto.

Q.—Is he in your employ? A.—No.

Q.—What is his Christian name? A.—Charles Winfield.

Q.—Who was the driver in the afternoon? Have you got your

(1939)

book here that shows the Honourable Mr. Stratton's account with you—your ledger? A.—No, sir.

Q.—Where is that? A.—At home.

Q.—Will you produce that here? A.—Yes.

Q.—Show me, if you please, what other carriages Mr. Stratton had either

personally, or that were charged to his account on the 10th September, besides those already spoken of? A.—That is the 10th September.

Q.—Are there any others on the 10th September, besides those spoken of? A.—No, there were no more.

Q.—Then take the 11th September. Does this book show the business for the 11th September? A.—Yes.

Q.—Anything there for the Honourable Mr. Stratton? A.—Nothing.

Q.—Do any of the Ministers' names appear on the 11th September? A.—Yes, Mr. Latchford, and that is the Honourable Mr. Ross.

Q.—On top of page 155, the Honourable Mr. Ross? A.—Double Victoria to his house at 12.30, returned at 5.30.

Q.—What does "House" mean? A.—To his residence.

Q.—A double Victoria from your stable to his house on what street? A.—Elmsley Place, No. 1.

Q.—And in use from 12.30 to 5.30 in the afternoon? A.—Yes.

Q.—And the driver's name is what? A.—Elliott—Baron Elliott.

Q.—And is he in your employment now? A.—Yes, sir.

Mr. Riddell: Does the witness say where that was? Where was it to? A.—To Mr. Ross' house.

Q.—But where he drove to? A.—No, I do not know.

(1940)

Mr. McPherson: There seems to be another entry for Mr. Ross here on page 155. Is that the same gentleman, Honourable G. W. Ross? A.—Yes, sir. Victoria, 10.10, one to Parliament Buildings.

Q.—Is that in the forenoon? A.—Yes.

Q.—But further down on the same page? A.—Yes, further down.

Q.—And that means two to the Parliament Buildings—two passengers is it? A.—Yes, sir.

Q.—From where? A.—From his house.

Q.—And any place else besides the Parliament Buildings? A.—No, sir.

Q.—What time did the rig return to your stables? A.—11.50.

Q.—Was the rig engaged from 10.10 until 11.50? A.—Yes, sir.

Q.—And only went from Elmsley Place to the Parliament Buildings? A.—I do not know that.

Q.—That is all you know? A.—Yes.

Q.—What is the driver's name? A.—Tony Baird.

Q.—Have we had his address.

The Chancellor: He was mentioned before. He is to be here. I understand he is here.

Mr. McEvoy: Yes, my Lord.

Mr. McPherson: Still for the 11th September, but at page 156 of your book I see Mr. Latchford's name. Can

you tell me what the entry is? A.—East wing, Victoria, 12.45.

East wing, Victoria, 12.45. Three passengers to where? A.—I think it is McConkey's, and one back.

Q.—At 2.25? A.—Yes.

Q.—And who was the driver there? A.—Tony Baird.

(1941)

Q.—Now, will you come to the 9th September in your book. The business for the 9th September begins on page 149 of your book? A.—Yes, sir.

Q.—Now what are the entries there in reference to the Ministers? A.—Honourable Mr. Ross, 1 Elmsley Place, Victoria, 8 a.m., returned 8.50.

Q.—And what is the driver's name? A.—Chapman.

Q.—What is his Christian name? A.—I do not know.

Q.—Is he still in your employment? A.—No.

Q.—Do you know where he is now? A.—He was in Toronto yesterday.

Q.—It does not say where he went? A.—No. The other book may show where.

Q.—There is an entry further down, "Premier's office." What does that mean? A.—I guess that has got to be charged to the Premier's Office.

Q.—And what are the remarks about the conveyance? A.—490 Parliament street, coupe at 9.55.

Q.—What is 490 Parliament street? A.—I do not know.

Q.—Whose handwriting is that in? A.—The book-keeper.

Q.—What is his name? A.—Crysdale.

Q.—And what is the driver's name? A.—We did not have any carriage in, and we hired one from another place.

Q.—That comes from another livery stable? A.—Yes.

Q.—Whose? A.—Newell's.

Q.—Where is his place of business? A.—George street.

Q.—What is his Christian name? A.—Robert.

Q.—Then another entry on page 149? What is that? A.—"Ross, 1 Elmsley Place, coupe at 10.20."

(1942)

Q.—Is that in the forenoon? A.—Yes, sir.

Q.—And Winfield was the driver? A.—Yes, sir.

Q.—Is that the Honorable Mr. Ross? A.—Yes, sir.

Q.—It is not marked in the book what time the rig got back. What does the cross opposite that 490 Parliament street indicate? A.—The bookkeeper did that. I do not know what it is.

Q.—That is Mr. Crysdale's mark, is it? A.—Yes, sir.

Mr. McEvoy: Turn to that entry where there is something said about mucilage, please. That place is not at all near the entry you were asked about in reference to the trip to Osgoode Hall? A.—No, it has not anything to do with that at all.

Q.—It is not nearly on the page, or connected with the trip to the Exhibition in the afternoon? A.—No. That mucilage is put on—supposing we have an order for three or four days ahead, we take and write it on a slip, and paste it forward in the book.

Q.—But the place where that order, as you say, was put in ahead for the purpose of calling your attention to it at the right date is opposite which trip? A.—The Honorable Mr. Stratton.

Q.—Where he made the trip at night on the 10th? A.—Yes.

Q.—From 7.30 until 12 o'clock? That was during the Exhibition week? A.—Yes.

Anthony Baird, sworn. Examined by Mr. McEvoy:

Q.—What is your occupation? A.—Hack driver.

(1943)

Q.—Who were you driving for in September last? A.—Doane Brothers.

Q.—One of the gentlemen who has just given evidence? A.—Yes, sir.

Q.—I show you an entry here, "Honorable Mr. Stratton, east door, Parliament Buildings, Victoria, 12.25, one to Osgoode Hall and back at 1.25"? A.—Yes.

Q.—What do you know about that? Did you drive that trip? A.—Yes, sir.

Q.—And who was it you drove to Osgoode Hall? A.—Mr. Stratton.

Q.—And did you report when you came back what the time was? A.—Yes, sir.

Q.—What do you report? The time that you leave the buildings—the Parliament Buildings? A.—The time I am ordered at the Parliament Buildings until we arrive back at the barn again.

Q.—You begin your time when you arrive at the Parliament Buildings? A.—Yes, sir.

Q.—And then it counts from that time until you get back to the stable? A.—Yes, sir.

Q.—Then you made this report which was entered in here? A.—Yes, sir.

Q.—Did you drive Mr. Stratton any place else? Did you ever drive him to Osgoode Hall but once? A.—Only once.

The Chancellor: Any questions?

Mr. McPherson: Nothing, my Lord.

(1944)

Arthur G. Crysdale, sworn. Examined by Mr. McEvoy :

Q.—You are the bookkeeper for Doane Brothers ? A.—Yes, sir.

Q.—And the desk blotter you call it ? A.—The order book.

Q.—Is produced here ? A.—Yes.

Q.—Will you look at the entry of the 10th September, charged to the Honorable Mr. Stratton ? A.—Yes, sir.

Q.—And tell me what part, if any, of that is in your handwriting ? A.—Well, I marked down the time that the driver arrived in, and also the particulars of what he did for Mr. Stratton.

Q.—And where did you get the information for that ? A.—From the driver.

Q.—So that this part of the entry, "One to Osgoode Hall and back, 12.25, and 1.25," is in your handwriting ? A.—That is in my writing.

Q.—And it was done from the report of the driver ? A.—Yes, I marked the time from my own knowledge of the clock. I always watch the clock.

Q.—And that entry was made at the time ? A.—Well, as soon as the driver reports: probably within a half an hour.

Q.—Then there is another entry in your writing later in the afternoon. Will you turn to that, please ? A.—That is a Victoria to the east wing of the Parliament Buildings for the Honorable Mr. Stratton at 3.35. The driver got back at 6.35.

Q.—And where is that reported to have gone ? A.—He reported to have had two to the Exhibition grounds and back.

(1945)

Q.—And can you tell me what the ledger entry is here again at 7.30 ? A.—Honorable Mr. Stratton, east door of the Parliament Buildings, Victoria, from 7.30 p.m. until 12.

Q.—There seems to be no entry as to where that was used ? A.—Well, not there, but I have it in my day book.

Q.—It can be produced ? A.—I am not on after 6.

The Chancellor : Was it to the Exhibition, too ? A.—No. From memory I cannot say that it was without producing the other book.

Mr. McEvoy : I did not ask for that book. Will you bring us that book to show where this Victoria was from 7.30 until 12 ? A.—Yes.

Q.—You can show it, and will ? A.—Yes.

Q.—Who was the driver at this 3.35 to 6.35 trip on September the 10th ? A.—Winfield.

Cross-examined by Mr. McPherson :

Q.—Have you any personal knowledge about these entries beyond what is reported by the driver ? A.—No, of course I am not out on the carriage.

Q.—Your duties are confined to the office ? A.—Yes.

Q.—Who receives the orders ? A.—Well, it is between Mr. Doane and I.

Q.—And can you recall whether you received these particular orders ? A.—Apparently I received the one at 3.35, it is in my handwriting.

Q.—That would indicate that you received it. Have you any recollection of the circumstance, apart from that ? A.—Nothing apart from what appears in the books.

Q.—You were going on to say when my learned friend stopped you that

(1946)

you had some recollection about an entry on the day book about 5.30 p.m. ? A.—7.30.

Q.—What were you going to say ? A.—Well, it is my recollection that Mr. Stratton drove to the station, and back to the Buildings, and then from there to Elm Avenue in Rosedale.

The Chancellor : That is one that is going to be produced.

Mr. Riddell : We will take his recollection if the other side will.

Witness : I have a day book with all this information written out in full.

Mr. McPherson : And are you going to bring that here this afternoon ? A.—I will if required.

Q.—Then I suppose that had better be done.

Mr. McEvoy : Who was the driver on that night trip to the Exhibition ? A.—Lodge is the name here. We had two Lodges at the time. I cannot say without looking at my other book which one it was.

Q.—Will you find out for us ? A.—The other book will show it. I believe he is confined to bed now.

Mr. McPherson : Can you tell from memory where the trip was made to Rosedale—Elm Avenue ? A.—Well, that trip of 7.30 at night ?

Q.—Do you know where the trip is made to ? A.—Well, my recollection is it was to Mr. Larkin's house in Rosedale, but I cannot tell without producing my other books.

Mr. McEvoy : If that is satisfactory there is no use bringing this man here.

(1947)

The Chancellor: Are those all the witnesses?

Mr. McEvoy: All the witnesses upon that point.

The Chancellor: Then we will adjourn until 2 o'clock.

(Adjournment 1 p.m. until 2 p.m.).

(1950)

AFTERNOON SESSION.

Wednesday, April 29th, 1903.

Arthur Crysdale. Cross-examination continued:—

Mr. McPherson Q.—Have you the day book of which you spoke? A.—Yes.

Q.—Is this the day book of Doane Brothers? A.—Yes.

Q.—Will you turn to the entry please? A.—7.30 p.m. to 12 p.m. W. Lodge. Two, to the Union Station. Three, back to the west wing. Two, to 11 Elm avenue. Waited, and two back to the Parliament Buildings." That is the item.

Q.—What does W. Lodge mean? A.—That is William Lodge, the man who drove the carriage.

Q.—Dated 10th of September. Have you any means of information to know who the passengers were? A.—No, outside of what the driver would tell me.

Q.—Did he make any statement to you? A.—He said he had the Honourable Mr. Stratton and another.

Q.—He did not say who? A.—No.

Q.—Is there any other book you produce? A.—I had a small order book this morning. Mr. McEvoy had it there.

Mr. McEvoy: What entry is that? This is just the extension of the books you produced this morning? A.—Yes.

Mr. McPherson: Fuller detail, that is all.

Mr. McEvoy: As to this, I ask to put in copies of these two or three entries, and not to ask to have these books remain in court.

(1951)

The Chancellor: You have the entry on the notes. Mr. Butcher has it all down. However, you may put in copies if you wish.

Mr. McEvoy: I think it would be more satisfactory to have the exact copy. (Exhibit 71.)

Charles Winfield, sworn. Examined by Mr. McEvoy:—

Q.—What is your business? A.—I am a wholesale cake salesman at the present time.

Q.—What were you doing in September of last year? A.—Driving hack.

Q.—For whom? A.—Doane Brothers, on Yonge street.

Q.—Is that your name entered in the book at page 153? A.—Yes, sir.

Q.—That entry is "Stratton, east wing, victoria, 3.35. Two, to Exhibition and back, 6.35." What do you know about that entry? A.—Well, I don't remember just the date, sir, but I went over to the east wing, and I got Mr. Stratton and his wife, I drove them to the Exhibition, to the carriage department, from there to the main building, waited for them, and then brought them back to the east wing of the Parliament Buildings.

Q.—Did you report these hours? A.—As soon as we get in we report, yes, sir.

Q.—Did you do that correctly? A.—Yes, sir.

The Chancellor: That is the 10th of September, is it?

(1952)

Mr. McEvoy: Yes, my Lord.

Q.—Did you drive Mr. Stratton and his wife to the Exhibition on more times than one last year? A.—Not to my knowledge, sir.

Mr. McPherson: I have no questions.

Aubrey Timbrell, sworn. Examined by Mr. McEvoy:—

Q.—What is your occupation? A.—I am a clerk at the Walker House.

Q.—I produce to you here the Walker House register, for what date is that? A.—Wednesday, January the 28th.

Q.—Do you find any entry there in reference to Mr. Gamey? A.—Yes, "R. R. Gamey, Gore Bay." Came in the morning.

Q.—Did you room him? A.—Yes.

Q.—What relative entry is that in reference to the day, Wednesday? I mean, how many registrations were there before on that day at the Walker House? A.—Just one, the second arrival.

Q.—And I see that Dr. Struthers and son are registered next, but one under that? A.—Yes, sir.

Q.—Can you tell the time of the day it was nearly? A.—Well, it would be about a quarter to seven o'clock, I think.

Q.—Why do you say that? A.—Because I go on at seven. I roomed him about, I suppose I had been on about ten minutes when this occurred, a quarter after seven in the morning.

Q.—When does the North Bay train arrive in the city? A.—Seven o'clock.

(1953)

Q.—I see the name J. Russell McGregor also entered there? A.—Yes.

Q.—And the next name is Dr. Struthers and son? A.—Yes.

Q.—That was January, 1903. Now can you tell me at what time Mr. Gamey and Mr. J. R. McGregor departed, by this register? A.—Yes.

Q.—Just look at it? A.—He left on the 30th after breakfast.

The Chief Justice : Both of them ?
A.—No, my lord, Mr. Gamey.

Mr. McEvoy : As to McGregor, when did he leave ? A.—Left on the 31st after dinner.

Cross-examined by Mr. McPherson :—

Q.—Are those entries in your handwriting ? A.—No, I roomed them; that is the other clerk's writing.

Q.—You don't know anything of your own memory about the subject ? A.—No.

Q.—Further than that certain entries appear ? A.—Yes.

Q.—They are not in your handwriting, and you don't know the facts yourself at all ? A.—No, only that I roomed them in the morning.

Q.—You speak of having met them on their arrival ? A.—Yes.

Q.—But you don't know how long any of the gentlemen remained ? A.—I can tell by this book when they left.

The Chancellor : That is the time they paid for ? A.—Yes.

(1954)

Mr. McPherson : But the entries are not in your handwriting ? A.—No, sir.

Q.—And you know nothing about them as a matter of fact, yourself at all, is that right ? A.—Yes.

Re-examined by Mr. McEvoy :

Q.—The entry as to arrival, whose handwriting is that in ? A.—That is my handwriting.

Q.—And whose writing is the registration ? A.—That is Mr. Gamey's writing.

The Chancellor : They registered themselves ? A.—Yes, sir.

Mr. McEvoy : Look at the 1st of September, and see whose handwriting that entry is in ? Just to prove the handwriting, my Lord, as to whose handwriting the entry in the register is in. That was not done this morning. You will find a cross opposite to it ? A.—Mr. Gamey's handwriting. On the 1st of September.

The Chancellor : Had you spoken of that before ?

Mr. McEvoy : That is the entry we spoke of before, but we did not prove the fact that it was in Mr. Gamey's own handwriting.

Re-cross-examined by Mr. McPherson :

Q.—Do you know Mr. Gamey's handwriting ? A.—Oh, yes, I saw him register.

Q.—Did you see him write that ? A.—Not that, but I saw him write this one.

Q.—You did not see him write this

(1955)

one of the 10th of September ? A.—No, sir, I did not.

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Q.—When you speak of that you speak from the appearance of the handwriting ? A.—Yes.

Q.—That is all you know about it ? A.—Yes.

Q.—Do you claim to have seen him write his name on the 28th of January ? A.—Yes.

Q.—Had you seen him write his name before the 28th of January ? A.—Yes, sir.

Q.—Where ? A.—At the Walker House.

Q.—On more than one occasion ? A.—Yes. I think I have.

Q.—And how long before the 10th of September was that ? A.—I could not tell you, sir.

Q.—Might have been a year or two ? A.—No, sir, I have only been there a little over a year.

Q.—How long would you say it was before the 10th of September that you had seen him write his name ? A.—I could not say.

Q.—It might have been some months ? A.—It might have been.

Q.—Would you undertake to swear beyond a doubt, that the name R. R. Gamey, as it appears in your books, on the 10th of September, is written by R. R. Gamey himself ? A.—I would not swear to it, because I did not see him write it.

Mr. McEvoy : If there is any dispute about that, I would ask your Lordship to look at that writing ?

The Chancellor : Oh, well, no. We do not find forgeries in hotel books usually.

(1956)

Samuel John Martin, sworn. Examined by Mr. Johnston :

Q.—You were born and raised in Kemptville ? A.—Yes, sir.

Q.—In what county is that ? A.—Grenville.

Q.—Look at the end of the table opposite you, and say whether you recognize the man sitting there ? A.—I do.

Q.—Who is he ? A.—Mr. Gamey.

Q.—Did you meet him on the evening of the 1st of September last ? A.—I did.

Q.—Where ? A.—On the C.P.R. train coming west.

Q.—You were coming up for what purpose ? A.—To attend the Exhibition.

Q.—That was the second week of the Exhibition, was it ? A.—That was the 1st of September.

Q.—Did you have any talk with him on the way up ? A.—Nothing more than we asked where we were going to stop, and found out we were going to stop at the Walker House.

Q.—And there was some difficulty about getting a room ? A.—Yes, he said he had been there, and the house was

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pretty full, and he thought we would have trouble in getting a room.

Q.—You told him you had written ahead for a room? A.—Yes.

Mr. McPherson: Do not lead the witness.

Mr. Johnston: I merely want to get up to the fact.

The Chancellor: You can lead on this point.

Mr. Johnston: Then, until we get to the real point, you and he went into the office at the Walker House, and you registered and asked the clerk if he had got your letter, and he said yes? A.—Yes.

(1957)

Q.—Then, when you came out from supper the clerk asked you if you had any objection to another guest staying with you? A.—He did.

Q.—And you said no? A.—Yes.

Q.—Did you know at that time who the other man was? A.—I did not.

Q.—Was the other man Gamey? A.—He was.

Q.—Then I need not trouble you about the evening; you went to the theatre together, and you went up to call on a friend, and you got back about 11 o'clock or so? A.—Somewhere about that.

Q.—And you went to your room? A.—Yes.

Q.—Did Mr. Gamey come into your room? A.—Yes.

The Chancellor: It was his room, too? Mr. Gamey came in.

Mr. Johnston: What did he say to you? I do not want it all, but about the political end of it, if there was any? A.—In the way of conversation, he said he was the Conservative member for Manitoulin.

Q.—Was Mr. Whitney talked of at all? A.—Not until later on.

Q.—Tell me how the conversation went on with reference to Mr. Gamey's position, keeping out mere idle talk? A.—The general conversation?

Q.—Yes. Give me the substance of it? A.—Well, Mr. Gamey told me he was elected as Conservative member for Manitoulin. I did not know it was Mr. Gamey at that time, remember.

Mr. McPherson: I submit, my Lord, that this is not evidence. There has been no foundation whatever laid for it.

The Chancellor: That is not important.

(1958)

ant, laying a foundation. Mr. Gamey can contradict it afterwards, if he likes.

Mr. McPherson: There is no foundation laid to contradict Mr. Gamey.

The Chancellor: I do not know whether he is going to contradict Mr. Gamey, or to corroborate him. It is quite relevant evidence.

Mr. Johnston: What did he say? A.—He said that he was elected a member, Conservative member, for the riding, and that Mr. Whitney had a better class of candidates at that time than he would ever have again, and that if he had not got the assurance that Mr. Whitney would carry the country he would not have been a candidate.

Q.—Then was anything said about the Ross Government?

Mr. Blake: I think, my Lord, he had better not lead him.

The Chancellor: Better ask him to recall the conversation.

Mr. Blake: We have got the essence of the thing now.

Mr. Johnston: No, not yet. Just tell us generally what the conversation was? A.—He said that if Mr. Whitney was not in power within six months, that he would not be in power at all, and, therefore, he would have to support the Ross Government, as the Ross Government gave legislation to suit Manitoulin, with the exception of a few details in the mining laws, which would be rectified if brought before any Government.

Q.—Confining yourself to Manitoulin, anything said about that, and tell us what was said, if there was anything? A.—Nothing more than that, that the Ross Government was doing all they

(1959)

could for Manitoulin.

Q.—Then you slept together that night? A.—Yes, sir.

Q.—And you continued to sleep in the same room until what time? A.—I left Toronto on the night of the 9th.

Q.—Had you continued to occupy the same room with him? A.—I had.

Q.—When did you discover that his name was Gamey? A.—Either before or after tea on the second evening. That would be somewhere around six o'clock.

Q.—Did you look at the register to see? A.—I did not. I asked him himself.

Q.—Then did you see Mr. Arthur Bowen, of Kemptville? A.—I did.

Q.—What time did he come? A.—Well, I rather think it was the 5th—that is, the morning of the 5th.

Q.—What room did he occupy? A.—Well, he could not get a room at all.

Q.—He did occupy some room? A.—Yes, we had him changed into my room. I asked Mr. Gamey if he had any objections, and he said no, and he was put in. He slept on a cot in our room.

Q.—Did you have any talk with Mr. Gamey about any matters other than politics during that period? A.—Oh, nothing, more than in a general way. Very little.

Q.—About his own transactions? A.—Well, he told me he had a mining deal on, which he hoped would be wound up shortly.

The Chancellor: Wound up in a fortnight, did you say? A.—No, shortly. Soon, rather, I think was the word he used.

Mr. Johnston: Was the talk about the political condition of matters, his political position, on more than one occasion?

(1960)

A.—Yes, he spoke of it several nights.

Q.—Was there any difference in the conversations he had with you, and if so, what? A.—No, no material difference.

Q.—Did he know what your politics were? A.—Not that I know of. He never asked me, and I never told him.

Q.—Then, did you see the Globe interview? A.—I did.

Q.—Did you notice anything in the Globe interview that recalled your attention? A.—I did.

Q.—What was it? A.—Well, in a general way, it was just about the same conversation that we had together in the room.

Cross-examined by Mr. McPherson:

Q.—Have you always lived at Kemptville. Mr. Martin? A.—I have. I have been on the road travelling. That is my home, Kemptville.

Q.—Have you ever lived any place else than Kemptville? A.—No, not to make it my home.

Q.—Any experience in the United States? A.—None whatever.

Q.—Always resided in the neighborhood of eastern Ontario? A.—I have.

Q.—What is your occupation? A.—I hold a deputy supreme commandership in the Knights of the Maccabees.

Q.—Any other occupation besides that? A.—I am a carpenter by trade.

Q.—Any other occupation but that? A.—No.

Q.—Have you a carpenter's shop? A.—I had.

Q.—How many years ago? A.—About a year ago, a year ago last December I gave it up.

Q.—What are your means of support? A.—Working for the Maccabees.

(1961)

Q.—Anything else besides that? A.—None.

Q.—Do you make your sole living out of your connection with the Maccabees? A.—I do.

Q.—And what office do you say you hold? A.—Deputy Supreme Commander for the Province of Ontario.

Q.—What income does that bring you? A.—Will your Honor allow me to explain? That is a question that I cannot

answer, and if you want that information, you will have to ask the Supreme Commander of the Knights of the Maccabees.

The Chancellor it does not seem to me to be relevant. A.—I am under oath not to divulge that.

Mr. McPherson: Have you any other tangible means of support besides your connection with politics? A.—Connection with politics?

Q.—Yes? A.—I have no connection with politics.

Q.—Have you ever taken any interest in politics? A.—I have.

Q.—What interest have you taken? A.—I have taken a very active interest in our own riding.

Q.—On what side? A.—The Liberals.

Q.—Any other riding besides your own? A.—Yes.

Q.—How many others besides your own? A.—One other.

Q.—Will you swear that you have not taken an active interest in more than one riding besides your own? A.—I do.

Q.—What riding was that? A.—The County of Dundas.

Q.—In the last general election were you in the County of Dundas? A.—I was.

(1962)

Q.—What name did you go by? A.—S. J. Martin.

Q.—On all occasions? A.—On all occasions.

Q.—Did you ever give any other name down there besides S. J. Martin? A.—I never did.

Q.—Do any telephoning down there under any other name than S. J. Martin? A.—I never did.

Q.—Did you do any long distance telephoning down there? A.—I did not.

Q.—Not on any occasion while you were in the County of Dundas? A.—No.

Q.—For whom were you working in the County of Dundas? A.—I was working for the Liberal.

Q.—What was his name? A.—Mr. Smyth or Smith.

Q.—How far is that from Kemptville? A.—The County of Dundas is about five miles from our town.

Q.—And how long did you remain working in the County of Dundas for Mr. Smyth? A.—Well I was there possibly three or four weeks.

Q.—And remunerated for your services? A.—No, sir.

Q.—Did it for nothing? A.—I did.

Q.—Did you do any other business at the same time? A.—I did.

Q.—In the Macabees? A.—Yes, sir.

Q.—Can you tell me any business you did, any details in connection with the Maccabees? A.—Your honor, I cannot answer that question. It comes

under the same head as the other, your honor. (

The Chancellor: Work for the Maccabees? A.—Organization work for the Maccabees. We are under oath

(1963)

not to divulge either salary or anything in connection with the Order.

Mr. McPherson: Have you any salary from the Maccabees? A.—That is another thing, your Honor.

The Chancellor: He says that in the Order he is under oath not to disclose what he gets or what they have to do in the way of organizing. Is it a charitable society? A.—Yes, sir.

Mr. McPherson: Do you mean to say you are under oath not to disclose what salary you get? A.—I am.

Q.—To whom are you under that oath? A.—To the Supreme Commander.

Q.—Does that oath outweigh your obligation to come here and tell the facts? A.—I consider so.

The Chancellor: It does not bind him to pervert anything. It does not interfere with his telling evidence generally. I do not like to say he should disclose these matters if it does not appear to be relevant for your purpose. At present I do not see what bearing it can have on this particular thing.

Mr. McPherson: What moneys have passed through your hands during the last year other than the Maccabees? A.—None, excepting collecting my own accounts for the previous year's work.

Q.—Work, for what? A.—Carpenter work, winding up the business.

Q.—What accounts did you collect within the last year? A.—Quite a number of minor accounts.

Q.—Can you tell me any of them? A.—I can.

Q.—Tell me some? A.—The firm of Anderson & Co.

(1964)

Q.—Where do they reside? A.—Kemptville.

Q.—How much did you collect from them? A.—They run a general store. The money would be in the neighborhood of \$100 or \$150, a running account. Contra account, you understand.

Q.—You were trading with them and they with you? A.—Yes.

Q.—Have you done any carpenter work in the past year at all? A.—I have not.

Q.—Have you done any in the past two years? A.—Yes.

Q.—How long since you ceased to work at your trade as a carpenter? A.—The 13th day of December, 1902, 1901 it would be.

Q.—Are you or have you at any time been an applicant for appointment to a

Government position? A.—I made one application.

Q.—Where and when? A.—About a little over a year ago, I should judge. About a year ago.

Q.—About coincident with your giving up your business? A.—Yes.

Q.—And what was the particular position for which you applied? A.—License Inspector for our County.

Q.—Any other besides that? A.—No.

Q.—Did you get the appointment? A.—I did not.

Q.—Have you received any appointment? A.—I have not.

Q.—Have you received any promise of any? A.—I have not.

Q.—Did Mr. Smyth use any influence on your behalf? A.—How do you mean?

Q.—To get you an appointment A. Not that I am aware of, I never asked him to.

(1965)

Q.—Who did use influence on your behalf with the Liberal party? A.—To get the appointment?

Q.—Yes? A.—My friend, W. H. Anderson, merchant, Kemptville.

Q.—What candidate did you work for in your own county? A.—Well, I don't know that I worked for any. It is a foregone conclusion that in our county there is no use working.

Q.—What county are you in? A.—The County of Grenville.

Q.—And why is it a foregone conclusion? A.—Well, there are about 800 of a majority against us.

Q.—So that you don't attempt to do much work there? A.—No.

Q.—You transplanted your interest to the County of Dundas where the majority is not quite so much? A.—Not quite so much.

Q.—Then do I understand you to say that you received no remuneration for your services in Dundas at all? A.—You do.

Q.—That is correct, is it? A.—That is correct.

Q.—Are you acquainted with Mr. Alexander Smyth? A.—Who?

Q.—Did you hear what I said? A.—No, I did not catch the name.

Q.—Mr. Alexander Smyth? A.—Of where?

Q.—Of Toronto? A.—I have met the gentleman.

Q.—When did you meet him? A.—I have seen him since I came to the city.

Q.—Seen him on this last occasion? A.—I have passed him, I was not speaking to him.

(1966)

Q.—You have not been speaking to him? A.—No.

Q.—Just passed him on the street?
A.—Passed him in the hotel.

The Chief Justice: That is Mr. Smith, the organizer?

Mr. McPherson: Yes, my Lord. He is the Liberal organizer? A.—I believe so.

Q.—How long have you known him?
A.—About a year.

Q.—Did you see Mr. Smith when you were here in September, 1902? A.—I did not.

Q.—Did not see him at all? A.—I did not.

Q.—Did you see any person connected with politics while you were here in 1902? A.—Well, what do you mean by connected politics?

Q.—Did you see anybody? A.—I saw Mr. Gamey.

Q.—Besides Mr. Gamey did you have any conversation with any person else on political topics? A.—No.

Q.—Did you not see any person connected with any Liberal organization in Toronto? A.—I did not.

Q.—Do you know any of the Ministers? A.—I know several of them by sight.

Q.—Know them to speak to? A.—I know one or two to speak to.

Q.—Whom do you know? A.—I know the Hon. Mr. Stratton to speak to. I met him down east.

Q.—Whom else? A.—I know Mr. Ross when I see him, and Mr. Latchford also. He comes from Ottawa, and I have often seen him in Ottawa.

Q.—Do you know Mr. Latchford to speak to? A.—No.

Q.—Did you have any conversation with Mr. Stratton at any time? A.—I have talked to Mr. Stratton, certainly.

(1967)

Q.—When? A.—I talked to him when he was down in Stormont, I think it was.

Q.—When was that? A.—At the nomination down there, I happened to be down at nomination.

Q.—When was that? A.—Or at convention, rather. I don't know exactly what the dates were.

Q.—Was it last year? A.—It was previous to the election.

Q.—Previous to the general election? A.—Yes.

Q.—Have you spoken to him since that? A.—I have.

Q.—When? A.—Well, I couldn't tell you exactly the date. I would judge about December of this last year.

Q.—What were you speaking to him about? A.—About the advisability of organizing Liberal clubs through our riding to see if we could not get the young men in line.

Q.—You wanted the position of Liberal organizer? A.—Not necessarily.

Q.—Didn't you? I want the fact? A.

Q.—Did you at that time have the ambition of being the Liberal organizer?
A.—I did not.

Q.—What became of your suggestion?
A.—Nothing that I know of.

Q.—Have you seen Mr. Stratton to have any conversation with him from the time of that convention preceding the general election? A.—No.

Q.—You are confident of that? A.—I am.

Q.—Since December when have you seen Mr. Stratton to speak to him? A.—I met him once on the train. C.P.R. train.

(1968)

Q.—Where? A.—He was going from Carleton Place west.

Q.—How long ago is that? A.—Well that would be during the winter some time, or the spring, I should judge, possibly in March.

Q.—That is last March? A.—Yes.

Q.—March of this year? Did you have any conversation with him at all?
A.—I had.

Q.—Will you tell me what it was?
A.—Nothing, only in a general way, meeting on the train.

Q.—Any conversation about Gamey?
A.—None whatever.

Q.—Was that before or after Gamey had made his disclosures in the House?

A.—That would be after. The disclosures in the House? No, previous.

Q.—How long previous? You put it in March? A.—Well, it was when the snow was on the ground, anyway, the last big snowstorm. I don't know exactly the date. It might be February or March.

Q.—In April? A.—It was not in April, because we had no large storm in April.

Q.—We had here in the early part of April? A.—Well, it was not the one in April.

Q.—Was there anybody else at that conversation on the train besides you and Mr. Stratton? A.—Mr. Hoyle, or Hoyd, or some such name.

Q.—Heyd? A.—I don't know exactly the name. I cannot remember the name.

Q.—Did you know him before? A.—I had met him once previously.

Q.—Was he the candidate in Victoria?
A.—I don't know.

Q.—Have you told me everything you can recollect of what took place between you and Mr. Stratton on the train?

(1969)

A.—Nothing but a general conversation.

Q.—Nothing about Gamey? A.—Nothing at all about Gamey.

Q.—Have you seen Mr. Stratton to converse with him since that time? A.—I have not.

Q.—Have you conversed as to Gamey with any person else since September? A.—Only in a general way down home since The Globe interview came out.

Q.—With no person else than merely local friends in and about Kemptville? A.—In and about Kemptville.

Q.—That is all? A.—That is all.

Q.—And any of the gentlemen connected with this case, have you told them anything you knew? A.—No.

Q.—My learned friend, Mr. Johnston, did not know anything about what you were going to say when you came in the witness box to-day? A.—Not that I know of. I have not spoken to Mr. Johnston.

Q.—Whom did you tell this story to that you have detailed here in the witness box to-day? A.—I told it to quite a number down home.

Q.—How did it get up here? A.—I don't know. I think it was some particular friend that wanted to give me a trip west. I don't know how it got here. I know it did not by my knowledge.

Q.—Did you tell them all about your theatre parties and sleeping together with Mr. Gamey? A.—Yes.

Q.—And all this kind of thing? A.—Yes.

Q.—And they took the pains to communicate all that to Mr. Johnston? A.—I don't know. I won't say that.

Q.—At any rate, you did not have anything to do with it? A.—I did not.

(1970)

Q.—Did you have any conversation with any of the gentlemen connected with this case since you come to town? A.—It is pretty hard to tell who is connected with it.

Q.—Mr. Johnston? A.—I spoke to Mr. Johnston, shook hands with him, that is all.

Q.—Mr. Riddell? A.—I shook hands with Mr. Riddell.

Q.—Did you have any conversation with him? A.—Did not have any conversation.

Q.—Mr. McEvoy? A.—I meet Mr. McEvoy quite often at the dining room table at the hotel.

Q.—Have any conversation with him? A.—I did.

Q.—Did you tell him what you were going to say as a witness here? A.—I did not.

Q.—You pledge your oath to that? A.—I do.

Q.—So that not one of those gentlemen knew what you were going to say here? A.—Not one of those gentlemen knew what I was going to say here.

Q.—How long have you been here? A.—About 9 days, 8 or 9 days.

Q.—About 9 days altogether? A.—Yes—no, 8 days.

Q.—Where have you been staying? A.—Walker House.

Q.—What did you pay for your board? A.—\$2.00 I expect. I did not ask.

Q.—And what arrangements are you under to come here and give evidence? A.—I was subpoenaed.

Q.—And were you paid a lump sum of money? A.—I was paid enough for railroad fare only.

Q.—And nothing else? A.—Nothing else. Well, I think 25 cents over the railroad fare.

(1971)

Q.—Have you received anything more than that since you received that? A.—I have.

Q.—How much more? A.—Your Honor, that is another society matter.

Q.—No, I am speaking of in connection with the case? A.—Nothing in connection with the case.

Q.—You have not received any witness fees? A.—Nothing whatever.

Q.—So that at ordinary witness rates you would be here at a substantial loss per day? A.—I think so. I don't know how I am going to get out of it, though.

Q.—Who is Mr. Bowen? A.—He is of the firm of Bowen & Son, Electric Light and Flour Mill and Oatmeal Mills. The Bowen Milling Company, of Kemptville Milling Company.

Q.—Have you ever discussed the matter with him at all? A.—Not until the night of The Globe interview, we looked each other up.

Q.—Who did the looking? A.—Well, I think both of us were looking.

Q.—Went out on the street and began to hunt each other? A.—No, we always go down next to Mr. Bowen's house to play ball, we have a hand ball court, and we always go in there after night.

Q.—Are you a married man? A.—I am not.

Q.—Do you keep house? A.—I do not.

Q.—Where do you live in Kemptville, at the hotel? A.—No, I stop with my aunt.

Q.—What took place between you and Mr. Bowen about The Globe interview? A.—Well, we just passed remarks how close it was to what we heard Mr. Gamey tell us.

(1972)

Q.—Anything else besides that? A.—Nothing.

Q.—Was that all that took place? A.—That is all.

Q.—And you hunted each other up for the purpose of saying that, did you? A.—Yes.

Q.—And having said that, did you separate and go away? A.—He went

home and I went down and played a game of alley, I think.

Q.—That is all that took place? A.—That is all.

Q.—Has the subject been discussed between you on any other occasion except that since September last? A.—No, never.

Q.—What was the day you say you arrived here? A.—The 1st of September.

Q.—You came here for what purpose? A.—To attend the Exhibition.

Q.—Anything else besides that? A.—Nothing.

Q.—And you remained how long? A.—Until the night of the 9th.

Q.—How long were you here altogether on that occasion? A.—Well, that would be 8 days, would it not?

Q.—You did not know Mr. Gamey's name? A.—I did not.

Q.—He introduced himself in the train? A.—He did not introduce himself, neither did I.

Q.—Tell me what took place, you said you met him in the train? A.—Just in the way of picking up our wraps to get off the train, we stood up and happened to be standing in front of each other, and started a conversation in a general way.

Q.—Had you been sitting together? A.—No, I had never seen him before.

(1973)

Q.—Was the train crowded? A.—It was, very.

Q.—This was just as you were leaving the train? A.—After it had left the Don, I should judge. We stood up in the aisle and got our grip and stuff together.

Q.—And standing there with the train running something took place, some conversation? A.—Well, just in a general way, found out where we were going to stop.

Q.—Tell me what took place? A.—I don't know whether I said it to him or he to me, but we found out anyway we were both stopping at the Walker House. Always have.

Q.—Anything else take place on the train besides that? A.—No, nothing.

Q.—You left the train together? A.—Yes, we got off together.

Q.—Did you go up together? A.—I won't say whether we came up together or not.

Q.—Why won't you say. A.—Because there was such a crowd at the station, I don't remember.

Q.—Was there any person with you? A.—No person.

Q.—You came up yourself. When next after leaving the train did you see Mr. Gamey? A.—When I came up and registered I went into the dining-room and got my tea and coming out the clerk

called me and asked me if I had any objection to this gentleman rooming with me, the gentleman was standing just at the corner of the office. I said certainly not.

Q.—Had you had any other conversation with Gamey up to that moment? A.—No.

Q.—Then did you and Gamey go away together? A.—We came up town together.

(1974)

Q.—Did you have any conversation then? A.—Nothing, only just a general conversation.

Q.—Were you together all the evening? A.—Until, I should judge, about half past ten.

Q.—Then what? A.—I left him on the corner of, well, on Yonge street, I think it was the corner of Temperance.

Q.—Do you know the city pretty well? A.—Not very.

Q.—Are you frequently here? A.—About once a year.

Q.—Corner of Yonge and Temperance you think you left him? A.—Yes.

Q.—And where did you go? A.—I went up to see a friend of mine on Jarvis street.

Q.—Where had you come from when you came to the corner of Yonge and Temperance? A.—We came from the theatre.

Q.—Which one? A.—The Star.

Q.—Then you left him there and went up to Jarvis street to see a friend of yours? A.—Yes, sir.

Q.—When next did you see Mr. Gamey? A.—Not until in our room.

Q.—What time? A.—I should judge between 11 and 12.

Q.—Was he there when you arrived? A.—No.

Q.—Did he come in after you? A.—He came in after I did.

Q.—Was there anybody else there? A.—No, sir.

Q.—He came in after you had got into the room? A.—Yes, sir.

Q.—Did you retire? A.—I rather think I was in bed when he came into the room.

Q.—Light out? A.—No.

Q.—Left the light burning for your room-mate? A.—Yes.

(1975)

Q.—Was anybody else to occupy the room that night besides you and him? A.—None.

Q.—Then he came in and did he retire? A.—Yes.

Q.—Put out the light? A.—After getting undressed he put out the light.

Q.—And you were in your bed and he in his? A.—No, we were both in one bed.

Q.—What took place, if anything?
A.—Well, in the way of conversation he said he was the Conservative candidate for Manitoulin.

Q.—Was that the first time you knew that? A.—The first time I knew that.

Q.—He had not told you that on the train? A.—Never.

Q.—Anything else? A.—And he said that Mr. Whitney had a better class of candidates than he would ever have again, and if he did not get into power within six months that he would not get there.

Q.—You are giving this to me in the order in which it took place. A.—Just about, just as I can recollect it.

Q.—After he laid down in bed beside you he began to say these things? A.—Just in a talk.

Q.—Is that all he said? A.—He said that it would not pay him to sit in Opposition, and that he would support the Ross Government.

Q.—He said all this within just as long as it takes you to say? A.—Oh, no, not as long.

Q.—He did not take as long? A.—He took longer.

Q.—How much longer? A.—Oh, I don't know, possibly five minutes.

Q.—Jerked it out? A.—He did not jerk very much.

(1976)

Q.—Did you know then who he was?
A.—I did not.

Q.—Did you know who the Conservative member for Manitoulin was? A.—I did not.

Q.—Did not know him by name? A.—I did not.

Q.—Did you say anything in response to this? A.—Nothing, but yes or no. I was very tired and wanted to go to sleep.

Q.—I should judge so, and that was all that took place that night? A.—Yes, that is all.

Q.—Each went to sleep as far as you know, and was the conversation renewed in the morning? A.—No.

Q.—And was not again? A.—It was. He spoke of it several other nights after that.

Q.—Did he always wait until you got to bed? A.—Well, we generally got into bed as quick as we got to our room.

Q.—Will you pledge your oath that on the next night he said anything about it? A.—I will not.

Q.—Will you for the next night? Do not let us get at cross-purposes, the first night was the night of the 1st of September? A.—Yes.

Q.—You won't pledge your oath that he said anything on the second, either in the day time or the night? A.—I

didn't see him in the day time only to bid him the time of day.

Q.—Did the subject come up again between this and the 10th? A.—Yes.

Q.—When? A.—We spoke of it either on the 5th or 6th.

Q.—He did not speak of it until the night of the 5th or 6th. A.—Not to my knowledge, I would not swear.

(1977)

Q.—Will you put it on the 5th or 6th? A.—Well, I should think it was the 6th to the best of my knowledge.

Q.—Why? A.—Well, because it was the second night—

Q.—Go ahead. Tell me why? A.—Well, I cannot recollect which night it was that Mr. Bowen came.

Q.—He did not say anything about it until Mr. Bowen came? Did he say anything about it to you before Mr. Bowen came? A.—No, not to my knowledge.

Q.—He was going to reserve anything he was to tell you about his political plans until Mr. Bowen came? A.—Possibly.

Q.—He knew Bowen was going to arrive? A.—I don't know. I did not.

Q.—Is Bowen a friend of yours or his? A.—Well, he is not a particular friend of mine. He is a business man in Kemptville.

Q.—And you play push-ball together? A.—No, he does not play push-ball.

Q.—Well, what is it you call it? A.—He doesn't play the game. I play the game occasionally.

Q.—On the night of the 6th, is that the time you are going to put it that the conversation took place again? A.—To the best of my recollection, the night of the 6th.

Q.—What time did Bowen get there? A.—He got there on the, I think, 9.30 in the morning.

Q.—When did he meet Gamey? A.—He did not meet him until, I should judge, to the best of my recollection, it was about 11 o'clock.

Q.—At night? A.—Yes, either immediately before the theatre or after.

(1978)

Q.—Where? A.—In the hotel.

Q.—You and Bowen had been to the theatre together? A.—Yes.

Q.—The Star? A.—Not, we did not take the Star that night.

Q.—You had exhausted the pleasures of the Star? A.—Yes.

Q.—You came back to the hotel, and where was Gamey? A.—He was in the rotunda of the hotel.

Q.—Did you go up and introduce your friend? A.—I did, and asked him if he had any objection.

Q.—To what? A.—To Mr. Bowen sleeping in our room.

Q.—What did he say? A.—He said, "certainly not."

Q.—Then what took place? A.—Well, I don't know, we went to bed.

Q.—Who went first? A.—I couldn't say that. Mr. Bowen and I went up together.

Q.—Was Mr. Gamey there when you got up there? A.—I don't think he was.

Q.—Did he come up afterwards? A.—Yes, he came in after.

Q.—Did you know Mr. Gamey's name then? A.—Yes.

Q.—And introduced him by name? A.—Yes.

Q.—What did you tell Bowen about Gamey? A.—I told him he was the Conservative member for Manitoulin.

Q.—In Gamey's presence did you say that? A.—No.

Q.—Anything else besides that? A.—And what he had told me, that he was going to support the Ross Government.

Q.—What did he say? A.—Well, he was kind of surprised.

Q.—Did it affect him much, apparently? A.—Well, no, I wouldn't say it did.

Q.—Had it affected you much? A.—Well, it did.

Q.—You are of a phlegmatic nature, are you? A.—Well, we are not used to

(1979)

that kind of thing down in our country.

Q.—What kind of thing are you not used to? A.—A man elected as a Conservative and voting Liberal.

Q.—That is a trait of the western end of the Province that surprised you, and you remained in that state of surprise until you shared it with Mr. Bowen on the 6th? A.—Yes.

Q.—Was he as much surprised as you were? A.—I don't know as he was so awfully surprised.

Q.—Will you tell me anything else that took place between you and Mr. Bowen relative to that subject besides what you have told me? A.—No, sir.

Q.—Then, when you went up he was in bed? A.—I think we were in bed, Bowen and I, when Mr. Gamey came up.

Q.—Did you and Bowen occupy the same bed? A.—No, sir.

The Chancellor: Bowen had a cot, he said.

Mr. McPherson: Yes, he did say that; I beg your Lordship's pardon. Bowen had the cot? A.—Yes.

Q.—What did he say then? A.—He spoke of the same things, the same conversation, the conversation was about the same.

Q.—Just tell me what it was? A.—That the Ross Government was doing all they could possibly for Manitoulin and he would have to support them.

Q.—Anything else besides that? A.—Nothing that I remember distinctly.

Q.—That is all you can remember? A.—That is all.

Q.—But do you remember that? A.—I do.

Q.—And do you say that what you said took place on the night of the 6th.

(1980)

Re-examined by Mr. Johnston: was also said by Gamey on the night of the 1st? A.—Possibly not the same words. The substance was the same.

Q.—You won't swear to the same words? A.—No.

Q.—That is all that took place? A.—That is all.

Q.—And you all went to sleep? A.—Yes.

Did you make any remark to Gamey on the 6th, that night? A.—No.

Q.—Did Mr. Bowen? A.—No.

Q.—Did you make any remark to Bowen? A.—No.

Did Mr. Bowen make any to you? A.—No.

Q.—You all went to sleep? A.—All went to sleep.

Q.—And is that all that took place? A.—That is all.

Q.—You left on the 10th? A.—I left on the 9th.

Q.—And nothing else took place? A.—Nothing.

Q.—And when did Mr. Bowen leave? A.—I think it was the night of the 7th.

Q.—Then he was just there the one night? A.—He was there two nights, I think he came on the 6th or 5th and went away upon the night of the 7th.

Q.—What nights was he there? A.—I think it was Friday and Saturday.

Q.—What day of the month? A.—That would be the 5th and 6th.

Q.—And what you have related took place on Saturday night, the 6th of September? A.—The 6th of September.

Q.—So that there is no question whatever about it? A.—Not to my—

Q.—What time was that? A.—After the theatre.

(1981)

Q.—Before or after midnight? A.—About midnight, I should judge.

Q.—And you never mentioned that to anybody else in Toronto? A.—In Toronto? Not that I remember of.

Q.—You would remember, would you not, you have a good memory? A.—I have.

Q.—No mention of it at all? Then when you went back to Kemptville did you leave here on the night of the 9th or 10th to go back to Kemptville? A.—Left here on the night of the 9th, and got there on the morning of the 10th.

Q.—Can you tell me anybody there that you mentioned it to? A.—I mentioned it to my friend, W. H. Anderson.

Q.—Nobody else? A.—No.

Q.—That is the only man you mentioned it to in Kemptville, yes or no?

A.—No, I mentioned it to another man.

Q.—Who? A.—William Smale.

Q.—What did you say to Smale? A.—Just the conversation we had.

Q.—What did you say to Smale? A.—I just told him the circumstances.

Q.—Tell me what you said to Smale?

A.—I told Smale we had slept with Mr. Gamey, and Mr. Gamey said he was going to support the Ross Government.

Q.—Anything else besides that? A.—No.

Q.—Who had slept with Mr. Gamey?

A.—That Mr. Gamey had slept in our room.

Q.—With whom? A.—With myself and Mr. Bowen.

Q.—Anybody else? A.—No, of course.

(1982)

Q.—Is that all you told Smale? A.—Yes.

Q.—What did you tell Anderson? A.—I told Anderson just the same.

Q.—Pledge your oath to what you told Anderson? A.—I pledge my oath that I told Anderson just the same.

Q.—The same words that you told Smale? A.—Just the same.

Q.—Were they together when you told them? A.—No.

Q.—Did you tell anybody else in Kemptville, or any place else, of what Gamey said to you? A.—No.

Q.—Never at any time? A.—No.

Q.—When did you tell Anderson? A.—The following Sunday.

Q.—That would be the 11th of September? A.—That would be the 15th, would it not? if the 7th were Saturday. It was the following Sunday.

Q.—Where? A.—At his own dwelling.

Q.—Who else was there? A.—No person but he and I.

Q.—When did you tell Smale? A.—I think I told him that Sunday night.

Q.—Where was he? A.—He was at his home.

Q.—In his own house? A.—Yes.

Q.—Anybody else there? A.—No person.

Q.—Any other conversation take place between Anderson and you at the time you told him this, that you can recollect of besides what you have told me? A.—Oh, I see him every day.

Q.—Any other conversation at that time? A.—No.

Q.—That you can recollect of, besides what you have told me? Answer? A.—I cannot recollect of any.

Q.—Any other conversation besides that between you and Smale on the occasion that you told him? A.—No, sir.

(1983)

Q.—Never discussed it with anybody

else but those two men on those two occasions? A.—That is all.

Q.—That is all that has ever taken place? A.—That is all.

Q.—And you and Bowen have never adverted to it between September and the 9th of January? A.—That is right.

Q.—And only on one occasion down in the room there after the Globe interview? A.—No, sir.

Q.—And nothing else took place between you and Bowen but what you have told me of? A.—Nothing.

Q.—You have never told any Minister of this? A.—I did not.

Q.—Mr. Bowen is one of the leading men of Kemptville? A.—One of the firm of the Kemptville Milling Company.

Q.—What is his position in Kemptville as a citizen? A.—He is one of the leading citizens of Kemptville.

Mr. McPherson: Is Mr. Bowen here? A.—No, he won't be here until to-night.

(1984)

Simon Peter Grant, sworn. Examined by Mr. Riddell:

Q.—You live in the city here? A.—Yes, sir.

Q.—And you are an employe of the Government, are you? A.—Yes, sir.

Q.—What is your business? A.—Assistant King's Printer.

Q.—The paper that is supplied to the various Departments, as I understand, is ordered through your office, through the King's Printer's office? A.—Yes, sir.

Q.—And by your office, the King's Printer's office, distributed amongst the Departments that require it? A.—Yes, sir.

Q.—Now, you have a kind of paper called "Stock Broker's Bond," have you? A.—Yes, sir.

Q.—The Stock Broker's Bond, where does that go? A.—It is for general distribution for typewriting purposes in all the Departments.

Q.—Is it a very common kind of paper? A.—In the service, it is. It is the most common kind of typewriting the cheapest paper that we can use for typewriting.

Mr. McPherson: Do not lead him.

Mr. Riddell: Have you the "C. & Co.?" A.—Yes, sir, we have that stock.

Q.—You know that monogram? A.—Yes, sir.

Q.—Do you yourself know who manufacturers that? A.—No, sir, I do not.

Q.—However, is that common in your office, do you have much of it? A.—Yes, we have quite a little stock of it.

Q.—To what Department is that supplied? A.—Well, in general, on requisition to all the Departments.

Q.—Then, we have another kind of paper called the "Earncliffe." Do you know that? A.—Yes, sir, although it is not very much used.

(1985)

Q.—Where does the Earncliffe go?
A.—I remember one order to the Public Works Department.

Q.—And these papers are supplied to the various Departments on requisition, are they? A.—Yes, sir.

Q.—Can you say whether the Earncliffe goes anywhere else but to the Public Works, or do you know about that? A.—I don't know of it going to any other place. It was a special order.

Q.—Then the envelopes. Are they supplied to all the Departments? A.—Yes, sir.

Q.—These are the envelopes in which Exhibits 30 and 31 were enclosed.

Cross-examined by Mr. McPherson.

Q.—What is your occupation, did you say? A.—I am Assistant King's Printer.

Q.—How long have you occupied that position? A.—Two or three years.

Q.—Do you do anything else besides assist the King's Printer on occasions? A.—Well, all our work is in the service of the Department.

Q.—That includes what you do out of the Building as well as what you do in the Buildings? A.—No. I don't do anything else outside.

Q.—That is for which you receive a salary? A.—Yes, sir.

Q.—Do you do something for which you do not receive a salary outside of the Buildings? A.—Not in the shape of manual labor.

Q.—I was not speaking about manual labor. What other kind of labor do you do outside of the Buildings? A.—Well, I have filled offices in—

(1986)

Q.—Elections? A.—Clubs. No, an amateur athletic association.

Q.—I am not speaking of athletics, I am speaking of politics? A.—Oh, no.

Q.—You do not go out to do political work? A.—No.

Q.—Never have taken any part in political work? A.—Never have.

Q.—My instructions believe you to some extent.

Mr. Riddell: Especially the last syllable.

Mr. McPherson: Where is the King's Printer to-day? A.—I left him in the office this morning.

Q.—Do you know why you are here instead of him to speak of these matters? A.—I don't know, unless I have a more perfect knowledge of the stock in our Department. I have entire charge of the printing.

Q.—You know more about the matter than he does? A.—In some respects I do.

Q.—What about this Stock Broker's Bond? A.—Well, it is the commonest stock we have in use.

Q.—Where do you get it? A.—We buy it from Buntin Reid & Co.

Q.—They have the monopoly of it have they not? A.—I could not tell you that.

Q.—Do you get it cut to size for use in your Department; do Buntin Reid supply it in size? A.—Not always, sir; but our regular stock they do.

Q.—And then you can tell me what Departments you supply that to? A.—Well, every Department in the service.

Q.—And "C. & Co." where do you get that? A.—I could not tell you where that was bought; I never bought any of it.

(1987)

Q.—Why did not Mr. Cameron come to speak about that? A.—I don't know. I know it is part of our stock, we have it in stock there.

Q.—Do you know the distribution of that? A.—Not altogether.

Q.—Then what do you have to do with the C. & Co. paper? A.—Well, if there was any printing to be done or any embossing to be done that that stock could be used for, I would take it out; I would use the stock.

Q.—Has there been any in connection with this case, that makes it material to have your evidence on that point here? A.—Well, I could not say.

Q.—You don't know anything about that? A.—No.

Q.—To what Department is the paper C. & Co. supplied, do you know? A.—It is the same as in our stock.

Q.—Supplied to the Provincial Secretary's Department? A.—Not to my knowledge.

Q.—Will you say it is not? A.—I think so.

Q.—Will you swear it is not? A.—Not to my knowledge.

Q.—Will you swear it is not? If you don't know, you may say so. But will you swear it is not supplied to the Provincial Secretary's Department? A.—No, I would not say that somebody else has not supplied it.

Q.—Stock Broker's Fund, is that supplied to the Provincial Secretary's Department? A.—Yes, sir; that is.

Q.—You spoke of a special order for Earncliffe. Have you got that order here? A.—Yes, sir; I have it in the book.

Q.—Where did you get the Earnscliffe paper? A.—I think that was got at Barber & Ellis'.

Q.—Do you know for a fact that it was? A.—Well, from looking over the order.

(1988)

Q.—Do you know for a fact? A.—I think it was. I would not swear to it without looking at the book, but I have an idea it was bought there.

Q.—Is the entry in the book in your own handwriting? A.—I believe it is.

Q.—What paper is that you have there? A.—Some entries I have. There are so many of these here I did not want to take up the time on the court looking for it. This is it: "2 reams 17 by 22, 17 Earnscliffe, white, cut quarto full; 2 reams 17 by 28, 22 Earnscliffe, white, cut quarto full. Public Works. Requisition No. 301. Date, January 17th, 1902."

Q.—What other order have you besides that? A.—I don't know of any other order than that.

Q.—Whose writing is that? A.—That is mine.

Q.—Initialed by you? A.—Yes.

Q.—What became of that? A.—That was initialed to the Department in due course.

Q.—Which Department? A.—The Public Works Department.

Q.—Any other Department get any of that besides the Public Works Department? A.—Not to my knowledge.

Q.—Have you any receipt from the Public Works Department for it? A.—No.

Q.—How do you know it was delivered to the Public Works Department? Did you do it? A.—No, I did not.

Q.—So that you don't know whether it was delivered to the Public Works Department or not? A.—Well, it was paid for by the Public Works Department.

Q.—You don't know whether it was delivered there? A.—No, sir.

Q.—Or whether any other Department got any of it? A.—No, I could not swear to that.

(1989)

Q.—Do you know Frank Sullivan? A.—No, sir, I do not.

Q.—Do you know him at all? A.—Well I have seen him. He has been pointed out to me since this case.

Q.—That is the only acquaintance you have with him? A.—That is all.

Q.—Look at these two small envelopes that contained Exhibits 30 and 31, can

you tell me where those envelopes were purchased? A.—I can.

Q.—Where were they purchased? A.—Barber & Ellis.

Q.—Are they made to order? A.—Yes, sir.

Q.—And supplied to the King's Printer by Barber & Ellis? A.—Yes, sir.

Q.—And by the Department, the King's Printer Department, supplied to the Provincial Secretary's Department? A.—To all the Departments.

Q.—Public Works, Provincial Secretary's and every other? A.—Yes.

Q.—Have you charge of the distribution of envelopes in your Department? A.—No, sir; only for embossing or printing.

Q.—Who has charge of that branch? A.—Well, I have given them out. Mr. Bailey usually does.

Q.—Look at that linen lined envelope that came with Exhibit 29. Have you envelopes like that in the Parliament Buildings? A.—We have had some.

Q.—Have envelopes like that been supplied to the Provincial Secretary's office? A.—Never to my knowledge.

Q.—You did not supply any? A.—No.

Q.—Did you supply any to any Department? A.—No, sir.

Q.—You don't know anything about that? A.—Not that one.

(1990)

Q.—Can you tell me where that envelope was made? A.—No, sir.

Q.—Don't know anything about it? A.—No.

Q.—Do you know where stock of that kind comes from that you receive in the King's Printer's Department?

The Chief Justice: I thought he said that was on hand.

Mr. McPherson: No, my Lord. It was 30 and 31.

The Chief Justice: I thought he said he had the linen-lined one on hand? A.—Not that particular one to my knowledge, but we have linen-lined ones.

Mr. McPherson: Have you had others of the same kind in the King's Printer's Department? A.—Well, I really don't know much about that stock, but linen or cloth-lined ones are usually for a particular purpose, and they are usually ordered specially, but this is a stock one. They are usually ordered specially, and I order them when they are ordered specially. Irregular sizes. That appears to be a stock size.

Q.—This, however, is a stock size? A.—Yes.

Q.—And you recognize that as a stock size that you have in your Department? A.—Not that particular one, but envelopes of about that size.

Q.—And of that kind of paper and linen-lined? A.—Well, I couldn't say, they are cloth or linen-lined, but I don't know exactly whether this is one of our stock or not. I cannot tell. I am not familiar enough with it.

Re-examined by Mr. Riddell:

Q.—Do you supply anything to the Provincial Secretary's Department that you do not supply to all the other Departments in the way of envelopes or paper? A.—There was no particu-

(1991)

lar brand of paper that we supplied to them.

Q.—None of those we have been mentioning? A.—No, sir.

Q.—Have you there a demand from the Public Works Department and unless someone has been embezzling, of course that would be delivered to the Public Works? A.—Yes, sir.

Q.—Let me quite understand what this envelope is. If I understand you aright, you have not and never have had envelopes exactly like that, that is, of that size? A.—Not through my hands, and it does not look like the stock that I have seen.

Q.—It appears to be a stock envelope of ordinary size? A.—It appears to be.

Q.—Whereas the linen-lined that you use are a special size? A.—A special size and ordered specially.

Mr. Johnston: I am afraid we will have to ask the indulgence of the court for the first time to-day. We have two or three witnesses, three or four witnesses, who will be short, and who will be here in the morning. Amongst others two cabmen. Then I take up the Buildings. I take up the transaction.

The Chancellor: We are not anxious to know about your plan of campaign, but you have witnesses to go on to-morrow and you have none to-night?

Mr. Johnston: I am only giving the reason, but that is the fact, that we have none to-night.

(Adjourned to 10 a.m. Thursday, 30th April).

(1992)

FIFTEENTH DAY

April 30th, 1903, 10 a.m.

Mr. Baird: I had the advantage of being in court yesterday, and of hearing remarks made with reference to the Mail case. Although our article was not as strong and although we say it was published in the usual course, without any disrespect to the court, we have no desire to prejudice any person, or injure any person in connection with the comments, nor had we any desire to attack the dignity of the court, or to be disrespectful in any way.

The Chancellor: The paper errs in the same direction. Do not say that it is weaker than the Mail. "Tracing the Boodle Fund Paid Gamey by the Briber," is one of those scare headlines we have heard about, I think, before in this case.

Mr. Baird: I think they were trying to trace it.

The Chancellor: It declares there is a boodle fund. That there is a boodle fund which is paid Gamey by the briber. It states that Gamey was bribed, that he was bribed out of a fund, and states that it was a boodle fund, just about as emphatic as well could be. But, you say, it will not be repeated in the future, and that you will withdraw it, and that you regret it.

Mr. Baird: Yes.

The Chancellor: Then the same action will be taken, that is, no action will be taken. I hope we shall have no repetition of this by any of the papers.

(1993)

The Chancellor: Now, Mr. Johnston?

Mr. Johnston: There are one or two short witnesses Mr. McEvoy will put in.

Reuben W. Hamlin, sworn. Examined by Mr. McEvoy:

Q.—You live in the City of Toronto, and your occupation is that of a vessel owner? A.—Yes, sir.

Q.—Do you know Mr. Gamey? A.—Yes, sir.

Q.—And do you know Frank Sullivan? A.—Yes, sir.

Q.—Do you remember being in the Walker House when they were there any time recently? A.—Yes, sir.

Q.—Can you fix the date? A.—I think it was the 14th of March, a very few days after the explosion in the House.

Q.—Do you know the day of the week? A.—Saturday, I think.

Q.—It was Saturday—the Saturday following the explosion in the House? A.—Yes.

Q.—The Saturday following Mr. Gamey's statement, you mean by that? A.—Yes, sir.

Q.—Now will you tell me what occurred that you noticed? First where were they standing? A.—Standing close to the office in the lobby of the Walker House—very close to the office.

Q.—Close to the office in the lobby, and in what relation to the front door? A.—I could see the front door.

Q.—There is a large square place there where the guests go in and out, and go up to the register? A.—The Front street door.

(1994)

Q.—Who was with you there? A.—Mr. Wheelihan and Frank Sullivan.

Q.—Were you engaged in a conversation with them? A.—Yes, sir.

Q.—Was there anybody else there that you remember? We have Mr. Gamey, Mr. Frank Sullivan, Mr. Wheelihan, and yourself. A.—I saw Captain Sullivan there.

Q.—You engaged in conversation with these two, Frank Sullivan and Wheelihan? A.—Yes, sir.

Q.—Did you see anything of Gamey when matters were in that position? A.—Yes, he came in from the Front street door, walked by Mr. Wheelihan and myself and Frank Sullivan. He came in the Front street door and he walked by the three of us as we were standing there, and he beckoned to Mr. Frank Sullivan, and then he went on through into the washroom, and he had not been there hardly a minute before he came back again, and he beckoned to him again. Between the time that he beckoned to him the first time—I made the remark when he came in—we were joking about the whole thing in the first place.

Q.—Gamey was not joking? A.—No. The Chancellor: He was not there. He was in the washroom. He came out and beckoned again. Go on, please. A.—So we were talking about the case, and I was joking with Sullivan, and I said, here is your man now.

Mr. Ritchie: Never mind what you said.

Witness: Mr. Gamey did not say anything. He just beckoned to him.

Q.—And he came back from the washroom? A.—And he beckoned to him again. Then he went to the Front street door, out on to the street.

(1995)

Mr. McEvoy: Then did you say anything?

The Chancellor: To whom? A.—Frank Sullivan.

The Chancellor: That is not evidence.

Mr. McEvoy: What he said to Sullivan. That is something he did. That is a fact in a way. I do not suppose the conversation is evidence.

The Chancellor: The parties were at arms' length on the 14th September. It is not in the same position as that which occurred before. What was said by Sullivan, unless Gamey was there, would not hold, I should think.

Mr. McEvoy: Very well, my Lord.

Q.—Then what did Sullivan do? You said something to Sullivan. A.—I said—

Q.—Not what you said. But you said something to him? A.—I told Sullivan to go out and see what he wanted.

Q.—You did say something.

The Chancellor: Well, did Sullivan go out? A.—Sullivan went out.

Mr. McEvoy: Yes, but he did something before that. That is what I want to get at. You said something to Sullivan, not what you said, but you did say something? A.—Yes.

Q.—In consequence of that did he do anything? A.—Yes.

Q.—What did he do? A.—He went out, and on his road out he went over to where his father was standing.

Q.—In consequence of what you said he went where his father was standing, and then went out? A.—Yes, sir.

Q.—Did you see him and Gamey together afterwards? A.—No, sir.

(1996)

Q.—Outside? A.—No, sir.

Q.—How long was it before he returned? A.—I couldn't say.

Q.—Mr. Gamey, in describing this interview, puts it this way: "Q.—And you say that he insisted upon speaking to you? A.—Yes, sir. He came just as I was going into the telephone cabinet in the Walker House. He came up to me and said, I want to speak to you. I said, I do not want to talk to you now."

Mr. Blake: That is not the same interview. He spoke of a telephone cabinet.

Mr. McEvoy: Where is the telephone cabinet? Near where you were? A.—It is on the right-hand side of the door as you go in from the Front street entrance.

Q.—Where is the telephone in relation to the washroom—the cabinet? A.—The telephone cabinet is near the Front street entrance, and the wash-room in near the dining room.

Q.—And the time Sullivan went out with him, did he go right to the telephone cabinet? A.—Oh, no.

Q.—He would go past that? A.—Past it.

Q.—To go out? A.—Yes.

Q.—It is right at the Front street door? A.—Yes, sir.

Q.—I just want to know whether this is the same interview. I am reading from Mr. Gamey's evidence. He said Sullivan went out with him, and talked on the Saturday, and that Sullivan insisted on his going out. I am trying to prove that is not the fact.

Mr. Ritchie: He says he went to the telephone cabinet.

Mr. McEvoy: Both Sullivan and Gamey have sworn to one interview only.

(1997)

The Chancellor: Very well, go on.

Mr. McEvoy: "Yes, sir; he came just as I was going into the telephone cabinet in the Walker House. He came up to me and said, I want to speak to you. I said, I do not want to talk to you, and I went into the cabinet, and came out of that and went around into the washroom of the Walker House, and then came outside, and he came out after me, and we walked a little bit west of the hotel and back and stood in front of the

hotel." It that a fair description of what occurred the day you saw them go out of the Walker House, in the way you have spoken of? A.—No, I did not see him go into that telephone cabinet at all.

Q.—But he says that is before he went into the wash-room? A.—I thought he came in the front door, because we were standing right there looking.

Q.—But the telephone and the cabinet are—

Mr. Ritchie: Do not lead the witness.

Mr. McEvoy: He said that. There is no leading about it.

Mr. Ritchie: There is no use repeating it if he said it.

Mr. McEvoy: Please keep quiet, and do not interfere.

Mr. Ritchie: I shall interfere.

Mr. Johnston: Go on.

Mr. McEvoy: Where does the telephone stand in relation to the front door? A.—Right beside one another.

(1998)

Q.—And did you see him until he had got up as far as the telephone box, coming towards you? A.—Well, I did not exactly see him come through that door. I thought he did. He was looking right ahead.

Q.—Came from that direction? A.—Yes.

Cross-examined by Mr. Ritchie:

Q.—Now, you say you were talking to Frank Sullivan and to Wheelihan, and which way were you looking while you were engaged in conversation? A.—I stood with my back to the York street door.

Q.—So that you could see any one coming in the front door on Front street? A.—Yes, sir.

Q.—And you told my learned friend in examination-in-chief that you saw Mr. Gamey came in the front door—Front street—come in the Front street entrance? A.—Yes.

Q.—Saw him come in there and saw him go direct to the wash-room? A.—Yes.

Q.—And you did not see him go into the telephone cabinet? A.—No, sir.

Q.—You did not hear Gamey say anything? A.—No, sir.

Q.—You did not see Gamey and Sullivan talking at all together? A.—No, sir.

W.—What time of the day was it? A.—Noon hour. We were waiting for dinner.

Q.—That would be between 12 and 1? A.—Yes, sir.

Q.—Are you positive as to the day? A.—Well, as near as I can be.

Q.—Are you positive as to the day? A.—I am pretty positive of it.

(1999)

Q.—There could not be any doubt about the day? A.—As near as a person can swear. It is quite a little time to be sure—to be very positive of it.

Q.—Did you think it was the 14th? A.—Yes, sir.

Q.—That will do.

David Wheelihan, sworn. Examined by Mr. McEvoy:

Q.—Where do you live? A.—In Campbellville, Halton County.

The Chancellor: Is this to prove the same thing?

Mr. McEvoy: Yes, my Lord. This is the man with whom the last witness was in conversation.

The Chancellor: But Mr. Gamey was not in conversation with any of them. Go on.

Mr. McEvoy: Is that right, that you were in conversation with the last witness? At what date was that, do you know? A.—Well, I think it was on Saturday, the 14th, but I am not quite sure. I know it was after the statement was made in the House by Mr. Gamey.

Q.—Where were you standing? A.—I was standing with my back to the front door, kind of sideways—just about noon hour. I think I had come in and was just about going to dinner. I am not sure whether Mr. Sullivan and Mr. Hamlin were there before I came there or whether I was talking to one of them and some one came up. I am not sure how it was, but I was there with these two gentlemen.

Q.—With your back turned towards the Front street door? A.—Yes, sir.

Q.—Your back would be to the north? A.—Yes.

(2000)

Q.—You remember the last witness, Hamlin? He says his back was towards the east—that is towards the York street door? A.—Yes, I think his back was towards the east door.

Q.—What was the first that you noticed happening there in reference to this matter? A.—I think I made the remark—

Mr. Ritchie: Never mind what you said.

Mr. McEvoy: What did you see? What was done? A.—Mr. Gamey passed by us and he went into the lavatory.

Q.—As he was going up to you, how would your face be? Toward him or away from him? A.—My face would be away from him coming up.

Q.—Did you see him do anything as he came up then? A.—No, I did not notice anything that he done.

Q.—Was anything said to call your attention to whether he had done any thing or not at that time? A.—Yes.

Q.—Then, did you see him again shortly after? A.—He went into the lavatory and came out in probably a minute and went out the front door, that is on Front street. He passed by me.

Q.—Anything done as he passed? A.—Well, I did not see anything done.

Q.—What? A.—I did not see anything done. I did not see him do anything as he passed. I did not see him do anything as he passed.

Q.—You did not see him? A.—No, I did not see him do anything as he passed.

Q.—Have you said anything to the contrary of that? A.—Well, I know other people have said different from that.

(2001)

Q.—But have you told anybody anything to the contrary of that? A.—I do not think so.

Q.—You do not think so? A.—No.

Q.—Did you see anything after he passed? A.—Yes.

Q.—What did you see then? A.—Well, what Mr. Sullivan and Mr. Hamlin spoke about.

Q.—What was it? What did you see? A.—I saw Sullivan follow out Gamey out into the street.

Q.—Before that did you see anything? A.—Did I see anything? *

Q.—Yes, did you see Gamey do anything when he passed or as he was passing? A.—Well, only what these other people said he did.

Q.—Did you see him do it? A.—No, I did not see him do it.

The Chancellor: Now, we will take the next witness.

Dr. Robert B. Struthers, sworn. Examined by Mr. Johnston:

Q.—Where do you practice? A.—Sudbury.

Q.—And you know Mr. Gamey? A.—I have known him for a number of years.

Q.—And did you meet him in the Walker House in September, 1902? A.—I did.

Q.—About what time in September? A.—It would be on the 9th September.

Q.—I understand he was in your room about 11 o'clock that night? A.—We occupied the same room that night.

Q.—Then, he was in the room occupied by you and him about 11 o'clock that night when he came in? A.—Yes, sir.

(2002)

Q.—Did you have any talk with him about his relations to the Government? A.—I was in the room when he came in that night. We did not spend the evening together. I was ready for my bed when he came in, and after he got

ready for his bed he looked—he opened the door, and locked it, and came to bed, and said he wished to have a talk with me—wanted to know if I was sleepy, and I said no, not particularly, and he went on to say that he would like to ask my advice, that I was practically disinterested, or a partially disinterested man in this matter.

Q.—You are a Liberal, but take no part in politics? A.—I am a Liberal, but not a politician: I am a supporter of the Government.

Q.—You do not bother your head about practical politics? A.—And he said there was a protest entered against him, that he was not in a financial position, that it would cost him \$1,200 or \$1,500 to fight, and possibly might go against him. In case it did, if he wished to re-enter politics, it would cost him \$400 or \$500 more to fight a new election, and that he was not in a financial position to incur this expense, that he did not think he could be unseated, that personally he was satisfied he had done nothing that would disqualify him; personally, he was satisfied he had done nothing himself that should do these things, and that the matter could be arranged, that the protest would be withdrawn, that he would receive the practical patronage of the riding, and that he would become to all intents and purposes an independent supporter of the present Administration.

(2003)

Q.—Did you give him any advice? A.—He asked me what I thought, if I thought he would be wise in doing that kind of thing, and my advice to him was not to do it, that he had been elected, in my opinion, to support the Conservative party, and that I could not see why he should change his political allegiance.

Q.—Well, did you just say that casually or did you press it upon him? A.—I pressed it upon him moderately.

The Chancellor: Pressed it upon him, what? A.—Moderately.

Mr. Johnston: Was there anything said about money matters? A.—Well, I went on and argued, gave some reasons why I thought he should not do this, and among other things I remember of having stated that it would damn him politically, that his own friends would never have anything further to do with him, that the Liberal party would oust him and throw him down, and that everybody would say he had been bought.

Q.—What did he say? A.—And he indignantly repudiated the idea that there was any financial consideration.

Q.—Then did you see him again at Sudbury later on? A.—I think so.

Q.—But no talk about politics? A.—I cannot remember any.

Q.—Do you remember the Globe interview, as it is called—about the 29th or 30th January? A.—I was in Toronto, at that time, and on my return home I took the train that leaves here at 1.45 for North Bay, and at either Allandale or Barrie, Mr. Gamey got on the train and came past—came through. I was in the sleeper, he passed through, and he asked me had I seen the Globe; I said no, not that morning. He thought that

(2604)

was strange that I had not. I said I had not stopped at the hotel, I had stopped up town with a friend of mine, and they did not take the morning Globe, and I had not seen it, and he took the Globe from his pocket and showed it to me.

(2005)

Q.—Did you discuss the interview then? A.—Somewhat, yes.

Q.—Talk about his position at all? A.—Yes, to a moderate extent. It was all discussed. We sat facing one another in a double seat in a sleeper.

Q.—I do not want to get the whole conversation, but anything said about his position? A.—That he thought he had followed the only course that was practically open to him, that he was satisfied the Government was going to remain there, and it was necessary from his point of view, that his riding should be represented on the Government side of the House.

Q.—Money? A.—I do not remember of that being discussed.

Q.—Anything about his position in regard to money? A.—No. I cannot remember the matter coming up as to whether he had received money at that time. I do not think it did.

Q.—Did he say anything as regard Mr. Whitney, or Mr. Ross? A.—Not at that time specially. He had on a former occasion.

Q.—Where was this? A.—At Sudbury.

Q.—About what time would that be? A.—I cannot give you the date.

Q.—Was it before or after the interview? A.—It would be after September.

Q.—After September, and before the Globe interview? A.—I think so.

Q.—What did he say then? A.—Well, I was going professionally to Copper Cliff, they were getting the horses, and I asked him if he would go back, and I think he said where? I

(2006)

said Copper Cliff, and he said if I would take him into a certain house by the road, a man whom he wished to see on business, he would go, and I did so.

Q.—Let us get at the conversation.

A.—At that time the political condition of the Province as it appealed to us was discussed, and I had stated oftentimes, and at this particular time, that in my opinion that had the leaders been changed, the Conservative party would have carried the Province, and he stated then that Mr. Whitney in his opinion was not a successful leader, that he did not command the confidence of the younger members of the party, that he was overbearing and would not listen to advice, and different things of that kind.

Q.—Then about Mr. Ross, did he say anything? A.—He always spoke very highly of Mr. Ross, both on this and on other occasions in which I mind of having heard him.

Q.—Did he say anything then about supporting the Government? A.—I think not.

Cross-examined by Mr. McPherson:

Q.—Are you sure of the date that this conversation took place at the Walker House? A.—I am.

Q.—What date do you say it was? A.—I find I was registered on the 9th. It would be the night of the 9th.

Q.—How long did you stay at the Walker House on that occasion? A.—Two nights, I think—I think so.

Q.—What nights were they? A.—9th and 10th—possibly only one night.

Q.—Which was it? Two nights or one night? A.—I was there the 9th positively.

(2007)

Q.—Do you know whether you were there more than one night? A.—I would not swear.

Q.—Had you seen Gamey that day before you met him in the bedroom that night? A.—In the morning.

Q.—Any conversation then? A.—Relative to the room—yes.

Q.—Anything about politics? A.—I think not.

Q.—Nothing except in connection with the room? A.—That is all I remember.

Q.—What was the conversation in regard to the room? A.—He asked me if I had a room, and I said no.

Q.—So he was going to take you into his room? A.—I will tell you what happened. He said that he and a gentleman had a double room, and the gentleman who was with him, or had been with him was leaving, and that he would sooner have me than a stranger, and would I take part of his room, and I said yes, and he arranged it.

Q.—You are perfectly satisfied in your mind that the conversation you have already detailed as having taken place in the Walker House, was on the night

of the 9th September? A.—I think so.

Q.—You will not vary from that? You have made up your mind positively to that, have you? Yes or no? A.—It was the night I spent in the Walker House.

Q.—I want you to answer my question. A.—I cannot do it.

Q.—You will hold yourself down to the 9th, will you? A.—No, I hold myself down to the night which I spent in the Walker House—the first night.

Q.—You say you looked that up this morning? A.—I find I was registered on the 9th.

(2008)

Q.—Then is that right? You were there the night of the 9th, and it was the first night that you were there that Gamey said this to you? A.—As far as I know.

Q.—Have you any memorandum about the matter at all? A.—Nothing.

Q.—Did you ever tell anybody of what you have related here in court to-day? A.—I have.

Q.—Whom? A.—Well, after the 11th February I think it was, the matter was very freely discussed.

Q.—After the speech in the House? A.—Yes.

The Chief Justice: That would be after the 11th March.

Witness: March I should say.

Mr. McPherson: Are you speaking now of the speech delivered by Mr. Gamey in the House? A.—Yes, sir.

Q.—Then you did not tell anybody as I understand it between the night of the 9th September and this time you are coming to, that you speak of, in March? A.—The matter had been mentioned—yes.

Q.—Between you and some person else? A.—Yes.

Q.—Who? A.—The matter was very freely talked of through that portion of the country, the supposed position of Mr. Gamey was discussed, and I may have mentioned it to different people.

Q.—Whom did you mention it to? A.—I think I mentioned it to Dr. Arthurs for one.

Q.—He is your partner? A.—We work together.

Q.—He is your partner? A.—In some matters—yes.

Q.—In your medical practice? A.—Yes.

(2009)

Q.—Did you mention it to anybody besides Dr. Arthurs? A.—I may have mentioned it. I do not think I conversed with anybody.

Q.—Will you say whether you did or not? A.—That I did what?

Q.—Conversed with anybody about the subject? A.—The matter was mentioned.

Q.—But to go into details? A.—I think not.

Q.—Then, am I safe in saying that you did not go into details? A.—Yes.

Q.—As to what had taken place between you and Gamey on the night of the 9th September, with any person except Dr. Arthurs, between the time it took place and this date in March? You understand my question? A.—Yes.

Q.—Then answer it, yes or no? A.—No.

Q.—You did not? A.—No; I did.

Q.—Then with whom? A.—I don't remember.

Q.—Cannot recall who it was? A.—No.

Q.—Tell me what you told Dr. Arthurs? A.—I told him we had discussed this matter, and that I had advised Mr. Gamey not to do this.

Q.—Tell me what you told him? That is not what you told him. Tell me what you say you told Dr. Arthurs? A.—I cannot tell you. We discussed this matter.

Q.—You don't remember? A.—A great many different times.

Q.—Do you remember what you told Dr. Arthurs? A.—I do not.

Q.—Do you remember whether you and Dr. Arthurs discussed it on more than one occasion? A.—I think we did.

Q.—Do you remember? A.—Yes, I think so.

(2010)

Q.—How many occasions? A.—I do not know.

Q.—Can you tell me anything that took place between you and Dr. Arthurs in reference to this matter? A.—In what line?

Q.—There is only one line I am speaking about? A.—In what direction?

Q.—Only one line I am speaking about as to the details of this alleged conversation with Gamey? A.—We were together daily, met repeatedly several times a day, and had a good deal of time alone together in the office, and this matter might have been mentioned a great many times, as the question under the present discussion oftentimes came up, and, in fact, there was scarcely a daily paper in which it was not mentioned, and it was often discussed.

Q.—What position did you take with Dr. Arthurs? Did you take the position that Gamey had sold out to the Government or not? I want your answer to that, yes or no? A.—Well, I cannot answer that question unless you tell me what you mean by being sold out.

Q.—He had arranged to go over to the Government side? Did you tell Dr. Arthurs that? A.—I was under the impression—

Q.—I do not want impressions. I

want to know what did you tell Dr. Arthurs? A.—I cannot tell you.

Q.—Is it because you don't remember? A.—Because I don't remember.

Q.—Have you a good memory? A.—Fair.

Q.—And can you remember things as far back in September better than things that occurred since? A.—Certain things impressed themselves upon one. Others do not.

Q.—Did you ever tell anyone that you believed Gamey had gone over to the (2011)

Government? A.—I think probably I had.

Q.—Whom did you tell that? A.—I told Dr. Arthurs, I think, and I told others, I think.

Q.—When did you tell that to Dr. Arthurs? A.—I cannot tell you.

Q.—Was it before the speech in the House by Mr. Gamey? A.—I think it was before.

Q.—How long before? A.—It might have been as soon as I got back from here.

Q.—In September? A.—Possibly.

Q.—Was it then? A.—I cannot answer positively. We were together so continuously.

Q.—You were a medical practitioner? A.—Yes, sir.

Q.—I think you told my learned friend that you are not a politician in any way? A.—I am not a politician.

Q.—But your political proclivities are pretty well known? A.—I am a supporter of the Government, and have been ever since I have been in Ontario.

Q.—And so is Dr. Arthurs? A.—I believe so.

Q.—And has that been productive of anything financially to your practice? A.—Not to me.

Q.—Has it to Dr. Arthurs? Yes or no? A.—Well, yes; he is jail surgeon there.

Q.—And what else is he? A.—He is surgeon to the C.P.R.

Q.—And does he do anything for the Indians for Government money? A.—He has, yes.

Q.—Do you? A.—No.

(2012)

Q.—Do you get any of that money at all? A.—No.

Q.—Do you get any money from the Government at all? A.—No.

Q.—For any service? A.—I act as coroner.

Q.—Anything else besides that? A.—Nothing.

Q.—Nothing else besides that.

The Chancellor: What does he get as gaol surgeon? How much is the compensation, do you know? A.—I do not know.

Mr. McPherson: About how much is it? A.—About \$150 a year.

Q.—Per annum? A.—Yes, sir.

Q.—And the work is not very heavy, is it? A.—No, sir.

Q.—It is a sinecure? It means \$150 steady every year without much work? A.—No, I think the money is all earned there. Sudbury is a place where there is a good deal of that kind of thing on account of being a frontier lumbering town, and a good many convictions, and a good deal of gaol work. I do not think it is too much.

Q.—It is practically a sinecure, isn't it? A.—It is certain, but the money is earned, in my opinion.

Q.—People who are in the gaol are merely transients, over night, or something of that kind? A.—No, they are there longer than that as a rule.

Q.—Drunkenness and such like, I suppose? A.—Yes.

Q.—Sick stomach the next morning? A.—I claim that the money is actually earned at Sudbury.

Q.—Do you know Captain John Sullivan? A.—I have known him and do know him.

(2013)

Q.—Well and favorably? A.—I have seen very little of him.

Q.—Well and favorably? A.—Neither.

Q.—You do not know him very well. Will you tell me how well you know him?

The Chancellor: How are we going into this now?

Mr. McPherson: I am coming to that now.

The Chancellor: You had better come to the relevant thing.

Mr. McPherson: It is cross-examination.

The Chancellor: I am aware it is cross-examination, but we must keep within limits.

Mr. McPherson: Yes, my Lord.

The Chancellor: Captain Sullivan is not on trial here now. He has not given evidence yet.

Mr. McPherson: I submit—

The Chancellor: Well, go on. The shortest way is to let you go on.

Mr. McPherson: Yes, my Lord.

Q.—Do you know his son, Frank Sullivan? A.—I have met him twice—three times.

Q.—Did you meet him on the occasion you were down in the Walker in September last? A.—I think so. I think that was the first time I ever met him.

Q.—Did you meet the father, John Sullivan? A.—Yes, the father introduced me to the son, if I remember aright.

Q.—They were together at the Walker House? A.—They were.

Q.—What day was that? A.—It would have to be the day I was there.

Q.—The 9th September? A.—I think so.

Q.—And was any person else there besides the two when you were intro-

(2014)

duced? A.—I do not remember that, but they were talking.

Q.—Was Gamey there? A.—I think he was in the room.

Q.—Was he in their company? A.—I could not say.

Q.—Did you see him talking to them? A.—At that particular time?

Q.—At that time? A.—You want to know if they were talking together on that day. I would not swear yes or no. The house was very full.

Q.—Was the name of Sullivan, either the father or son, mentioned to you by Gamey on that occasion at the Walker House?

The Chancellor: You mean at night?

Mr. McPherson: I do not want to limit it to the night yet? A.—I think not.

Q.—Was it mentioned in the evening at all? A.—I think not.

Q.—Will you swear it was not? A.—To the best of my remembrance.

Q.—Will you swear it was not? A.—To the best of my belief, I will swear it was not.

Q.—You said that some mention was made of the protest that was pending? A.—Yes.

Q.—In Manitoulin? Did you ask Gamey anything about that protest? A.—He began the conversation.

Q.—I ask you the question. Did you ask him anything about the protest? A.—I think probably I asked him if they were likely to succeed; such a thing would likely happen.

Q.—Did you ask him anything else about that? A.—I cannot remember anything distinct.

(2015)

Q.—Can you remember any part of it distinctly? A.—The general tenor of the conversation; nothing with reference to the protest, but that there was a protest and it would be pushed.

Q.—And did you say that? A.—No, he said that; that it would be pushed; that was the understanding.

Q.—That his understanding was that it was to be pushed? A.—Yes.

Q.—And he said he did not know any reason why they could unseat him, did he? A.—Well, he said in his opinion that any person elected to the Ontario House could be unseated if money enough were spent, but he knew of no reason, personally, why he should be disqualified.

Q.—Did he appear to be nervous about the result—the money spent to unseat him? A.—He was anxious about it. It caused him some worry.

Q.—And it was working on his mind? A.—He was worrying about it—yes; he did not like the idea of having to spend the money.

Q.—And you do recollect of having asked him on that occasion what was being done about his protest? A.—I do not think so.

Q.—Will you say you did not? A.—I will say I did not, to the best of my belief.

Q.—Will you say you did not? A.—I will say I did not.

Q.—I want you to swear to the fact? A.—When I swear to the best of my belief I am swearing to the facts, as they are to me. That is all I can do.

Q.—Was anything said about the Government? A.—Yes.

(2016)

Q.—Did you say anything about the Government? A.—Possibly.

Q.—Can you tell me what you said about the Government? A.—I told him I thought the Government was going to stay there during the life of this Parliament.

Q.—Did you tell him anything else about the Government? A.—I may have done so.

Q.—Can you remember anything else you told him about the Government? A.—I cannot remember any definite statements.

Q.—Did he say anything about the Government? A.—He said the Government, in his opinion, was there for the life of the Parliament.

Q.—In response to what you said? A.—That was his opinion.

Q.—Given in response to what you had said? A.—I do not know which one was first.

Q.—You will not swear to that? A.—No.

Q.—Now, was there anything spoken about a deal of any kind? A.—No.

Q.—Nothing spoken about a deal of any kind? A.—No.

Q.—In connection with the protest? A.—No.

Q.—Then repeat to me what you said to my learned friend about the protest? A.—That the protest might unseat him, that it would cost him \$1,200 or \$1,500 to fight it if unseated, and he wished to stay in, that it would cost him \$500 or \$600 more to carry another election and he would be no better off than he was now.

Q.—Did Gamey say anything about an arrangement? You can tell me whether he did or not? Did he say anything about an arrangement? A.—Well, he said the protest could be withdrawn.

(2017)

Q.—Did he say the protest could be arranged? A.—I don't remember.

That would probably be the word used.

Q.—Did he say it could be arranged that the protest could be dismissed? A.—Dismissed or withdrawn, I do not know which.

D.—Did he say that it was arranged that he could have the patronage? A.—I do not think he said it was. He said it could be.

Q.—That is what I wanted to get. And, can you remember anything else he said now? Can you remember anything else? A.—Relative to what?

Q.—Relative to that same subject, or is that all there was about it? A.—No, we discussed for some length of time. That was the general import of the conversation. The general import was that he would change his political allegiance for the time being, and I advised him not to. I said if it had to be done it could be done by resigning and running over. I did not approve of it.

Q.—What was your understanding, Dr. Struther, as to the then situation of that matter?

Mr. Johnston: What matter?

Witness: I hardly understand what you mean.

Mr. McPherson: Don't you? A.—No.

Q.—Was it nearing a conclusion? A.—Well, in whose mind? In his mind or in my mind?

Q.—Was he relating it to you as a matter which was then nearing a conclusion, the negotiations leading to this matter? Were they nearing a conclusion? A.—Oh, I do not know.

Q.—Was there anything said? A.—I hardly would be in a position to know whether he had formed his mind or not, as to his future course.

(2018)

Q.—Well, as to proposals that were then being made to him, he was debating them in his mind. Was that what you understood? A.—The question of any proposals having been made to him was never mentioned.

Q.—But do you understand that he was then debating in his mind? Was he asking your advice? A.—That is the way I take it, he was asking my advice as a man—as a person whom he had known.

Q.—Making up his mind? A.—Possibly.

Q.—As to what? A.—As to the wiser course to pursue.

Q.—As to what? A.—His change of political allegiance.

Q.—Going over to the other side of the House? A.—Yes, for the time being.

Q.—For the time being. Did he say for how long? A.—Well, the question of running again came up, and he said he could run again as an Independent.

Q.—When would he run again as an Independent? A.—If he resigned his present seat.

(2019)

Q.—Did he say anything about resigning? A.—I did.

Q.—Did he or not? A.—Not until after I did? His answer to it was that he could not afford to do it. He had already fought one election, and he would have to fight another.

Q.—Just tell me what was said about resignation. I want to get that perfectly clear? A.—Well, in discussing this matter that night, he wanted to know what course I thought he might pursue that would be more advantageous, and I gave it as my opinion that if he could get the protest dropped and resign his—that under those circumstances the Government would not oppose him, and he would be re-elected, and then he could do as he chose, honorably, relative to the support of the Government.

Q.—You did not tell that to my learned friend. Are you sure that took place that night? A.—I am perfectly sure.

Q.—Is there anything else that you have not told me, and that you did not tell him, that you remember since you gave your version of it to him? A.—We were fully an hour before we went to sleep. I daresay there were other things said. If you call them up, I will try and remember them.

Q.—You knew he had run as a Conservative, didn't you? A.—I understood so.

Q.—And that he was being protested by the Government as one of their political opponents? A.—I always understood that.

Q.—You knew the locality up there pretty well? A.—I have been on the island. I have been at Mr. Gamey's home.

(2020)

Q.—What did you understand the difficulty in his mind to be? A.—Well, he was unwilling—at least the way it appeared to me—he was unwilling to undergo the additional financial expense that would necessarily entail itself upon a protest being fought in the court, and a new election, if he were unseated.

Q.—Your opinion then was, that in having been elected as a Conservative, he could not in decency go

over to the Government side? A.—Well, I gave it as my opinion, as a man that night, that he was in duty bound to support the political party who had elected him.

Q.—And that he could not in decency go over to the other side, having been elected to oppose them? A.—That was my idea.

Q.—That he ought at all events to go through the formality of resigning and running again as an Independent? A.—I do not know that the word formality was used. It would be a formality, I presume.

Q.—Was the substance of what I have said spoken of then, if the word formality was not used? A.—I said that had he decided to support the Government, or to withdraw his support from the Conservative party, I considered the best course would be to resign, to get the protest dropped, as I understood a member could not resign where there was a protest against him.

Q.—Did you say anything about disliking deals of the kind that he had spoken of? A.—I think I said I could not look favorably—I might have used the word “dislike”—upon deals of that kind.

(2021)

Q.—Something to that effect? A.—I do not know that the word “deal” was used—yes, that is the idea.

Q.—Substantially? A.—Yes.

Q.—Whatever the proposal was he was speaking of, you would have regarded as dishonorable.

Mr. Johnston: He was not dealing with any proposal. He was talking of no proposal.

The Chief Justice: He accepted the word “deal” anyway.

Mr. Johnston: That is quite so.

Mr. McPherson: Now, do I understand you correctly to say that on that night Gamey said he had not received any money from the Government? A.—I do not think the word “money” was ever mentioned that night between us.

Q.—What was mentioned? A.—I said that everybody would say he had been bought, and that he repudiated, that there was anything more than he had already intimated, of the dropping or withdrawal of the protest, and the giving to him of the Government patronage in the riding which he represented.

Q.—Then you were under the impression from what he said that he had not received any money up to that time? A.—I was.

Q.—And that the deal which was proposed to be made was one which would include withdrawing the protest, and giving him the patronage for the consti-

tuency? A.—That was my understanding.

Q.—It was to include those two things? A.—Yes.

Re-examined by Mr. Johnston:

Q.—Who was making a deal? Did you understand from him? What did

(2022)

you understand by the word “deal” in that connection? A.—The only deal that I understood was relative to the withdrawal of the protest.

Q.—And at whose suggestion, or who was urgent at that time about the protest? A.—I do not think it was mentioned. There was no suggestion of anybody having approached him mentioned to me.

Q.—Then whose attitude were you considering? A.—I was considering Mr. Gamey’s attitude.

Q.—Was the position of any other party, Government, or otherwise, considered for a moment, except Mr. Gamey’s position? A.—No.

Q.—And why do you use the word “deal?” What do you say? A.—I expect it was put into my mouth and I used it, or allowed it to go.

Q.—As his Lordship the Chief Justice said, you accepted the word “deal.” I want to know what you say about that now? A.—There was nothing in the shape of a deal mentioned more than the withdrawal of the protest, and the securing of the patronage of the riding.

Q.—As to the protest, you say he was anxious apparently. Was anything said about the patronage of the riding? A.—He said it would be practically given to him.

The Chancellor: It was practically given to him? A.—It would be; he understood that.

Mr. Johnston: Did he say anything about the giving of the patronage? Any object in it? A.—Well, no more than it came to Government supporters.

Q.—No, but was it discussed, as to any benefits to be derived from patronage? A.—No.

Mr. McPherson: Do not lead him.

(2023)

Mr. Johnston: Then, this question was put, in the form of a question, into your mouth, “anxious about money that could be got to unseat him.” Was that said at all? A.—That could be got to unseat him?

Q.—That money might be got to unseat him?

The Chancellor: He said anyone in Ontario could be unseated if money was spent.

Witness: That any member elected to the House could be unseated provided enough money was spent.

Mr. Johnston: But about his seat? Was anything said about money got to unseat him? A.—No.

Q.—Was their any anxiety in regard to the money being got to unseat him?

The Chancellor: He did not speak of any money with reference to his own unseating.

Mr. Johnston: Then tell me what he was anxious about in connection with money? A.—The money it would take to defend his seat; that is the way it struck me.

Q.—You are coroner of the Sudbury district? A.—Well, I have been in that country since 1884, and was acting as surgeon for the C.P.R. during the construction, and was appointed coroner.

Q.—When? A.—1885 or 6, and when I moved to Sudbury my commission was enlarged.

Q.—And you are not in Mr. Gamey's riding? A.—I am not.

Q.—And you are paid by whom? A.—The district.

Q.—Now, we have this book produced here yesterday. I want to see if this is your signature. (Referring to the Walker House book.) We have the book produced showing the 9th day of September.

(2024)
ember at the Walker House. Here is Tuesday, September the 9th. Is that your signature? A.—That is my writing.

Q.—No room opposite. Well, now, on the second page before that R. B. Struthers, M.D., Sudbury." Whose handwriting is that? A.—I think it is Mr. Gamey's.

A.—No 113. That was your room? A.—I do not remember the number of the room. I remember the location of it.

Mr. McPherson: That is on the same day.

Mr. Johnston: The same day, 9th September.

Q.—Do you know how you came to register? A.—Well, I had breakfast in the morning before the room was arranged. I paid for breakfast, and afterwards when I secured the room I went and registered. That is the way I account for it.

Mr. McPherson: Looking at that entry, which you say is in Mr. Gamey's handwriting, I see along the line, under the heading, the letter "D"? A.—Yes.

Q.—Do you say that is Gamey's handwriting? A.—No, I think not. It does not look the same.

Q.—Then in the next column beside that is the column for the room? A.—Yes.

Q.—And in that column there is 113. Is that Gamey's handwriting? A.—I should judge not.

Q.—So that the entries which the hotel people have adopted for the purpose of the record of your visit there are

these, not the one signed by yourself? A.—I have no knowledge about that.

Q.—Cannot you say?

The Chancellor: They are on the same day are they not?

(2025)

Mr. McPherson: But different pages.

The Chancellor: He says they are on the same day.

Mr. Johnston: Call Mr. Bowen.

Mr. Bowen called but not present.

Mr. Johnston: He has been subpoenaed and paid his conduct money. Where is the subpoena?

Mr. McEvoy: There it is.

Mr. Johnston: I wish to put in during the day an affidavit of service upon Mr. Bowen, and the payment of his conduct money. I will then ask the court for a direction as to his attendance.

The Chief Justice: You had better have him called on his subpoena.

Mr. Johnston: I shall do that later on.

The Chancellor: Where does he live?

Mr. Johnston: Kemptville.

The Chancellor: You can take a bench warrant if he does not answer his subpoena.

Mr. Blake: You will have to call him.

Mr. Johnston: I will when I produce the proof.

Charles H. Chase, sworn. Examined by Mr. Johnston:

Q.—You are the messenger in charge of the Attorney-General's Department, and of the council room? A.—Yes.

Q.—Before this investigation opened had you ever seen Gamey in your life to your own knowledge? A.—Before this investigation took place?

(2026)

Q.—Yes. A.—I never saw Mr. Gamey, or knew him to see him until two days previous to the House adjourning for this investigation.

Q.—On the 10th day of September, 1902, you were in the Government service as messenger, as you have told us? A.—Yes, sir.

Q.—And your place is permanently at the door of the Cabinet room? A.—Yes.

Q.—On the east end of the main corridor at the top of the stair landing—on the second floor? A.—Yes.

Q.—Did you ever have any talk with Frank Sullivan in your life? A.—He is a man I do not suppose I have ever spoken to twice in my life. Probably twice. I do not think it would exceed twice.

Q.—Do you deliver any messages or do any work for any other Department except your own? A.—No Department except my own.

Q.—And that has been, I believe, the invariable rule for how long past? A.—Since my employment.

Q.—And how long have you been in the employment of the Government? A.—April, 1888.

Q.—And the office of Mr. Stratton, the Provincial Secretary, is on the same floor? A.—The same floor I am on—yes, sir.

Q.—Further to the north? A.—Yes, sir, farther to the north. It is in the northeast wing, practically.

Q.—And you live where? A.—The old Parliament Buildings, Wellington street, up to within the last two days. I have left there now.

(2027)

Q.—Married man with a family? A.—Yes, sir.

Q.—Did you go home for your dinner or lunch at that time—at that date in September, 1902? A.—I go home every day except an occasional day during the session; if I am kept late, I take my meal at the buildings, but during the recess I go home to my meals. With one or two exceptions, which may be occasionally on a Saturday, I may take a meal in the buildings. If I am off with the Premier and get in on the train, and have not time to go home, I go to the lunch room in the buildings.

Q.—You have to travel around occasionally looking after the Premier, personally? A.—I do.

Q.—And attending to his wants? A.—Yes.

Q.—Now, what time do you leave for lunch? A.—Oh, any time from five minutes to twelve, up to twelve o'clock, or sometimes ten minutes before twelve.

Q.—And, it takes you how long to go down? A.—Well, if I leave the building at ten minutes to twelve, I could be at the Old Parliament Buildings—I generally take the car—I do take the cars, and I would be home at twenty minutes past twelve.

Q.—And you return to the buildings at what hour? A.—Any time from twenty minutes past one to half-past.

Q.—Now, during recess, and except occasionally on Saturdays, can you recollect a day when you would be there from twelve to 1.20? A.—No, sir.

Q.—Do you know Mr. Myers to see him? A.—I do.

Q.—What position does he hold? A.—Private Secretary to the Honorable Mr. Stratton.

(2028)

Q.—Ever been in company with him at all? A.—No, sir, barring the few days I have been sitting here with him. That is the only time I have ever been in his company.

(2029)

Q.—And without going into details,

there is no confidence between you and the Provincial Secretary's department or between you and the Provincial Secretary personally? Rather the other way. A.—Rather the other way.

Q.—Owing to some personal matters that I need not trouble you with. Now, did you ever receive a parcel from Myers on or about the 10th or 11th of September, or any time in September, to deliver anywhere about the building? A.—No, sir.

Q.—Did you deliver any package or parcel in the smoking-room in the building any time in September last? A.—No, sir, I have no occasion to go there.

The Chancellor: You never delivered any. That is what you are asked? A.—No, sir.

Mr. Johnston: Or an envelope or package of any kind, either from Myers, Mr. Stratton or from anybody else, and take it down to the smoking-room? A.—No, sir.

Q.—Have you ever at any time delivered any money to anybody from the Provincial Secretary's office during the month of September, 1902? A.—No, sir, on no occasion. I have nothing to do with the Provincial Secretary.

Q.—Did you upon that occasion, the 10th or 11th September, whilst Frank Sullivan and Mr. Gamey were standing at the window of the smoking room, go in and lay an envelope or an envelope containing apparently some enclosure, on the table, in the smoking-room, and go out immediately? A.—I have always said I delivered no message.

Q.—I have given you what he said. Is that true or not? A.—That is not true.

Q.—You had at my suggestion a plan of the location of these rooms made?

(2030)

A.—Yes.

Q.—This plan will be Exhibit 72.

The Chief Justice: What floor, Mr. Johnston?

Mr. Johnston: The second floor, my Lord.

The Chief Justice: That is not counting the ground floor?

Mr. Johnston: Calling the ground floor the first.

Q.—And where you sit is marked "Chase's desk," marked in pencil, and Mr. Stratton's room is shown where marked "Stratton's room." Now, from the door coming out of Mr. Stratton's entrance to the main corridor is how many feet? A.—About 72 feet.

Q.—From that point in the main corridor in a direct line to the smoking-room is how much? A.—It is 242 feet.

Q.—And from the corridor into the smoking-room is how far? A.—16 feet 2, I think—somewheres about that. It may vary a little.

Q.—Then the washroom is situated at the extreme west end of the building ? A.—This is the entrance here to the washroom.

Q.—I will just mark this “wash room,” and in order to get to the washroom you go along the main corridor and you go through a door into ? A.—Another lobby.

Q.—Another lobby that goes downstairs. Then you pass on through the door that opens into the elevator. This is the elevator marked “E.” And then you turn to the left and pass into the washroom. All that is open ? I mean the doors are not locked ? A.—Oh, no, it is all open.

Q.—And in the smoking-room the windows are of what kind ? A.—Large windows. In keeping with all the rest of the windows so far as I know.

(2031)

The Chief Justice : Are those particulars marked on the face of the plan ?

Mr. Johnston : Yes, my Lord.

Q.—And have you been spoken to about this matter at all since the occurrence in the House ? A.—Who by ?

Q.—By any one ? A.—More than in general conversation ?

Q.—Any of the Ministers, I mean ? A.—No, sir.

Q.—And your statement of the affair was given to whom ? A.—What statement do you refer to ?

Q.—The statement I have been going over ? A.—I gave you the statement.

Q.—On a message from myself to come and see me ? A.—Yes, sir, and I was sick at the time.

Cross-examined by Mr. Ritchie :—

Q.—Now will you show us the points of the compass on this plan ? (Exhibit 72). Which is north ? A.—This is the north (indicating). Mr. Stratton's room is in the northeast corner.

Q.—This is Stratton's room apparently. Now, then, you say Mr. Stratton's room is in the northeast corner of the building ? A.—Yes, practically.

Q.—Near the northeast corner ? A.—Yes.

Q.—And what departments are there between Mr. Stratton's Department and the place where you sit ? A.—This would be his private room here. This would be the elevator. This is the stairway going down. This is the waiting-room of the Cabinet, and this is where I am, here, between the waiting-room door and the Cabinet room door.

(2032)

Q.—Then there are no departments between Mr. Stratton's room and the place where you sit ? A.—No.

Q.—Now, what is marked here as “Stratton's room” includes his public

room and his private room ? A.—Exactly.

Q.—Are there only two rooms in his department ? A.—And there is a bedroom.

Q.—Marked on the plan No. 12 ? A.—Yes.

Q.—Then the only thing between Mr. Stratton's room and the place where you sit is the elevator and the stairway ? A.—Yes, sir, going to the east door.

Q.—So that going out in the corridor in front of Mr. Stratton's room a person looking down could see you at the door ? A.—They could from Mr. Stratton's room.

Q.—And you say the distance between Stratton's room and the place where you sit is 72 feet ? A.—About 72 feet.

Q.—Is that from the nearest point of Stratton's room ? A.—I did not take it from that door. I took it from his section.

Q.—Take it from the point of Stratton's department the nearest to where you sit, what is the distance ? A.—Take the door here.

Q.—Is this plan drawn to a scale ? A.—Yes. That is, one of the original plans of the House. I do not say that those figures are correct to a foot.

Q.—The scale is not marked on the plan. Who prepared this ? A.—Drawn by Lennox of Buffalo—the original plan. This is a blue print from the original plan of the House under the architect's instructions.

Q.—Then I suppose on the original plan you will have the scale ? A.—Y. °.

(2033)

sir.

Q.—But you have not put it on the blue print. You can get that for us ? A.—Yes.

Q.—Then did you actually measure the distance from Stratton's room ? A.—I did not measure it.

Q.—You do not know as a matter of fact what the distances are ? A.—I have only got the word of the party who measured it.

Q.—Who did measure it ? A.—Mr. Quinn, of the Public Works Department —no—I think it was done in the Public Works Department.

Q.—You cannot tell who did it ? A.—No. I think that was prepared by the Public Works Department.

Mr. Riddell: Do not talk so much.

Witness: I will talk when questions are asked.

Mr. Riddell: I think I can help you. This is 16 feet to the inch. This is the same scale. (Referring to another plan).

Mr. Johnston: That is an independent plan prepared for my own use. You could test the accuracy of the other by that.

Mr. Ritchie: You say it is 16 feet to the inch. That will be near enough. Then, whose Department do you sit in front of? A.—In front of the Executive Council room.

Q.—Is the Premier's office there? A.—The Premier occupies this room here. This is the access to the Cabinet room, but he uses this more frequently than that.

Q.—You are in front of the Executive Council room. The Premier is right off here. (Indicating). The Council room is marked No. 10 on this plan? A.—No, it is used now as a private secretary's room and a general waiting room.

(2034)

Q.—You sit in front of room No. 10? A.—In front of No. 10 at the corner of No. 9.

Q.—You have a desk in the hall? A.—I have.

Q.—And you are messenger for what particular Department? A.—The Premier and the Attorney-General.

Q.—Has Mr. Stratton got a messenger in his Department? A.—Yes.

Q.—Who is that messenger? A.—Costello.

Q.—Who else has Mr. Stratton in his Department besides Mr. Myers? A.—That I cannot say.

Q.—Mr. Myers is his private secretary? A.—Yes.

Q.—Are you and Mr. Myers not on friendly terms? A.—He is a man I never had much to do with.

Q.—There is no unfriendliness between you? A.—No. He is a new man about the building.

Q.—How long has he been there? A.—I cannot say.

Q.—You do not look down upon him because he is a new man? A.—Not at all.

Q.—How long has he been there? A.—I could not say. I have not the slightest idea. He might possibly have been there two or three and a half years. He was on the temporary list a long time before he became private secretary, as sessional writer.

Q.—How long has he been Mr. Stratton's private secretary? A.—I could not say. Probably two years. I would not be positive.

Q.—And I suppose you have quite frequently seen him passing to and fro in the corridor? A.—I have.

Q.—Have you probably seen him every day? A.—I would not like to

(2035)

say that.

Q.—You might see him every day? A.—Possibly I would.

Q.—You sit outside this door, and any person going to see the Premier has first to see you? A.—Exactly.

Q.—You find out whether the Premier is in? A.—I am the first one they meet.

Q.—And you arrange for them to meet the Premier? A.—Yes.

Q.—Then apart from sitting outside the door and making arrangements to meet the Premier, what are your other duties? A.—In charge of the Department.

Q.—Of what Department? A.—Attorney-General's Department; the Cabinet room.

Q.—In charge in what sense? A.—Of those who look after the cleaning and seeing it is kept in proper order. I am responsible for that.

Q.—You are also messenger for the Attorney-General's Department? A.—Yes, sir.

Q.—And frequently have to perform errands, I suppose, for that Department? A.—Not out of the buildings.

Q.—Do you not take any messages out of the buildings? A.—Not unless I feel that way. If I was going down town I might do it as an obligation.

Q.—I suppose if the Premier or Attorney-General wanted you to deliver anything out of the buildings? A.—Oh, if the Premier or Attorney-General, decidedly, but not for the Departmental officers.

Q.—And you have been in the habit, I suppose, of delivering messages to parties outside the buildings, for these Ministers you speak of? A.—Certainly.

(2036)

Q.—You tell us that Myers is the private secretary for Mr. Stratton, and Costello is his messenger? A.—Yes.

Q.—Who else are employed in his office—in his Department? A.—I could not say. His Department is a very large Department. I do not come in contact with his Department to any extent, except very rarely.

Q.—Can you not tell us who are the stenographers in his Department? A.—The young lady that gave her evidence the other day—

Q.—Miss Durkin? A.—She was. I do not think she is there now. I am not sure.

Q.—Who is there now? A.—Some gentleman. I do not know his name.

Q.—Do you know any of the other people in the employ of that Department? A.—In the different offices in connection with the Department?

Q.—Yes—Mr. Stratton's Department? A.—Yes, I suppose I know them mostly all by sight.

Q.—You do not know them by name? A.—Yes, by name principally.

Q.—Who are they? A.—It would be a difficult thing to name all in the Department.

Q.—How many would there be in the Department? A.—I should judge about 15 or 16—Oh, no—it would be 20—altogether likely.

Q.—Where does Mr. Stratton's messenger sit, as a rule? A.—Outside the door? A.—No, sir. He sits in here. (Indicating). In the room of Mr. Stratton—general room—in along with his

(2037)

private secretary.

Q.—The messenger sits with the private secretary in room No. 13? A.—Yes.

Q.—So that both the messenger and the private secretary occupy that room? A.—Yes, and stenographer.

Q.—And these are the only three that occupy that room? A.—So far as I know.

Q.—What time do you get to the Buildings in the morning? A.—I am usually there any times from half-past 9 to 10 o'clock; usually at half-past 9.

Q.—I suppose you have got regular hours? A.—Well, that depends upon the appointments the Premier may have in the morning. If he has no particular appointment I do not probably go until 10 o'clock, but usually at half-past 9. I make it a point to get there at half-past 9, as nearly as possible.

Q.—And you continue there how long? A.—I continue there sometimes until 1 or 2 the following morning, if the session is on.

Q.—Suppose the session is not on? A.—Any time from 6 to half-past.

Q.—In the evening. Now, during the whole of the month of September, did you go home to your meals? A.—Yes, as far as I can recollect. I do not know of any occasion I did not.

Q.—And did you always go at the same time? A.—My time for going is any time from ten minutes to 12 or sometimes 5 minutes to 12, just as the boy comes to take my place. I go punctually to the time.

(2038)

Q.—What length of time is allowed to you for your meals? A.—An hour and a half.

Q.—And I suppose there are many occasions when, as a matter of fact, you could not get away at 12, something important might be on hand the Premier wanted attended to? A.—That is very rare. I have a boy I put in my place at 12 o'clock—from 10 minutes to 12 until 12 o'clock.

Q.—What is his name? A.—Eugene Costello.

Q.—Any relation of the Costello engaged in Mr. Stratton's Department? A.—No.

Q.—And where is Eugene Costello? A.—He would be now in the Building, I believe.

Q.—He is still at the Building? A.—He is in the Treasury Department upstairs, and I utilized him for my meal time. His hour to be there is 10 minutes to 12, or from that to 12 o'clock every day to let me take my meal, barring Saturday.

Q.—When he is not replacing you, what are his duties? A.—I do not know. He is in the Treasury Department running messages and filing documents, and one thing and another.

Q.—How long has he been relieving you during meal hour? A.—This last 5 or 10 years.

Q.—So that he has been a considerable time in the Treasury Department? A.—I am pretty safe in saying six years, anyway.

Q.—Are you in a position to pledge your oath that in the month of September you were not there between 12 and 1? A.—I cannot think of anything that caused me to stay there. I have no recollection of being there. Those are my usual hours. I have no recollection of anything that would keep me there. I am pretty punctual in all my doings, particularly at meal times.

(2039)

Q.—Very punctual as to your meals? A.—Yes.

Q.—Never miss them? A.—Not if possible.

Q.—But you cannot pledge your oath positively to the fact that you were not there some day in September between 12 and 1? A.—Now, I would not like to say that.

Q.—But you say you have no recollection just now? A.—No recollection.

Q.—Of any particular occasion when you were there between those hours? A.—No.

Q.—I understood you to say to my learned friend that there was not much confidence between you and the Provincial Secretary's Department? A.—Oh, no.

Q.—You were not referring to the Provincial Secretary himself? A.—It would depend upon our worthy friend, whom he referred to. If he referred to the Hon. Mr. Stratton, there has never been a great deal of love between us.

Q.—And not much enmity? A.—Not at all.

Q.—You respect him as the head of a Department? A.—Yes, nothing more or less.

Q.—And if he asked you to do some service for him by delivering something in the Building, you no doubt would have done it? A.—I should have decidedly refused.

Q.—Would you have refused if any of the Ministers other than the Attorney-General or the Premier asked you to deliver a letter to some other official in the Building? A.—Yes, sir. I have done it on every occasion. I do not propose to work for 15 or 20 Departments, and they understand that, too.

(2040)

Q.—Will you tell us the Minister that you refused? A.—Well, I think I have refused the Hon. Mr. Harcourt on several occasions.

Q.—You think, perhaps, there is enmity between you and Mr. Harcourt? A.—Not at all.

Q.—Anybody else? A.—Well, I do not know that I can refer to any particular occasion in particular.

Q.—One would think you are not a very obliging gentleman? A.—Mr. Ritchie, if you were acting as counsel for Mr. Gamey here, and a gentleman asked you to go down with a message, would you go?

Q.—That is another thing? A.—My case is just as important where I stand as yours is here, and I do not depart from it.

Q.—And if they ask you to deliver a message 20 or 30 feet away from where you are? A.—I do not do it, outside of the Premier and the Attorney-General. If I did I would be going all the time.

Q.—You serve them? A.—Yes, sir.

Q.—And you decline to serve anybody else? A.—I do.

Q.—And did Mr. Stratton on any occasion ever ask you to deliver any message or parcel? A.—No, sir.

Q.—Envelope or letter of any kind? A.—No, sir.

Q.—Never did on any occasion? A.—No, sir. Drawing the line, from the Cabinet room to his own Department, which it is my duty to do. If the Cabinet is in session, and he has a message, or send for papers to his own Department, I am supposed to do that. While he is in the Cabinet room I am supposed to be under him as well as any other Minister, but outside of the Cabinet room he has no control over me.

(2041)

Q.—Then if the Cabinet was in session and he wanted anything, you are supposed to be the messenger for that particular department? A.—Yes, sir. That is my principal duty.

Q.—And for all the members? A.—While they are in session.

Q.—Do you know whether the Cabinet was in session, or that they had a council meeting on the 10th or 11th September last? A.—I cannot remember.

Q.—There might or might not? A.—It is possible.

Q.—You would not keep any track? A.—I keep no track of dates in that respect.

Q.—Did Mr. Myers ever ask you to deliver anything for him? A.—No, sir.

Q.—Or to take anything to any particular place? A.—No, sir.

Q.—No letter, no envelope, nothing of that kind? Never on any occasion?

A.—I would not do it if he did.

Q.—But he never asked you? A.—No, sir.

Q.—And you never did it? A.—No, sir.

Q.—You know Frank Sullivan? A.—I have seen him twice, I think, or probably three times. I do not think I have seen him over three times.

Q.—Where? A.—In the building.

Q.—Whereabouts in the building? A.—Let us see. I probably met him in the Public Works Department, if I have had business there; I cannot say. He is a man I never had anything to do with.

(2042)

Q.—On any occasion. Did you ever have any conversation with him? A.—No, sir.

Q.—Ever speak to him? A.—I would bid him the time of day. That is the only conversation.

Q.—But you had no interview with him? A.—No.

Q.—No conversation beyond bidding him the time of day? A.—No, sir.

Q.—Did you ever see him in the corridor near Mr. Stratton's office? A.—Not to my knowledge. I think on one occasion I saw him at the stairway going down the stairway.

Q.—Where was he going from then? A.—He would be altogether likely coming from the west end of the building.

Q.—Or might he be coming from the direction of Mr. Stratton's office? A.—No; he might possibly be. I couldn't say.

Q.—You may have seen him there, and would not have paid any attention to him? A.—No; as he had any business with me he would come and speak to me.

Q.—And if he was going to Mr. Stratton's office on these two or three occasions, you would not think there was anything in it at all? A.—I would have paid no attention to it.

Q.—It would not have impressed itself upon your mind at all? A.—No sir, not the slightest.

Q.—People constantly come and go? A.—I am in a public place; hundreds of people pass me every day.

Q.—Do you know Captain Sullivan? A.—I never saw Captain Sullivan or spoke to him until one day in the court when it adjourned.

Q.—You never knew him before this investigation? A.—No, sir.

(2043)

Q.—Do you know D. A. Jones of Beeton? A.—I have seen him, yes.

Q.—Where? A.—I think sitting over there now.

Q.—Did you ever see him before? A.—I have seen him occasionally at times through the corridors during the session. He is always around when there is a session.

Q.—Have you also seen him at times when the House was not in session? A.—I may have seen him around.

Q.—Around the corridors? A.—No, doubt I have.

Q.—Did you ever see him around Mr. Stratton's office? A.—No.

Q.—He might have been in that corridor? A.—For all I know. I know nothing about it. He may have been there a dozen times a day and I not know anything about it.

Q.—Do you usually stay there until about six? A.—Sometimes half-past six.

Q.—Do you know Mr. Hammond, the Globe reporter? A.—I do.

Q.—Have you seen him about there frequently? A.—He is there every day.

Q.—Do you recollect seeing him there about the 29th January? A.—I cannot say, that I do. It is usual for him to come there every night when he is doing the buildings for his paper. He is there every day, and sometimes twice a day.

Q.—Do you recollect what is known as the Globe interview? A.—What I have read of it, that is all.

Q.—And I suppose you do read the news in the papers? A.—Decidedly so. I go through the paper every morning.

Q.—You keep in touch with what is going on? A.—It becomes necessary

(2044)

that I should.

Q.—In connection with matters in the House? A.—Exactly.

Q.—And it was rather interesting reading for you? A.—It was rather amusing, and rather surprising, too.

Q.—And did you see Mr. Gamey there the night before? A.—I never saw Mr. Gamey in my life.

Q.—You know him? A.—Barring the two days previous to the House adjourning when I went up into the reporters' gallery to see who Mr. Gamey was. He may have passed me a hundred times for all I know.

Q.—You had never met him or spoken to him? A.—No.

Q.—Do you know if Mr. Hammond was there the night before? A.—The night before when?

Q.—Before the 29th January. A.—I could not say. If there is a council meeting on no doubt he would be there.

Q.—Do you recollect seeing him there

the day before the Globe interview appeared in print? A.—I would not like to swear I did. He is there every day, barring he has some other engagement.

Q.—Do you recollect Frank Sullivan being around the corridors the evening before the Globe interview appeared? A.—No, sir.

Q.—He might have been? A.—He might have been.

Q.—And so might Mr. Gamey? A.—It is just possible.

Q.—There was nothing occurred on that night that fixed itself upon your mind? A.—No.

Q.—The smoking-room is, I understand, in the western part of the building? A.—There. (Indicating.)

(2045)

Q.—Towards the western part of the building? A.—The western section. It is not the western wing. It is in the western section of the main building.

Q.—And it runs off the main corridor? A.—Here is the line of the corridor. There is a well-hole here.

Q.—Then your desk is at what we call the east side of the main corridor? A.—No, the south side of the east end of, the main corridor, on the smoking-room flat.

Q.—That is on the first floor? A.—Upstairs.

Q.—Upstairs? A.—Yes.

Q.—Then it is a direct line from your desk to the smoking-room? A.—Barring this jog here—this projection here. That jog I should judge would be eight or ten feet or probably more.

Q.—And the smoking-room is marked on here. Then the washroom is still further west than the smoking-room. The wash room is at the extreme west end of the building? A.—The extreme west end of the building.

Q.—Now, what is the room immediately west of the smoking room? A.—Members' cloak room.

Q.—No. 15? A.—That is a reading room.

Q.—Then to the west of the smoking room is what? A.—The reading room.

Q.—Marked on Plan No. 15? A.—Yes.

Q.—And to the east of that is a room marked No. 6, which is used as a cloak room? A.—Members' cloak room.

Q.—And then the washroom is immediately west of the reading room? A.—Yes, barring this corridor here. There is a break here. There is this projection.

(2046)

Q.—Now who is the private secretary in the Premier's Department? A.—At the present time?

Q.—In September last? A.—Mr. Semple.

Q.—And in the Attorney-General's Department? A.—I think Frank Ford. I am not positive.

Q.—He is the solicitor for the treasury? A.—But previous to that he was secretary. Whether he went up previous to that or not I cannot say.

Q.—But that was the office he occupied before? A.—Private secretary for the Attorney-General.

Mr. Riddell: Were you asking who was private secretary for the Premier in September last?

Mr. Ritchie: Yes, Mr. Semple, he says.

Q.—Who was stenographer in the Attorney-General's Department about September or in September last? A.—Well, let us see. I cannot just refer to his name. A young fellow—his name is Marseilles.

Q.—Is he still there? A.—Yes.

Q.—Is there more than one stenographer in that Department—the Attorney-General's Department? A.—There is only one stenographer to the Attorney-General, who sits with the private secretary. They can all do stenographic work.

Q.—How many typewriters are there—I mean machines? A.—In the Department?

Q.—Yes? A.—Probably four.

Q.—How many would there be in the private office of the Attorney-General—in the secretary's office of the Attorney-General? A.—During that time I should judge there would be two.

Q.—And how many would there be in the private secretary's office—in the Premier's Department? A.—Two.

Q.—And how many operators? A.—You are referring to the Premier's Department?

Q.—Yes? A.—One.

Q.—Not two typewriting machines? A.—His private secretary and his assistant.

Q.—Then I need scarcely ask you in view of what you have sworn to, if you ever told any person that you were the gentleman who carried down this parcel? A.—Why should I do that?

Q.—I do not know. I am asking you? A.—No, sir.

Q.—Do you know a Mr. Kenon? A.—Or Keenan?

Q.—I am told he is your landlord? A.—He is my landlord.

Q.—Did you ever say to him that you were the person who carried it down? A.—No, sir.

Q.—Did you ever have any discussion with him about it? A.—I think probably in the morning after Mr. Gamey made his statement in the House. Repairs are being made in the house. I have been going in pretty nearly every morning. This morning in particular he was laying a floor, and we were talking.

(2048)

He said he would get the house ready for me in a few days. I told him I could not

move anyway. I said, by the way, did you see the explosion in the House yesterday. I says, I see by this morning's Globe they accuse me of taking the money to the smoking room. That is the conversation, nothing more nor less.

Q.—There was just the difference of a word. You said you were the person accused, but you did not say you were the person who did it? A.—Would it look reasonable?

Q.—You say it did not take place? A.—No, sir.

Q.—At all events, you pledge your oath that you did not tell him that you were the person? A.—Decidedly so.

Q.—You had a conversation with him, and you told him what? A.—Bid him good morning and asked him if he had seen the explosion and said, I see by this morning's Globe I am accused of taking it to the smoking room.

Q.—Did you say to him whether you had taken it or not? A.—He did not ask me.

Q.—You said you were the person accused. Did you go on and tell him, "I had nothing whatever to do with it?" A.—I may have said I had nothing to do with it.

Q.—You cannot say? A.—Oh, no.

Q.—At all events, you never told any person? A.—No, sir.

Q.—At any time, that you were the person? A.—No, sir.

Q.—Have you any recollection of seeing Mr. Stratton on the 10th September or the 11th September? A.—Well, if there was a Cabinet meeting, decidedly he would be there.

Q.—You are only reasoning. Have you any recollection of see-

(2049)

ing him at all on these days? A.—No, sir. I could not swear to that. We have not always got a full council.

Q.—You could not say whether you saw him on either of those days or not? A.—No.

Q.—Nothing to call your attention to these days until after this statement was made in the House? A.—No. Re-examined by Mr. Johnston:

Q.—The Premier is also the Provincial Treasurer? A.—Yes, sir.

Q.—Then, I suppose that is how it comes that his clerk comes down to relieve you? A.—That is the object. In connection with the same Department.

Q.—When you speak of being messenger for the Premier, you are messenger for the Treasury Department in that sense? A.—Oh, no.

Q.—For the Premier personally? A.—For the Premier personally; nothing to do with the Department.

Q.—Now, you have told the court that you had refused to deliver parcels or papers for Mr. Stratton or any other

Minister, excepting your own? A.—Yes.

Q.—The question came up about three years ago, I understand? A.—Yes.

Q.—And to whom did you appeal for a ruling? A.—Well, Mr. Lumsden—.

Q.—To whom did you appeal for a ruling? A.—I appealed to the Premier for a ruling. I told the Premier that I would resign if I was asked to carry letters for any other Department.

(2050)

Q.—Did he uphold your contention? A.—Yes, sir.

Q.—And acting under that, you have absolutely refused? A.—Yes, sir.

Q.—And they all know it? A.—They all know it well, too.

Q.—You were asked if you had seen Mr. Jones up there. I suppose you saw a great many people up there? A.—Yes, sir. I see Mr. Jones very frequently during the session of the House.

Q.—From all over the country you see people? A.—Decidedly.

Q.—My learned friend, amongst others? A.—Who are you referring to now?

Q.—Mr. Ritchie or Mr. Blake? A.—I do not know as I have ever met Mr. Ritchie at the Building. I have met him on other occasions. I may have seen him, but I do not think so.

Q.—Now, as to secretary of the Premier's Department; you mention Mr. Semple. Was he secretary? A.—In this last September?

Q.—Yes? Is he secretary for the Premier? A.—He is acting-secretary for the Premier and clerk in the Provincial Treasurer's Department. He acts in both Departments.

Q.—But who is the secretary in the Cabinet room? A.—We do not have any secretary there.

Q.—Then, Mr. Marselles is the secretary of the Attorney-General? A.—He was assistant-secretary to Mr. Frank Ford, while Mr. Frank Ford was private secretary to the Honorable, the Attorney-General.

Q.—And do you know who is the private secretary now to the Attorney-

(2051)

General? A.—Mr. Matthew Curry.

Q.—He was formerly in the Deputy's office? A.—He was formerly secretary to the Deputy-Attorney-General, Mr. Cartwright, previous to his appointment in the other place.

Q.—Keenan, your landlord, how long have you known him? A.—I may have known him probably a month up to this date. I do not know him any more than to speak to him. I rented the house.

Q.—Then, of course, you say it would be unreasonable for you to tell a stranger a story of that kind? A.—I should think so.

Elgin C. Myers, sworn. Examined by Mr. Johnston:

Q.—Now, give me Exhibit 3, Mr. Grant. That is the letter of the 10th September, my Lord. Now, Mr. Myers, let us see what your position is. You have been in the Government service for how long? A.—Well, since 1898.

Q.—Put not permanently? A.—No, sir.

Q.—You will have to speak a little louder or the sheriff will have to be good enough to keep a little better order.

The Chancellor: There is too much conversation going on.

Mr. Johnston: And you went there first as what? A.—As a temporary clerk in the Treasury Department.

Q.—And when did you first get into the Provincial Secretary's office? A.—In the beginning of 1900.

Q.—As what? A.—As stenographer—assistant to his private secretary.

Q.—His private secretary then being? A.—Mr. Yates.

(2052)

Q.—He was succeeded later on by? A.—Mr. Burrows.

Q.—And Mr. Burrows was his private secretary up to what time about, as nearly as you can tell me?

Q.—Well, he held the position until the end of last year—until the 1st of January, 1903.

Q.—He became ill? A.—He became ill on the 4th of October—at least, he left then.

Q.—He left about the 4th October, 1902, and unfortunately has been in the Asylum ever since? A.—Yes.

Q.—Troubled with paresis, as I understand. Then what position did you occupy in August and September last in Mr. Stratton's office? A.—Stenographer.

Q.—But what other position did you have? Did you do any typewriting? A.—Well, as stenographer I did the most of the typewriting.

Q.—Now your duties as stenographer would be what? A.—To take the correspondence and do the typewriting given me by Mr. Stratton and Mr. Burrows.

Q.—Will you just tell us, please, what is the regular order of procedure, not that it applies to any particular day, but I want to get something of how the matter is worked. Do you sit in the outer room? A.—Yes.

Q.—Into which the public first go in order to see the Minister? A.—Yes.

Q.—And in that room you have what employees? A.—Well, the private secretary, and the stenographer and the messenger.

Q.—And in September last the messenger was whom? A.—Costello.

(2053)

Q.—And Burrows was the Private Secretary? A.—Yes.

Q.—And you were the stenographer A.—Yes.

Q.—Then what time do you generally get to the office in the morning? A.—Then I got there at 9 o'clock.

Q.—The Minister generally gets there? A.—Oh, between 9 and half-past—generally nearly half-past.

Q.—And after he gets there and the letters are opened, the first thing you do is what? A.—Answer the correspondence.

Q.—Where do you get the letters? Are they in your own room or his room? A.—They are brought from the Post Office by the Private Secretary, and he opens them in his room.

Q.—They would be opened in the main room? A.—Yes.

Q.—Then are they put anywhere? A.—They are put in a basket.

Q.—And who takes the basket in to the Provincial Secretary? A.—When he rings for correspondence the private secretary carries it in and the stenographer goes in to have it dictated.

Q.—Now, on September the 9th, 10th and 11th, you were at work in the Department? A.—Yes.

Q.—Speak out so that these gentleman can hear you who are acting for the other side. Have you any way of fixing the time? A.—In September?

Q.—Yes? A.—Well, I had just come back from my holidays the week before. It was the second week of the Exhibition. We were usually busy on that account.

Q.—You had come back from your holidays the week before. Do you know if Mr. Stratton was there on the Monday? A.—No, sir.

Q.—When did he go to Toronto? A.—He came on Tuesday morning.

(2054)

Q.—What day of the month would that be, do you recollect? A.—That would be the 9th.

Q.—Then you had no work for him on the Monday? A.—We did not—no.

Q.—That was, I think, Citizens' Day, or something going on at the Fair? A.—On the Monday—no; it was a half-holiday.

Q.—That would be the Citizens' Day? A.—Yes.

Q.—Or some special day at the Fair. Then the first day that you worked would be Tuesday, the 9th September. Had you ever seen Mr. Gamey before? A.—In September?

Q.—Yes? A.—No, sir.

Q.—Did you see Mr. Gamey in September? A.—No, sir.

The Chancellor: He had not seen Gamey before in September, or at all?

Mr. Johnston: He had not seen him before September, and he did not see him in September.

The Chancellor: You had not know Mr. Gamey? A.—No, sir.

The Chancellor: You had not known him and you had not seen him in September, or before?

Mr. Johnston: Now, on that day do you remember taking any dictation from Mr. Stratton? A.—On what day do you refer?

Q.—On the 9th day. Do you remember anything about that? A.—On the 9th day—we got no correspondence on the morning of the 9th.

Q.—Do you remember that letter of the 10th? Is that in your handwriting? A.—Yes.

Q.—That is Exhibit 3. From whom did you take the dictation of that let-

(2055)

ter? A.—From Mr. Stratton.

Q.—That would be on what day? A.—That was on September 10th.

The Chancellor: That is what you call the Aylesworth letter, is it?

Mr. Johnston: Yes, my Lord. Was there anything peculiar about the taking of it, as to time, for instance? A.—Well, it was just before going to lunch.

Q.—And you have to go to lunch, where? A.—Where do I live?

Q.—Yes? A.—28 Cecil Street.

Q.—He dictated this letter to you. It was not then completed, because we have heard about the pen and ink business being put in? A.—He dictated the letter to me.

Q.—Was anyone present when he dictated the letter? A.—Mr. W. J. Boland.

Q.—He is a barrister in town? A.—Yes.

Q.—Did you copy out your notes in the shape in which you see them in Exhibit 3 on your machine? — you copy this out? A.—I wrote that out.

Q.—I suppose that is the expression? A.—I type-wrote it off.

Q.—Did you take it back to Mr. Stratton? A.—I did.

Q.—Was any change made in it? A.—Well, he read it over and he said, put in there "considered by you as a vote."

Q.—And did you do that? A.—I took it out and put that in and took it back to him.

(2056)

Q.—Was Mr. Boland there at that time? A.—Yes.

Q.—Did you leave them together in the room? A.—Yes, sir.

Q.—Do you know where they went to, or what they did? A.—No, they were there when I went to lunch.

Q.—That is on the 10th? A.—Yes.

Q.—Is that all you know about the circumstances on the 10th? A.—That is all I know about it.

Q.—You did not see Mr. Gamey so far as you are concerned. A.—No, sir.

Q.—Now, the day before this was written, had you seen Mr. Gamey? A.—The day before?

Q.—Yes? A.—No, sir.

Q.—Then what time do you go to lunch? A.—Quarter to twelve. I did then. I do not now.

Q.—I will get at when the change was made. Then when did you change your lunch hour? A.—When Mr. Burrows left.

Q.—That would be about the 4th October. And then you became private secretary, or shortly afterwards? A.—Well, I did not receive the appointment until the 1st of January this year.

Q.—But you were acting? A.—Yes, sir.

The Chancellor: In October?

Mr. Johnston: 4th October. Then you were acting as private secretary? A.—Yes, sir.

Q.—And you received your appointment on the 1st of January, this year? A.—Yes, sir.

Q.—Now, on the 11th, did you see Mr. Gamey? A.—No, sir.

Q.—On the 9th, 10th, or 11th, or at any time about that period, did you take any parcel to the smoking-room? A.—No, sir.

(2057)

Q.—Do you know anything directly or indirectly about any parcel being taken to the smoking-room for any purpose? A.—Nothing whatever.

Q.—Did you get a parcel from Mr. Stratton contained in an envelope—supposed to contain money—when Frank Sullivan and Gamey were there, and go to the smoking-room after they had gone to the room, leaving it on a table, and come away again? A.—I did not.

Q.—Do you know Mr. Gamey to see him now? A.—I do.

Q.—That was the first time that you saw Mr. Gamey? You have read his statement. Take his dates as being reasonably correct. What was the first occasion? A.—Well, sometime in the end of October, whatever date it was.

Q.—He says the 23rd or 24th October? A.—One of those days, I suppose.

The Chancellor: What year? 1902?

Witness: Yes.

Mr. Johnston: Yes, my Lord, 1902.

The Chancellor: You did not see him in September at all? A.—No, my Lord.

Mr. Johnston: Did you take any

parcel about the 9th, or 10th, or 11th September, or any envelope or package, or any money of any kind, or anything enclosing other matters, of any kind, and give it to Chase to deliver in the smoking-room? A.—I did not.

Q.—Then we come to the 23rd October. Had you written to Mr. Gamey in the meantime—I mean a letter? A.—I think I had. I acknowledged a letter.

Q.—Then when he came in, do you remember about what time it was?

(2058)

He came in October on that occasion, I think? A.—It would be around 10 o'clock sometime.

The Chancellor: What time in October? A.—About the end.

Mr. Johnston: Mr. Gamey says the 23rd or 24th. Did you have any talk with him, or he with you? A.—He said how are you, Mr. Myers: called me by name. I was rather surprised, for I did not know him at all, but I shook hands with him.

Q.—How do you suppose he came to know you by name? A.—I suppose he got it from the letter, that is all.

Q.—Anything said now between you and him? A.—He asked if Mr. Stratton was in, and I told him to give his name to the messenger who takes in the cards.

Q.—That was Costello? A.—Yes.

Q.—Did he do so? A.—Yes, sir.

Q.—Did he go in? A.—He did.

Q.—How long was he in, do you say? A.—I would say about twenty minutes.

Q.—That was towards the end of October? A.—Yes, sir.

Q.—Did anything happen during the time he was in, so far as you know? Had you to do anything? A.—Nothing.

Q.—After he went away, was there anything took place? A.—Well, we went on with the correspondence then.

The Chancellor: Whom do you mean "we went"? A.—The Minister and the stenographer.

Q.—You are the stenographer? A.—Not in October.

Q.—You and Mr. Stratton and the stenographer went on with the correspondence—you three? A.—Yes, sir.

Q.—You three went on with the correspondence. Very well.

(2059)

Mr. Johnston: Was anything given to you that day? A.—A letter.

Q.—Do you know the letter when you see it? Look at that letter again, Exhibit 3. Did you make a

copy of that letter that day? A.—No, sir.

Q.—You made no copy of that letter on that occasion. No. 3, I was mistaken about that. Did you do anything with a copy of that letter? A.—A copy of this letter.

Q.—Exhibit No. 3. A.—Well, I mailed a copy that was given me to Mr. Gamey. I mailed a copy to Mr. Gamey.

Q.—Could you say whether it is the same letter? I want to get the copy.

The Chancellor: You are getting the one signed by Mr. Gamey?

Mr. Johnston: The 27th October letter. There was some change made.

The Chief Justice: He mailed a copy of it to Gamey.

Mr. Johnston: 27th October. is the date of the letter.

Mr. Riddell: Exhibit 13.

Mr. Johnston: Some changes were made in it, and there is some writing on it. "I have recently been thinking over the political situation in the Province of Ontario"? A.—That is the letter. (Exhibit 13).

Q.—And were you told to do anything with that? A.—I was told to mail it to Mr. Gamey.

Q.—Did you glance through it before you mailed it? A.—I glanced over it.

Q.—It was not sealed up before you got it? A.—No, sir.

(2060)

Q.—And you were to mail it to Mr. Gamey, where? A.—Mr. Stratton told me to mail it to him at Gore Bay or the Walker House. I mailed it at the Walker House—to the Walker House.

The Chief Justice: Which Exhibit is that?

Mr. Johnston: Exhibit 13.

Witness: Exhibit 13.

Q.—Did you take him to any room on that occasion—Mr. Gamey? A.—No, sir.

Q.—Did you ever take him to any room? A.—No.

The Chancellor: On what occasion?

Mr. Johnston: 23rd October. I am still speaking of the occasion on which this copy was mailed to him at the Walker House. That is right, Mr. Myers? A.—That is right.

Q.—Mr. Blake: He did not say the 23rd. He said towards the end of October.

Mr. Johnston: But I am speaking of the occasion which Mr. Gamey says, the 23rd or 24th October. A.—I have no doubt it is the same occasion.

Q.—Now, was that all that you saw on that occasion, so far as Mr. Gamey is concerned? A.—That is all.

Q.—When was the next time that you saw Mr. Gamey? A.—Some time in the beginning of January.

Q.—He says the 13th January? A.—That would be right. I think.

Q.—Then we will speak of it as the occasion of the 13th January. Did he come into your room? A.—He came into my room.

Q.—Early in the day? A.—About half-past nine, I would say.

Q.—Was Costello there? A.—He was there.

(2061)

Q.—Was there anybody else there? A.—I don't remember whether there was anyone there when he came in. Mr. Vance was there—either there when he came in or came in immediately afterwards—I do not remember which.

Q.—And who saw the Minister first? A.—Mr. Vance.

Q.—And he was there for about how long? A.—Fifteen or twenty minutes.

Q.—Then was the bell rung for Mr. Gamey—for his entrance? A.—When Mr. Vance came out, Costello showed in Mr. Gamey, I don't remember whether he was rung for or not.

Q.—And were you in the outer office then, or where were you? A.—In the outer office.

Q.—What did you do? A.—Well, the Minister rang for me, and I took in the correspondence as I always do.

Q.—How long after Mr. Gamey went in was it before you went in? A.—He had just gone in; they were shaking hands when I went in.

Q.—Then you took in the correspondence, and left it there? A.—I put it on the desk. Mr. Stratton was speaking to Mr. Gamey, so I sat down for a minute.

Q.—How long were the three of you there before someone else came in? A.—Four or five minutes.

Q.—Who came in afterwards? A.—Dr. Chamberlain.

Q.—He is the inspector? A.—He is the inspector of jails, lock-ups, and so on.

Q.—Did you hear any conversation between the Minister and Mr. Gamey? A.—Yes, sir.

Q.—What was it about? A.—It was about a lock-up keeper at Little Current, I think. Mr. Gamey spoke to the Minister about him, and said he wanted to speak to him about this lock-up keeper at Little Current. He said he was also a hotelkeeper—I think he said.

(2062)

That was the substance of the conversation. The Minister said that that should not be, that he would see about that, that that should not be, or something like that, and he said we will ring for Dr. Chamberlain who is the inspector.

Q.—Would it be within Dr. Chamberlain's jurisdiction? A.—I believe so.

Q.—And did he ring for Chamberlain? A.—I suppose so. Dr. Chamberlain came in.

Q.—Did you remain after Dr. Chamberlain came in? A.—Well, when they came in, I saw he did not want me for the correspondence, so I went out.

Q.—Then, how long did Mr. Gamey remain there—about how long? A.—Oh, twenty-five minutes, I suppose, or half an hour, maybe.

Q.—And who came out first? A.—Mr. Gamey or Dr. Chamberlain? A.—Mr. Gamey.

Q.—Then, after Dr. Chamberlain went out, you went in and went on with your work—the correspondence? A.—Yes, he rang for me then.

Q.—Did you make any appointments for Mr. Gamey on that occasion? A.—Not on that occasion—no.

Q.—Then the next appointment that you know of was when? A.—Was towards the end of January.

Q.—You remember the Globe interview? A.—Yes, sir.

Q.—That was the 29th January? A.—29th January.

Q.—Do you remember the day before getting a message? A.—A telephone message—yes.

Q.—From whom? A.—Mr. Gamey.

(2063)

Q.—And did you say anything, or do anything in consequence of that? A.—I went to the telephone, and he asked if he could have an appointment with Mr. Stratton, and I went in and told the Minister Mr. Gamey was at the 'phone and wanted to know if he would speak to him, and he spoke to him.

Q.—You don't know what the result was? A.—I went out.

Q.—The telephone is out in your room? A.—In my room.

Q.—But there is a switch? A.—To the Minister's desk.

Q.—And you connect direct with the Minister's desk when required? A.—He connects himself.

Q.—Did you see Mr. Gamey on that day or was the appointment made for the next day? A.—I do not know when the appointment was made for. I did not see Mr. Gamey that day.

Q.—When did you see Mr. Gamey? A.—The afternoon of the next day.

Q.—Did you hear him say anything to Costello, the messenger, when he came

in? A.—He asked him if Mr. Stratton was in yet.

Q.—And Costello said? A.—He said yes, and he showed him into the room.

Q.—About what hour would that be? A.—I had just come back from luncheon, I suppose a little after two o'clock.

Q.—And then Mr. Gamey went in? A.—Gamey went in.

Q.—How long was he in there? A.—I suppose fifteen or twenty minutes, maybe.

Q.—Did you see the Globe reporter? A.—He came in when Mr. Gamey was in there.

Q.—Did you tell the Globe reporter Mr. Gamey was there? A.—Yes, sir,

(2064)

and he said he wondered—the Globe reporter had been in before this talking about this interview several times.

Q.—Did he ask you anything? A.—He asked me if Mr. Gamey was ready to give the interview, and I did not know.

Mr. Ritchie: Surely that is not evidence.

Mr. Johnston: You have tried to give it all by Mr. Hammond.

Witness: And if I would see if Mr. Gamey was going to give it to him, and tell him the Globe reporter was here.

Mr. Johnston: Did you ask Mr. Gamey? A.—I went into the Minister's room, and Mr. Gamey was just coming out, and I said Mr. Hammond was out here now, and he said, well he was not ready for him, or ready to give it just now, he was going to make a few changes, he was going down town to look it over, and would be back.

Q.—Did he say when he would be back? A.—I think he said later in the afternoon.

Q.—Did you tell Mr. Hammond this? A.—I went out and told Mr. Hammond.

Q.—Then the next you saw of Mr. Gamey was that evening I understand? A.—Yes, sir.

Q.—Where did you see him? A.—Well, the first place I saw him. I was coming up in the elevator. I had been down stairs.

Q.—About what time? A.—That would be just before six o'clock—between half-past five and six.

Q.—And you told him that the Council was not over? A.—He asked me if Council was over, and I said no.

Q.—And where did he go? A.—I got off at my floor. I don't think he got

(2064 1-2)

out of the elevator—he went up stairs.

Q.—Did he go into your office later on? This is the 29th January, the day

before the interview was published? A.—Yes.

Q.—I do not want the preliminary matters leading up. You told him Mr. Stratton was in, and he went in? A.—Yes, sir, he went in.

(2065)

Q.—How long was he in there? A.—Fifteen or twenty minutes, I suppose—about that—maybe not so long.

Q.—Did he come out into your room? A.—Yes, sir.

Q.—And then he and Mr. Hammond had a talk? A.—Yes, sir.

Q.—What did they do? A.—Mr. Hammond spoke to him, some general introduction, and then they moved over towards the table in the corner.

Q.—I believe they thought they had met before? A.—Yes, sir.

Q.—You heard something about that? A.—Yes, sir.

Q.—You did not pay much attention? And you were doing what? A.—Filing my letters away. They moved over to a table in the corner and sat down, and I went on filing my letters. I had my back to them.

Q.—Now, where did Mr. Gamey go after he got through with Mr. Hammond? A.—He went into the Minister's room.

Q.—How long was he there? A.—He was just in and out again—just a minute.

Q.—Then, did you know what was done with the interview? A.—I did not know.

Q.—The door opening from your room into the lobby—between your room and the Minister's room—how is that? Shut or open? A.—It is generally open—fastened back.

Q.—Can you say how it was that night? A.—It was open. It was shut when Mr. Gamey first went into the Minister's room. I opened it then and fastened it back. I generally shut it when the Minister is out for any length of time. I shut it because people are not passing in and out then, but I opened it when he came in.

(2066)

Q.—Then there is a chandelier—an electric chandelier in the lobby? A.—Yes, sir.

Q.—How many lights, do you know? A.—I do not know.

Q.—There are several lights? A.—Yes, three or more perhaps.

Q.—And quite open? A.—Yes, sir.

Q.—Light? Then, did you see Mr. Gamey come out? A.—He came out.

Q.—Could he and the Minister have had any interview in the lobby without your seeing them or knowing they were

there? A.—No, my table is right at that door.

Q.—And when he came out of the Minister's room where did he go? A.—He came straight out through the lobby into my room and out of the door.

Q.—Did you see Frank Sullivan there on that occasion? A.—No, I did not.

Q.—Was he, as a matter of fact, in your office at all on that occasion? A.—No. Somebody opened the door. I did not know that it was Sullivan.

Q.—Somebody opened what door? A.—The door from the hall into my room. I have heard it was Sullivan, but I did not know myself.

Q.—Do you know Sullivan to see him? A.—I know Sullivan.

The Chancellor: You mean someone opened the door and did not come in? A.—Did not come in. They opened the door and looked in and went away again.

Mr. Johnston: Then did you go into the Minister's room? A.—After Mr. Gamey went away?

Q.—Yes? A.—I did.

Q.—And what was the Minister doing? A.—Just coming to the door with his hat

(2067)

on going to dinner, I suppose. He had the evening papers in his hand.

Q.—He dines generally at the Buildings? A.—Yes, sir.

Q.—Then, did you have any talk with him about the interview at all on that occasion? A.—I told Hammond to wait for me, and I went out with him.

Mr. Ritchie: That is not evidence.

Mr. Blake: That would scarcely be evidence under any circumstances.

The Chancellor: How do you make that evidence.

Mr. Johnston: I make it evidence in this way, my Lord: My learned friend gave evidence through Hammond, or attempted to give evidence through Hammond, to show that the Minister had the signature of Mr. Gamey to that interview for some purpose of his own. It is a matter of motive purely, a matter of intention, and, as part of the same interview and immediately connected with the interview itself, Hammond was called by the prosecution. I propose to show what Hammond gave as the reason for the signing of the interview.

The Chancellor: You might have asked Hammond that.

Mr. Johnston: He was asked the question. I should be in a position to contradict him on a vital point of that character, because it is not a mere question of what was said in the ordinary way. This is what was said and done in regard to the intent, in signing the document.

Mr. Blake: That was not done at that time, my Lord. It is not a contradiction of the statement he made. It was done upon another occasion, with another person present.

The Chancellor: My brother thinks it should be admitted. I do not disagree.

(2068)

It is better to take it. It was at the same interview. Go on.

Mr. Johnston: Did Hammond—I do not want any conversation, excepting the one point, Mr. Myers—did Hammond say anything to you about the interview being signed? A.—He said the Minister had advised him to have the interview signed, for his own protection.

Q.—For whose protection? A.—For The Globe's—his own, and he was glad to have it for a guarantee.

The Chancellor: Hammond said very much the same thing.

Mr. Blake: Hammond said very much the same thing. He omitted the benevolence of the Minister.

The Chancellor: I do not know about the benevolence.

Mr. Johnston: Now, let me see The Globe interview if you please, Mr. Grant.

The Chief Justice: Exhibit 17?

Mr. Johnston: Yes, my Lord.

Q.—Look at Exhibit 17. Who made that? A.—I do not know.

The Chancellor: Is that typewritten?

Mr. Johnston: Yes, my Lord.

The Chancellor: He says he does not know who wrote it. You did not? A.—I did not.

Mr. Johnston: On the 28th January did you get a manuscript from the Minister? A.—Yes.

Q.—Written in what? A.—In lead pencil, I think.

Q.—You have read The Globe interview? A.—Yes.

Q.—Was it along those lines? A.—Practically.

Q.—You cannot say whether word for word or not? A.—No.

(2069)

Q.—And you made a copy and gave it to him? A.—I did—two copies of it—duplicates.

Q.—And that was on the morning of the 28th January? A.—Some time along there.

Q.—In the forenoon? A.—About noon, I think.

Q.—Do you know where he was going on that day? Do you know what was going on? A.—The general meeting of the Trust Company or the Loan Company.

Q.—Of one of the companies. And you made a copy and was it approved of by him in any way? A.—I gave it to him and he said, you have not got this quite right, he said, however, I have not time to look it over now.

Q.—And that was all that was said about it? A.—Yes, sir.

Q.—And that is all you know about it? A.—That is all I know about it.

Q.—Now, during all this period was Mr. Gamey there excepting on the occasions that you have told us so far as you know? A.—He was not, so far as I know.

Q.—Was Frank Sullivan with him at any time during your presence? A.—Never.

Q.—Is it so that Frank Sullivan was at the Minister's office day in and day out or very frequently during the summer and autumn and winter lately passed? A.—It is not true.

Q.—How often have you seen Frank Sullivan in the Minister's room or in your own room? A.—I never saw him in the Minister's room.

Q.—How often has he been in your part? A.—I suppose four or five times.

(2070)

Q.—You had some work, I understand, last autumn with reference to the wiring of bells and so on? A.—We had.

Q.—That comes from what department? A.—Public Works.

Q.—He was in once or twice, then? A.—Yes, in connection with the account, for paying for the work. He just asked me a question once or twice and out again.

Cross-examined by Mr. Ritchie:—

Q.—Were you sworn? A.—Yes.

Q.—Did you kiss the Bible? I am told you did not? A.—I did, sir.

Q.—You did? A.—Yes.

The Chancellor: You should have taken the objection at the time, Mr. Ritchie.

Mr. Johnston: Kiss it again.

Mr. Ritchie: My attention was called to it. I do not know whether it was so? A.—Certainly it was not so.

Q.—You feel that you are on oath? A.—Certainly I do.

Q.—I want you to explain to me the position of Mr. Stratton's rooms with relation to each other. Is there an entrance to his room direct from the corridor? A.—There is a door.

Q.—A private entrance? A.—There is. It is always locked.

Q.—But I suppose he can open it from the inside? A.—From the inside.

Q.—Mr. Stratton can open that from the inside. There is an entry into his office. Which is the entry into his private office? A.—This is the entrance

into the lobby. This is into the lobby, not into his private office.

Q.—There is an entrance from the corridor into the lobby? A.—Yes.

(2071)

Q.—That lobby is covered up with this piece of paper? A.—Those are both doors.

Mr. Johnston: Take the other one. Mr. Ritchie.

Mr. Ritchie: Which is his private room? A.—This. (Indicating.)

Q.—No. 11. And which is the room in which you sit? A.—No. 14.

Q.—And between rooms 11 and 14 what is there? A.—A small lobby.

Q.—How wide? A.—5 or 6 feet, I suppose.

Q.—What do you mean by wide? A.—It is longer this way than it is that way.

Q.—Give us the dimensions? A.—I can only judge. I should say about 5 or 6 feet this way and maybe 7 or 8 feet that way.

Q.—Are you quite sure it is not more than that? A.—I am not sure. It is much more than that, I do not know that it is any more than that.

Q.—Then is there a door opening from the lobby into Mr. Stratton's room? A.—Yes, sir.

Q.—That is the private entrance to his room, is it? A.—The private entrance?

Q.—Yes? A.—It is an entrance when the door is open.

Q.—But is not that the private entrance? A person wanting to see the Minister could get in to see him through that lobby without passing through your room at all? A.—No, sir, not unless we unlocked the door.

Q.—Unless who unlocked the door? A.—Any one in the room.

(2072)

Q.—Is the room always kept locked? A.—Always kept locked.

Q.—Then you swear that no person could get in the private entrance without your seeing them? A.—No one could.

Q.—No one could get into Mr. Stratton's room without your seeing them? A.—No one could.

Q.—Tell us the other doors? A.—There is this door from the hall into my room.

Q.—Which is No. 14? A.—Yes.

Q.—And then have you a door opening into the lobby? A.—Yes, sir.

Q.—And then there is a door opening from the lobby into Mr. Stratton's private room? A.—Yes, sir.

Q.—Are the two doors opposite each other? A.—They are.

Q.—And there is no outer door in this lobby—no door on the corridor opening

into the lobby, is there? Is there a door on the corridor? A.—This door is from the corridor that opens into the lobby—the door opens in.

Q.—And then if a person was going to see Mr. Stratton he would first have to get this door opened into the lobby and then pass through the door, communicating to Mr. Stratton's own room? A.—They would have to come into our room first to get that door open.

Q.—Mr. Stratton might open the door himself? A.—He could do that.

Q.—So that if Mr. Stratton chose to leave that door open or opened it, a person could get into his room without going into your room at all? A.—If he chose to open it.

Q.—So that a person might get into his room without going

(2073)

through your room at all? A.—Without going through our room, if that door was opened.

Q.—And if the door opening from No. 14 into the lobby was closed, of course, you would not see who went in? A. You would not see, but we would hear.

Q.—But you would not see. You would not know who the person was? A.—We would see, because we always do.

Q.—Do you not know as a matter of fact people do enter Mr. Stratton's room through that private entrance? A.—I have known people to go in there.

Q.—Frequently? A.—No.

Q.—Certain people have the entry there, have they not? A.—No.

Q.—Did you never see any person go in without going through your room? A.—I know people have gone in.

Q.—Who? A.—Well, I cannot remember any one in particular.

Q.—But you do know, at all events, that people have gone in? A.—I know that.

Q.—In that way. Now, where is your desk in room No. 14? A.—It is just behind the door, I think, on the plan.

Q.—Show the plan? A.—It is just behind the door.

Q.—Your room is behind the door? A. My desk.

Q.—Is behind the door. That is to the back of the door? A.—Yes, sir.

Q.—Does the door open back against your desk? A.—Yes. It does not touch my desk.

Q.—But it opens back against your desk? A.—Yes. In that direction.

Mr. Riddell: This is a larger plan.

(2074)

Mr. Ritchie: Then, we will mark this. This is room No. 14, is it? A.—Yes, I suppose it is.

Q.—Then perhaps we had better mark this as an exhibit?

(Marked Exhibit 73).

The Chief Justice: What plan is this?

Mr. Ritchie: It is on a large scale, showing the Provincial Secretary's Department.

Q.—This sketch here on the right of exhibit 73 shows the Provincial Secretary's apartments? A.—It shows my room.

Q.—And shows the lobby and the lavatory and the Provincial Secretary's Office? A.—Yes.

Q.—Then he has another room? A.—A private room.

Q.—Then there is a bedroom to the south of the Provincial Secretary's private room.

Mr. McPherson: Room No. 12 on exhibit 72.

Mr. Ritchie: We can mark it on here. Then, down to the south is the bedroom, which is marked 12? A.—Yes, sir.

Q.—So that the sketch here to the right of exhibit 73 shows exactly the location of the Provincial Secretary's apartments? A.—Yes, sir, so far as the plan is correct.

Q.—Speaking from your recollection, is the plan correct? A.—Oh, yes.

Q.—And it appears to be on a scale of eight feet to the inch? A.—Yes.

Q.—Does this plan show correctly—(exhibit 73)—does it show correctly the position of the typewriters, the tables, and so forth, also the telephone box in your room—the outer office? A.—Yes, the way it is now.

Q.—That is the way it is now. Was that the way it was in September last?

(2075)

A.—No.

Q.—How was it in September last? A.—Well, the whole thing was all turned around in September. I changed it all around when I came in. The secretary's table was there, and my typewriter desk over in this corner back against the wall.

Q.—In September, your desk was not near the lobby door? A.—No.

Q.—Your desk at that time was? A. You see that was not my desk at that time.

Q.—I want to know where you were in September? A.—The only desk I had was this typewriter desk.

Q.—In September, where was that? A.—I will make a sketch.

Q.—We will mark it here. Your desk was in the north-east corner at that time? A.—Yes, sir.

Q.—Where the word Myers is written on this plan? A.—Yes, sir.

Q.—So that you were in the portion of the room further removed from the entrance to Stratton's room? A.—Yes.

Q.—When did you change your desk there? A.—I changed the furniture all around some time about the end of October.

Q.—Was it before the beginning of November? A.—I could not say.

Q.—It may not have been until after the 1st November that you made your change? A.—I think it was before.

Q.—Can you pledge your oath to it?

A.—Well, no, I cannot say, but I am pretty sure it was.

Q.—Then, in September, you were simply a stenographer there? A.—Yes, sir.

(2076)

Q.—And you had a typewriter at your desk? A.—That is a typewriter desk.

Q.—Then you say in September last Mr. Burrows was the private secretary for the Minister? A.—Yes.

Q.—Was he able to work in September last? A.—Well, he did not do very much work.

Q.—He did not do very much work in September last. Did he go regularly to the office in September last? A.—He was there every day, but he did not keep his regular hours.

(2077)

Q.—How long would he be there each day? A.—Well, he generally came in the morning—he was there when I got there in the morning—he used to come pretty early.

Q.—You got there, I think you said, at nine o'clock in the morning? A.—Yes, sir.

Q.—He used to get there before that? A.—Yes, sir.

Q.—You cannot say how much before? A.—No.

Q.—What time did he usually leave there? A.—Well, before that he always used to stay until the end—until everything was done.

Q.—Before what? A.—Before September.

Q.—I am speaking of September. Please confine yourself to that. In September you told us he used to get down there before you—got down early in the morning before nine o'clock. I am asking you what time he usually left in September? Left the office? A.—Well, his hours of leaving were very irregular. Sometimes he would stay until the end. Sometimes he would be the last to leave, and sometimes he would be away at four or five in the afternoon.

Q.—Was he capable of doing much more work there? A.—Well, he was ill.

Q.—He was ill. Did very little work? A.—Not a great deal—no. We had no idea what the matter was, but we knew he was not well.

Q.—And where was his desk at that time in September? A.—That would be about in the middle, I should say.

Q.—You would say his desk would be about the middle of room No. 14? A. No, that is not right, either. His desk would be down there.

Mr. Riddell: You had better mark it? A.—His desk would be about opposite

(2078)

the door—about there.

Mr. Ritchie: About opposite where? A.—There, and the messenger's desk up here. (Indicating.)

Q.—I thought perhaps you would mark Burrows there. Mark the letter B. on it. A.—I do not say that is exactly right.

Q.—But that is approximately right? A.—Approximately it was there.

Q.—And where was the messenger? A.—The messenger was up this way from his desk. His was the larger table of the two.

Q.—Then you say that Mr. Burrows' desk was near the middle of room 14? A.—Yes, sir.

Q.—About where you have marked the letter "B"? A.—About that.

Q.—And the messenger's table was to the south of his? A.—Yes, just about where my table is now.

Q.—About where you have marked the letter "C"? A.—Yes, sir. There is not much relative difference in the tables to what they are now.

Q.—Then, as a matter of fact, your desk at the present time is about the letter "C"? A.—Yes, sir.

Q.—As near as you can get it. Then you say the arrangement—the re-arrangement—was made by you somewhere towards the end of October? A.—Yes, sir.

Q.—Was there more than one re-arrangement? A.—No, sir.

Q.—So that you have given us the position when Mr. Burrows was there, and you have given us the present position? A.—Yes, sir.

Q.—Now then, where does the messenger sit at the present time? A.—At the northern table—the table farthest north.

(2079)

Q.—That is the one? A.—Yes, he sits there.

Q.—The messenger sits at the table which appears on this as located in the centre of the room? A.—Yes, sir.

Q.—Now, is there anybody else occupying that room besides yourself and the messenger? A.—The stenographer.

Q.—Who is the stenographer in that Department? A.—Well, we have no permanent stenographer. We have a man on for the session since Mr. Burrows left.

Q.—Whom did you have? A.—Well, we have had no permanent stenographer.

Q.—You have had no permanent stenographer since Mr. Burrows left? A.—Yes.

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Q.—You were the stenographer during the time Mr. Burrows was there? A.—Yes, sir.

Q.—Then there would be only two persons occupying that room? A.—Three. The private secretary, myself, and the messenger.

Q.—But you say you had no permanent one, excepting during the session? A.—We always had someone in the room.

Q.—You have always had a typewriter? A.—Always had a stenographer. We had one from Mr. Lumsden's office—Miss Durkin.

Q.—Is she not in the Department now? A.—She is in her own office.

Q.—Where does the typewriter sit—the one you have at present? A.—Where that is marked in the corner.

Q.—You have got two typewriters here? A.—This is the one in the corner.

Q.—The typewriter sits at the point marked with the letter "typewriter"?

(2080)

A.—In the corner.

Q.—In the east corner of the room? A.—Southeast corner of the room.

Q.—And this is the table? A.—This is my desk. (Indicating.)

Q.—And is that where you sit now? A.—That is my typewriter desk, and this is my table. These are not tables. These are moveable typewriter desks.

Q.—Then where the letter "typewriter" appears about the middle of the room, is where your typewriter is located? A.—Yes, sir.

Q.—And you sit at the table just to the east of that? A.—Yes, sir.

Q.—Just to the west of that, I should say, marked "table" on this plan? A.—Yes, sir.

Q.—Then let us see how many doors there are in connection with it. There is a door where I put the figure 1. on this plan? A.—Yes.

Q.—That enters from the corridor into your room? A.—Into my room.

Q.—Which on this plan is marked "waiting room"? A.—Yes, sir.

Q.—Then there is a door which I have marked No. 2, from the corridor into the lobby? A.—Yes, sir.

Q.—There is a door, No. 3, marked on the plan as No. 3, opening from the lobby into your room? A.—Yes, sir.

Q.—And one I have marked 4, opening from the lobby into the Minister's room—Mr. Stratton's room? A.—Yes, sir.

Q.—There are the locations of the different doors. Then there is also a door opening from the Provincial Secretary's

(2081)

private office into the lavatory? A.—Yes.

Q.—Mark that No 5. Now, on door No. 2, is there any placard? A.—Yes, sir.

Q.—What is it? A.—It is "private" now.

Q.—Marked "private"? A.—Yes.

Q.—How long has it been marked "private"? A.—That placard used to be on the inner door, and Burrows changed it one day, I don't know when.

Q.—That placard used to be on which door? No. 4? A.—I think so.

Q.—The one entering into the Minister's room from the lobby? A.—I think so.

Q.—When did Burrows move it from there? A.—I don't remember. Some time just after he came in.

Q.—How long ago would that be? A.—1901.

Q.—Somewhere about 1901? A.—Yes, sir.

Q.—Then what placard is there on the door No. 1? A.—I think it is Provincial Secretary's Department.

Q.—No. 2 you say is now marked "private"? A.—Yes.

Q.—Is there anything marked on doors 3 and 4? A.—I don't remember. I see them every day, but I don't remember.

Q.—You cannot remember whether there is anything printed on them, or not? A.—I don't think there is.

Q.—Then, will you tell me where Mr. Stratton's desk is in his private department? A.—It would be about there. (Indicating.)

Q.—You have struck out No. 11? A.—Then mark 11 down.

Mr. McPherson: Put the word "desk" there.

Mr. Ritchie: Then you say that Mr. Stratton's desk is in his room situated about where the word "desk" is written on the plan? A.—Yes.

(2082)

Q.—Is the telephone box in the same position now that it was in September last? In the same place? A.—Yes, sir.

Q.—There has been no change as to that? A.—No, sir.

Q.—Then I think you told my learned friend that on the 4th October Mr. Burrows left the Department? A.—Yes, sir.

Q.—And you became acting secretary? A.—Yes, sir.

Q.—Your official appointment not being made, however, until the following January. Now, during the time that you were there, were you in the habit of taking dictation from the Minister? A.—Yes.

Q.—And running it off yourself on the typewriter? A.—Yes, sir.

Q.—Would you be good enough to tell us the system pursued there, as to whether you made letter press copies of the letters you typewrote, or whether you made duplicates? A.—We made letter press copies up to—well, after I came in shortly.

Q.—You made letter press copies up to what time? A.—Some time in the beginning of October.

Q.—Of what year? A.—Last year.

Q.—Up to the beginning of October you made letter press copies? A.—Yes, sir.

Q.—Kept an ordinary letter book? A.—Yes, sir.

Q.—These letter books of course being preserved. Now, after October, what system was adopted? A.—After October?

Q.—Yes? A.—We duplicated the letters.

Q.—And discarded the letter book? A.—The letter book had become very

(2083)

much mixed up, and Mr. Burrows had looked after them—had two books running at a time.

Q.—Two letter books? A.—Yes.

Q.—Why did you need two? A.—Well, one was purely official.

Q.—And the other was private? A.—Yes.

Q.—One was purely official and the other private. That is the Provincial Secretary's private letter book? A.—Well, I did not mean by that the Departmental letters were not in there—his own letters.

Q.—Letters that he regarded as private, and I supposed marked as private and confidential? A.—Generally.

Q.—These all went into one book which I suppose was called the private book of the Minister? A.—Yes.

Q.—And the others, what you would call the official correspondence. In a book that was not marked private? A.—Yes, but they got all mixed up so that we couldn't—

Q.—You say they got all mixed up. Do you mean that sometimes private letters were copied in what you regarded as the official book, and vice versa? A.—Sometimes, so that there was no keeping track of them at all, either way.

Adjournment 1 p.m. until 2 p.m.

(2100)

AFTERNOON SESSION.

Thursday, April 30th, 1903.

Cross-examination of Mr. E. C. Myers, continued:

Mr. Ritchie: You were telling me, Mr. Myers, just before the adjournment, that up to a certain period in the Department

you used to keep letter books? A.—Yes, sir.

Q.—And that afterwards you ceased to keep letter books, and made duplicates of the letters you wrote? A.—Yes sir.

Q.—Now, can you fix the date when the change took place? A.—No, sir, I cannot fix it at all.

Q.—Cannot you fix it approximately? A.—No, sir, except that it was within a short time after I took charge. I don't remember now. It may be three weeks.

Q.—You are quite clear that the change was not made before you became acting secretary? A.—No, it was not made before I became acting secretary.

Q.—So that you are clear it must have been made after the 4th of October? A.—Yes, sir.

Q.—But how long after that date you are unable to say? A.—I don't know.

Q.—Would it be three or four weeks? A.—I cannot say at all. It might be three weeks.

Q.—And it might be three months? A.—No.

Q.—Would it be two months? A.—No, I think it was shortly

(2101)

after I came. However, I have nothing to fix that. I don't know. I may possibly be mistaken about it being shortly after I came. We might have decided just before I took charge. I don't remember.

Q.—Who can tell us that? A.—I don't know, I am sure.

Q.—You can tell by producing the letter books? A.—Oh, no, when we changed the system the letters were taken from the letter books, and attached to the letters, put on the files like the system we were using.

Q.—What did you do with the letter books? A.—Well, the letters were attached.

Q.—Were they all cut out, the tissue papers? A.—They were taken out, yes, sir.

Q.—For how far back? A.—Oh, all of them, I think there were fourteen or fifteen.

Q.—And you cut the leaves out, did you? A.—No, we just dismembered the books. We cut the leaves apart, I suppose, after we took them out.

Q.—What did you do with the leaves? A.—Attached them to the letters the same as we do when we duplicate them.

Q.—Have you anything to show what your present system is? A.—Our present system is to duplicate the letters with carbon paper, and attach the duplicate to the letter we are answering, and file it away.

Q.—Now, cannot you tell us the time when you commenced to have this carbon copy? A.—No, I cannot. It was about then, it was in the fall, sometime.

Q.—In October or November was it? A.—It was not as late as November. It might have been October. I cannot fix it.

(2102)

Q.—You have got the files, haven't you? A.—We have the letter files, yes.

Q.—You can produce them? A.—I can tell you by looking at the files just when it was changed, I think.

Q.—We will ask you to get the files here.

Mr. Johnston: Which files? There are dozens? A.—It is an immense letter case.

Mr. Ritchie: Then you can produce that whether it is immense or not?

Mr. Riddell: Mr. Myers can get the date.

Mr. Ritchie: We would like to see the files here, and see whether this particular letter of 10th November was copied in a letter book, or a carbon copy? A.—Which letter?

Q.—This letter of 10th September that has been produced here? A.—I can tell you that without looking at the files.

Q.—We would like to look at the files to make sure ourselves. How is it you are in a position to swear as to that? A.—As to whether it was copied or not?

Q.—Yes? A.—That letter was not copied at all.

Q.—How do you know? A.—Well, we only copy letters written on our paper. Departmental letters, and letters written on our paper are copied.

Q.—Why was not this letter copied? A.—It was not apparently written for the Minister to sign. We only copy letters that are signed by the Minister or myself.

Q.—Are you speaking from an independent recollection, or simply inferring? A.—No, I am speaking of a recollection.

(2103)

Q.—Then you have a very clear recollection of having typewritten that particular letter? A.—Yes. I can tell you why it was not copied, because when I handed it back to the Minister I never saw it again.

Q.—I thought you had made two copies of it? A.—Which?

Q.—Of that Aylesworth letter of 10th September? A.—No, sir.

Q.—Didn't you say so? A.—No, sir, the Globe interview I did.

Q.—You say you only made one copy of that? A.—Yes, sir.

Q.—Was that from dictation? A.—Yes, sir. You are speaking of the letter of 10th of September? Yes, sir.

Q.—Exhibit 3. Now what was it so impressed your mind as to enable you to say at this date that you had a distinct recollection of having typewritten that letter? A.—Oh, I remember that I did, besides I was not carrying it in my mind, until I saw a copy of it, then I knew that I had written the original.

Q.—When did you see the copy of it? A.—When it was handed to me.

Q.—Here in court? A.—No, sir.

Q.—When? A.—Oh, that date in October that I told you this morning, on the same day that Mr. Gamey was in the office.

Q.—And the copy was handed to you by whom? A.—Mr. Stratton. That copy that is exhibited.

Q.—It was not this particular one that was shown to you, was it? A.—No, sir.

Q.—Did you know what Department that was in or had gone through, this

(2104)

letter of 10th September? A.—Oh, I didn't know anything about it.

Q.—Did you know whether it continued in Mr. Stratton's Department? A.—I don't know anything more about it.

Q.—Or was sent to the Premier's Department? A.—I don't know.

Q.—Was there anything in the letter itself to impress your mind? A.—Well, no, not particularly. It may have been a little unusual, I don't know.

Q.—You thought it a rather unusual letter, did you not? A.—I don't think I did at the time.

Q.—Are you in the habit of writing many letters of that kind up in your Department? A.—Well, I frequently write letters for other people.

Q.—Whom do you call other people? A.—Well, members, for instance, that I know frequently come in during the session. They have their own stenographers, but they frequently ask me to write letters for them.

Q.—Do you find time to write letters for members? A.—Well, it depends on what I am doing.

Q.—Or are you over-burdened with work? A.—Sometimes I am.

Q.—And sometimes you are not? A.—I generally am.

Q.—And yet you find time to write letters for members? A.—Well, I accommodate them.

Q.—Now you say that upon the 10th of September, this was dictated to you by Mr. Stratton? A.—Yes, sir.

Q.—At what time of the day? A.—Between half-past eleven and a quarter to twelve.

Q.—What is it that enables you to swear that it was between half-past eleven and a quarter to twelve? A.—Well, when

(2105)

he gave it to me, he told me to do it before I went to lunch, and I looked to see if I had time, and to see if it would keep me late, because Burrows always raised a row, did not like it if I was late going, because I kept him late when I got back, so I wrote it, and I just had time to do it.

The Chief Justice: You brought it back to him before you went to lunch? A.—Yes, my Lord.

Mr. Ritchie: You did what? A.—I gave it back to the Minister.

Q.—Before you went to lunch. Now can you tell us any other documents you wrote on that day, the 10th of September, can you individualize particularly any other letters you wrote on the 10th of September? A.—No.

Q.—Can you anything you wrote on the 9th? A.—I remember we just wrote three or four letters in the afternoon of the 9th, the general correspondence.

Q.—Can you particularize any letters you wrote on the 11th, 12th or 13th? A.—I don't think I can.

Q.—And you cannot particularize any other letters you wrote in September except this one? A.—I cannot think of any at present.

Q.—Was this letter of a usual or unusual style? A.—Well, I can only judge by what has happened since. I don't know what I thought at the time.

Q.—Did you think about the matter at the time at all? A.—Oh, I remembered writing it.

Q.—Did you think about it, did the subject matter impress itself upon your mind? A.—Well, I really cannot tell you whether it did or not. I

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rather think it did.

Q.—What did it relate to, the letter? A.—Well, it seemed to be an approval of the general policy of the Government. Of course I know what it relates to.

Q.—Could you have recollected the contents of that letter if it had not been produced here to you to-day? A.—Oh, I might have; I cannot tell you.

Q.—Reading it over here in court, you can see what it is? A.—I see what it is.

Q.—Did you understand that it was to be signed by some member. A.—No, I did not understand anything about it.

Q.—Then you did not understand that it was to be signed by a Member of the Legislature? A.—I don't

know; I cannot tell you. So much happened along that line since that I cannot tell what I knew then.

Q.—You did not think for a moment whether it was to be signed by a Member or not? A.—I don't know what I thought at the time.

Q.—Who did you think was to sign it? A.—I didn't know. I had no idea.

Q.—Did you know whether I was going to sign it or not? A.—I did not know.

Q.—It might be anybody, for all you knew? A.—It might have been you.

Q.—And at all events you did not know that it was to be signed by a Member of the Legislature? A.—I cannot tell whether I did or not. I don't know the wording of it now, if there is anything in it to fix it.

Q.—The wording of it is this, "I have recently been thinking over the political situation of the Province of Ontario, and I have seriously

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come to the conclusion that I would be best acting in the interests of my constituency, and New Ontario, by giving my support to your administration." Do you think you knew then that that was to be signed by a Member of the Legislature? A.—I don't remember what I thought then about it at all.

Q.—That is what you are swearing to now? A.—Yes. I suppose I had some impression about it, but I don't remember it.

Q.—I want to test your memory. That is a thing that ought to impress itself upon your mind, whether this letter was to be signed by a Member of the Legislature or not? A.—It impressed itself enough, so that when I saw it again I knew I had written it.

Q.—And if you had not seen it now you could not have told us? A.—Seen it now? Do you mean if nothing had happened in the meantime?

Q.—Yes. A.—It might have faded from my mind by now.

Q.—Had you ever heard of Mr. Gamey's name up to this time? A.—I suppose I knew he was running. I did know he was running.

Q.—You did know he was elected? A.—Yes, I suppose I did.

Q.—You did know, too, at that particular time that the Government majority was very small? A.—I did.

Q.—You knew it was a matter of much moment to them to get all the support they could from members

in order to their continuance in power? A.—Yes, sir.

Q.—Then would not this be likely to be a matter to impress itself

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upon your mind that here was a representative of New Ontario who was going to pledge his support to the Government? A.—I cannot tell you, I am sure.

Q.—You knew that Mr. Gamey was elected as a Conservative? A.—Yes.

Q.—You knew that he represented a constituency in New Ontario? A.—Yes.

Q.—And you knew that this was to be signed by a New Ontario representative? A.—Oh, no; not necessarily.

Q.—Acting in the interests of New Ontario? A.—"Of my constituency and New Ontario."

Q.—I am aware of that, did not that at once strike you that his constituency was in New Ontario? A.—No, that would not strike me, any member might support the Government in the interests of New Ontario. The Government policy was New Ontario.

Q.—That is what you then thought, it never impressed itself upon your mind that the person who was to sign this was a representative of some part of New Ontario? A.—It never occurred to me.

Q.—I suppose you knew that this letter was to be signed by a person who had not been elected as a supporter of the Government? A.—Well, that is going into my impressions at the time. I don't remember what my impressions at the time were.

Q.—Did it not occur to you when you wrote that letter, must it not have occurred to you when you wrote that letter that you knew it was to be signed by some person who had not been elected as a Government supporter? A.—It might have.

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Q.—You cannot say now? A.—I cannot say now.

Q.—Have you ever seen letters of that kind written before? A.—Of members agreeing to support?

Q.—Yes? A.—I don't think I ever did.

Q.—So that this was unique as far as you were concerned. This was exceptional? A.—I never saw or wrote any letters of that kind before.

Q.—Not having seen anything of that kind before, would it not be likely to

impress itself very vividly upon your mind? A.—It might have. Very vividly, I don't know.

Q.—You knew the Government position was precarious, so far as carrying on affairs was concerned, that they had only a narrow majority; will you pledge your oath that you did not know that was to be signed by a member of the Legislature? A.—I cannot tell you. Any impression I could give you might be one formed since.

Q.—And of course the mere fact of writing out that letter at the time would not lead you to believe that it was to be signed by a member? A.—No. I cannot tell you that.

Q.—Reading that letter over at the time would not lead you to believe it? A.—It might, very likely.

Q.—Did it, or not? A.—I cannot tell you.

Q.—There was no manuscript from which you made this typewritten copy? A.—No.

Q.—You simply took it down in shorthand, and afterwards typewrote it? A.—Yes, sir.

Q.—And you say you only made the one copy? A.—The one copy.

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Q.—And what did you do with it, handed it back to Mr. Stratton? A.—To Mr. Stratton.

Q.—What change did he make in it? A.—Well, he read it over, and when he got down to this, I don't know how far down he got, but he pointed to this and he said, put in "that."

Q.—The words are, "Therefore, upon all questions," then these words are interlined, "considered by you as a vote of want of confidence that arise in the House, you may rest assured that I will give your Administration my hearty co-operation, support and vote."

Mr. Johnston: That is not what is interlined.

Mr. Ritchie: Up to the word vote. I thought I stopped there and paused. Now you heard me read these last words? A.—Yes, sir.

Q.—Therefore, upon all questions considered by you as a "vote of want of confidence" that arise in the House, you may rest assured that I will give your Administration my hearty co-operation, support and vote? A.—Yes, sir.

Q.—And yet you told me a little while ago that that letter might have been signed by me. You knew I was not a member of the Legislature? A.—I knew you were not. You asked me what my impression was at the time.

Q.—You read it at the time? A.—Yes.

Q.—Surely it is obvious what your impression must have been? A.—It is

what it might have been, but I cannot tell you what it was. You are asking me for the fact of what I remember what it was, and I tell you I don't remember what my impression was.

Q.—It is absolutely obvious from the letter, is it not, what impression any rea-

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sonable person would form? A.—Yes, it is, and possibly I knew it at the time.

Q.—"The course I have determined to take makes me practically a supporter of your Government." So the reading that over now it is absolutely clear, is it not, that you must have known it was intended to be signed by a member? A.—I cannot tell you what my impression was. I suppose I knew at the time.

Q.—Then when you handed it back to Mr. Stratton, how long was it before you saw a copy of it? A.—Well, on this day in October, about the end of October, about a month or six weeks later.

Q.—And under what circumstances did you come to see the copy? A.—Well, he handed it to me.

Q.—What did he say to you? A.—He said, "Mail that to Mr. Gamey, at Gore Bay or the Walker House."

Q.—Was it a typewritten copy? A.—Yes, sir.

Q.—That he showed you? A.—Yes.

Q.—Whose typewriter was it written on? A.—I don't know.

Q.—Was it written on yours? A.—No.

Q.—Exhibit 13, is that the copy that he gave to you? A.—Yes, as nearly as I can recollect. I merely glanced over that one. I believe that is the copy.

Q.—Do you know where he got that copy from? A.—No, sir. I do not.

Q.—At all events, it was not the copy, exhibit 13 was not run off on your typewriter? A.—No, sir.

Q.—Do you recollect whether these words written in ink were there? A.—I don't think there was anything in ink at all.

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Q.—Is your memory sufficiently good to enable you to swear to it one way or the other? A.—I am pretty sure that there was only the typewriting. I cannot say more than that.

Q.—You cannot pledge your oath to it? A.—I merely glanced over it.

Q.—Was the date on it, on the copy? A.—Yes, sir. it was like that.

Q.—The date that was on the copy is the same date that appears on exhibit 13, namely the 27th of October? A.—Oh, I don't remember that, I did not look at the date.

Q.—You put the date on here, where did you get that date from?

Mr. Johnston: Who put it on? A.—Oh, I didn't understand that you were asking me for the particular date.

Mr. Ritchie: You have typewritten "October 27th, 1902," and you said you thought this was the copy shown to you? A.—Yes, sir.

Q.—Now, I ask you, was the date on the copy that Mr. Stratton gave you the same as the date on this exhibit 13? A.—Oh, I cannot tell you that. It looked the same.

Q.—Now, surely, if he asked you to alter the date, you would have recollected that fact? A.—Oh, yes, he did not ask me to alter the date.

Q.—Now the copy that you saw you told us was a copy of exhibit 3? A.—Yes, the same substance.

Q.—And exhibit 3 is dated the 10th of September, 1902? A.—Yes.

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Q.—That being so why did you not in making out Exhibit 13 put in the same date instead of the 27th of October? A.—I did not make out Exhibit 13. I did not do this.

Q.—But you copied from that? A.—I don't understand your question.

Q.—Did you make another copy of this letter? A.—No, sir.

Q.—Did you not make a second copy on the 22nd of October to be sent to Mr. Gamey? A.—I did not understand you. No, I mailed this.

Q.—Perhaps I misunderstood you.

The Chancellor: He made two copies of the Globe interview, but this letter was brought to him by Mr. Stratton and sent on by him to Mr. Gamey, he making a copy, I understand.

Mr. Ritchie: I understood he copied the letter of 27th October. A.—No, I did not say that.

The Chancellor: It was not a letter. He took the script of it and sent it on.

The Chief Justice: He mailed it to Mr. Gamey at the Walker House, he said.

A.—Will you ask me the question again?

Mr. Ritchie: I thought you made another copy from the one of the 10th of September? A.—No, sir.

Q.—Then I misunderstood you. Is this correct, that Mr. Stratton handed you what you understood to be a copy, and asked you to mail it to Mr. Gamey? A.—Do you mean that I understand it was a copy of this?

Q.—Yes? A.—Well, when I read it over I remember it was the same substance, I don't know that it is word for word.

Q.—At all events you believed that it was similar to the one of 10th of September? A.—To the letter I had written before.

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Q.—And he asked you to mail that? A.—Yes.

Q.—Did he tell you where to mail it? A.—To Gore Bay or the Walker House.

Q.—Didn't he tell you definitely which place to mail it to? A.—No, I don't remember his words, but I think it depended on whether I could get it in the mail in time to get it to the Walker House.

Q.—Are you quite clear that you did mail it? A.—Yes, quite clear.

Q.—Was it copied in anything, any letter book? A.—No, sir.

Q.—Do you keep a record of the letters you mail in your department? A.—No, sir.

Q.—Nothing whatever? A.—None whatever.

Q.—Do you keep any petty cash book showing the postage you pay out on letters? A.—The messenger would do that, if he does I don't know whether he does or not. I know he used to. I cannot tell you whether or not he does at present.

Q.—He would put in the name to whom the letter was sent and the amount of postage? A.—No.

Q.—Details observed in ordinary offices are ignored in the department? A.—I don't know what object there would be in keeping them.

Q.—At all events there is no check as to letters sent out and postage paid? A.—No.

Q.—You have got no book or document that will show it? A.—No.

Q.—Now, what is it that fixes in your mind or recollection the fact that you sent that to Mr. Gamey? A.—Well, the fact that he had been in the morning and I was given that letter to send to

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him.

Q.—All you did then with it was to fold it up and put it in an envelope? A.—That is all.

Q.—And addressed it? A.—That is all.

Q.—Did you mail it? A.—No. I put it with the letters that were to be mailed.

Q.—You cannot swear then whether it was mailed or not? A.—It never came back, I don't know anything about it after putting it among the letters to be mailed.

Q.—How are you enabled to swear that it did not go back? A.—Well, if it was put in a department envelope it would come back to the department.

Q.—At all events you did not post the letter yourself? A.—No.

Q.—You simply addressed an envelope and put it with the letters? A.—With other letters to be stamped and posted.

Q.—You did not put the stamp on it even? A.—No.

Q.—All you know is you put it in an envelope, and supposed it was posted? A.—That is all I can say.

Q.—Now, what date was this that you say you put that letter into an envelope? A.—I cannot fix the date exactly; it was some time in the end of October, I have no doubt the date Mr. Gamey says is right.

Q.—What date did he say? A.—I think he said the 23rd or 24th.

Q.—On the 23th or 24th? Did you see him on the 23rd? A.—I saw him on the day he was in.

Q.—In October? A.—Yes.

Q.—Was he more than once in October? A.—No, sir.

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Q.—Then you saw him on the 23rd, on more than one occasion in October? A.—No sir.

Q.—Did you see him after the 23rd. A.—In October?

Q.—Yes. A.—No, sir.

Q.—What conversation did you have with Mr. Gamey on the 23rd? A.—He came in and he said, "How are you Mr. Myers."

Q.—What time of the day was that? A.—Oh, I should say about ten o'clock.

Q.—About ten o'clock in the morning. What did he ask for? A.—He asked me if Mr. Stratton was in.

Q.—What did you tell him? A.—I told him that he was, and told Costello to take his name, told him to give his name to Costello.

Q.—Did he do that? A.—Yes.

Q.—And he was then shown into Mr. Stratton's room? A.—Yes, sir.

Q.—What was done after he was shown into the room, did you go into the room? A.—No, sir.

Q.—Was anyone else present in the room? A.—Not that I know of.

Q.—How long was he with Mr. Stratton on that occasion? A.—About 20 minutes.

Q.—Do you know anything about the conversation that took place between them? A.—No, sir.

Q.—What is it that fixes that, you say that was the first time you ever saw Mr. Gamey? A.—Yes.

Q.—And what is it that fixes it so upon your mind that you can tell the time of day, the length of time the conversation took place, and so on? A.—Well, it may

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be partly from the fact of the letter sent to him afterwards.

Q.—Did you attach much importance to this matter? The sending of this letter? A.—Well, I attached the name

of the letter, then the impression came to me.

Q.—You knew it was Mr. Gamey, then? A.—I knew I had to mail that to Mr. Gamey.

Q.—That was the first time you knew the original was intended to be signed by a member, was it? A.—Oh, I don't know that.

Q.—At all events, it is clear you did know then that this was intended to be signed by Mr. Gamey and returned to Mr. Ross? A.—Well, I did not, unless he was going to have somebody sign it, either himself or someone.

Q.—You expected he was to be the person to sign it? A.—Oh, I guess so.

Q.—And you knew the letter was addressed to Mr. Ross, the Hon. G. W. Ross? A.—I don't remember whether I noticed that or not.

Q.—No recollection of that at all? A.—No, sir.

Q.—Now you say he remained 20 minutes. What was done after he left? A.—We went on with the mail, the correspondence.

Q.—Did he make any remark to you after he came away from Mr. Stratton's room? A.—He said good-day or good-bye.

Q.—That is the only conversation that took place between you with reference to this matter? A.—No.

Q.—How long after he left before Mr. Stratton asked you to mail that letter to him? Was it that day or some day subsequently? A.—No, it was that day, around noon of that day sometime.

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Q.—He left there probably about twenty minutes past ten? A.—Yes.

Q.—And it was about noon he asked you to mail that to him? A.—About noon. It might be after lunch.

Q.—And it was all ready, written out ready to be mailed? A.—I just had to mail it.

Q.—All you had to do was to put it in an envelope and mail it? A.—That is all.

Q.—Did you address it yourself? A.—Yes.

Q.—Typewritten? A.—No, ink. I don't address my envelopes on the type writer. However, I remember putting it in the envelope and addressing it.

Q.—Where did you get Mr. Gamey's name, did he tell you who to send it to? A.—To Mr. Gamey.

Q.—He gave you his initials? A.—No, I knew his initials, I think.

Q.—How did you know his initials when you say you had never seen him before? A.—He gave his name to Costello in the morning, it was written on the card.

Q.—It was from the card you got his name? A.—Well, it was from his giving his name to Costello I got it.

Q.—Was it Mr. Gamey, or R. R. Gamey that was on the card? A.—I don't remember that. Besides, we always keep a list of the members there.

Q.—What were you doing that morning, what particular business had you on hand? A.—Well, I had rather a large mail that morning.

Q.—You had the ordinary correspondence? A.—The ordinary correspondence.

Q.—But it had not been opened at this time? A.—Oh, it had been opened.

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Q.—At what time had it been opened? A.—When I brought it up from the post office.

Q.—At what time? A.—Oh, between 9 and half-past.

Q.—Who opens the mail? A.—I do.

Q.—You open all the mail except marked private or confidential? A.—Well, I open all the mail. Sometimes if there is a private and confidential letter comes in the mail and he is there, I don't open. When he is away I always open it.

Q.—At what time did Mr. Stratton get in the morning of the 23rd, assuming that to be the date? A.—Just after half-past nine.

Q.—Had you been with Mr. Stratton between half-past nine and the time Mr. Gamey came in? A.—Oh, I had been in the room.

Q.—Were you doing any work for him? A.—No.

Q.—Had he seen the correspondence before Mr. Gamey came there? A.—No.

Q.—Had it been taken to him before that? A.—No, sir.

Q.—Although he was there for half an hour before. Why did you not take it in to him? A.—Well, I think that he met one of the inspectors. I am not sure whether it was one of the inspectors; one of the officials, as he was coming from breakfast, and went in with him and then something detained him of that kind.

Q.—Do you wait until he rings the bell to ask you to take in the correspondence, or do you take it in of your own motion? A.—Well, when he rings first in the morning I take it in.

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Q.—Now, can you tell us anything else that happened upon this 23rd day of October, except the interview with Mr. Gamey, who else did he have interviews with that same day? A.—Oh, I cannot tell you.

Q.—Who did he have interviews with the next day? A.—The 24th: I don't remember.

Q.—You cannot tell us who he had interviews with in October? A.—Well, there is nothing in my mind just now.

Q.—And yet you pledge your oath that you have a very fair recollection of Mr. Gamey being there that day? A.—Yes, sir.

Q.—And you have not any recollection of any interview that Mr. Stratton had with anybody else during that month? A.—No, sir, nobody else has been brought to my attention.

Q.—Then what took place after that? Anything further in connection with this matter? A.—Nothing until the time I mailed it, mailed the letter. Which time are you referring to?

Q.—I am speaking still of the 23rd? A.—Well, the morning interview with Mr. Gamey or the mailing of the letter?

Q.—The mailing of the letter was the same day, you told me? A.—Yes, but you asked me if anything happened after that.

Q.—After you put the letter in the envelope? A.—Nothing after that.

Q.—You had no further conversation with Mr. Gamey or with Mr. Stratton about it? A.—About this matter? No, sir.

Q.—Now, you say that you came back from your holidays on the 9th of September? A.—No, sir.

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Q.—Well, what date? A.—I came back sometime the week before, Wednesday or Thursday, but my time was not up.

Q.—You made some reference to the 9th, what was that? A.—I said that Monday, the 8th, was a holiday.

Q.—Then what did you say about the 9th? A.—Well, the 9th Mr. Stratton came up from Peterboro' in the morning.

Q.—What recalls that to your mind? A.—What recalls it? Well, the fact that it was the first day he had been there since I got back from my holidays.

Q.—How long were you away on your holidays? A.—Three or four weeks. Three weeks.

Q.—And you are quite clear it was the Tuesday he got back? A.—Quite clear.

Q.—Then were you there on the 10th? A.—Yes.

Q.—All day? A.—Yes.

Q.—With the exception of the time you went to— A.—To lunch.

Q.—To your mid-day meal. And what time did you leave for your meal? A.—A quarter to twelve.

Q.—And got back at what time? A.—A minute or two after one.

Q.—You have a distinct recollection of that, have you? A.—Yes.

Q.—And what is it enables you to say that so positively, that you went about a quarter to twelve and got back about one? A.—Well, I just had time to write this letter before I left.

Q.—What time did you go the next day, the 11th? A.—I went just before a quarter to twelve, I was a little earlier on that day.

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Q.—And what time did you get back? A.—That day?

Q.—The 11th? A.—I was late getting back that day.

Q.—How do you know? A.—How do I know? Well, I didn't try to get back early that day.

Q.—Why? A.—Well, the Minister was not there, he had gone down town.

Q.—What time did he go down town? A.—Oh, he had been down pretty much all the morning he had gone down quite early in the morning.

Q.—He had gone down quite early in the morning of the 11th? A.—Yes.

Q.—Did he drive down? A.—I don't know, I am sure, how he went.

Q.—How did you know he went down, did you see him go out of the Building? A.—Well I knew he was not there.

Q.—Did you see him go out of the Buildings? A.—I don't know that I just saw him going. I knew at the time that he was going.

Q.—And you did not know whether he was driving or not? A.—No, I did not see the carriage.

Q.—What is it that impresses the fact upon your mind that that was the 11th of September? A.—Well, it was the day after the 10th.

Q.—We all know that. Have you and Mr. Stratton talked this matter over? A.—No, sir.

Q.—Never spoke to him about it, had no discussion with him about it? A.—No discussion. Every day we have a general reference, but we never discuss the matter.

Q.—Every day you have a general reference to what? A.—To this case. When I see things in the paper I ask

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him about them.

Q.—You have a general reference to it? A.—Yes.

Q.—After this first came out in the public prints, Gamey's statements, had you any interview with Mr. Stratton then? A.—No interview, no. I was not in the buildings when it came out.

Q.—Where were you? A.—I had gone down town, or over to the gymnasium.

Q.—You were in town that day? A.—Which day do you mean?

Q.—The day it came out in the paper?

A.—With Mr. Gamey?

Q.—Yes. A.—The explosion?

Q.—Call it the explosion if you will?

A.—Well, the statement in the House.

Q.—Do you know what day the statement was made in the House? A.—It was on the 11th, I think, the 11th or 12th.

Q.—The 11th or 12th of March, and when did you first hear the statement?

A.—When did I first hear? I heard of it over in the gymnasium.

Q.—That same day? A.—That night.

Q.—You did not hear it until night?

A.—Well it did not take place until the afternoon. I mean that evening about five o'clock.

Q.—Did you hear it before night? A.—I heard it about five o'clock or six o'clock.

Q.—When did you have an interview with Mr. Stratton after hearing it? A.—An interview? Oh, I came right up to the Buildings.

Q.—From the gymnasium? A.—Yes.

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Q.—Where is the gymnasium? A.—Over on Yonge street.

Q.—And the moment you heard about it you went right over to the Buildings? A.—I was going back to the office, anyway.

Q.—Who did you go to see when you got back to the Buildings? A.—No one; I went into the office. The Ministers were in council.

Q.—When did you see Mr. Stratton? A.—Well before or after dinner, some time.

Q.—Didn't you see him before dinner? A.—I don't remember whether it was just before I went to dinner.

Q.—Your memory as to what happened on the 11th of September is very vivid, but it seems very poor as to what happened in March? A.—Well, it was when he came out of council.

Q.—Then it was before dinner? A.—Yes.

Q.—A little while ago you said it was after dinner. Now be good enough to tell us the time. A.—Oh, it would be half-past six or a quarter to seven, perhaps seven.

Q.—Were you in the office? A.—I was in the office.

Q.—Waiting to see him? A.—Waiting for him to come out of Council. I always wait until he comes in.

Q.—Did you have a discussion with him then about the Gamey incident? A.—I asked him what it was all about.

Q.—You knew before that what it was all about. A.—Just what I had been told.

Q.—You heard your name had been involved in it? A.—I did.

Q.—And what discussion did you have with Mr. Stratton?

A.—I asked him what it was all about, and he said of what Mr. Ganev had been, I forget what his exact expression was,

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but he told me had been making a statement and he said it was going to be fully investigated and you will have to make your statement to the solicitors.

Q.—Did he ask you what you recollected about it? A.—No, sir, nothing about it. I took that to mean that I was to make my statement to the solicitor.

Q.—He did not want you to make a statement to him? A.—He did not say so.

Q.—Did not ask you whether the statement was true, or untrue, whether you had anything to do with the parcel? A.—He knew as well as I did.

Q.—He did not refer to that? A.—He did not.

Q.—What solicitor did he say? A.—I don't think he said who it was at the time.

Q.—Did he tell you when you were to make it? A.—No, sir, I understood the next morning that it would be Mr. Johnston. I understood that night I would have to make it, and next morning I understood it would be to Mr. Johnston.

Q.—You understood that night that you would have to make a statement? A.—Yes, sir.

Q.—Did you go next morning and make the statement to Mr. Johnston? A.—No, not the next morning.

Q.—When did you make it? A.—Oh, it would be Friday, Friday or Saturday morning.

Q.—And what day was the statement made in the House? A.—Wednesday.

Q.—And on the following Friday you went to Mr. Johnston's office, did you? A.—Yes, sir.

Q.—Did you put in a statement in writing? No, sir, I told him.

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Q.—You did not write up a statement and give it to Mr. Johnston? A.—No.

Q.—And up to this time you say you had not the slightest conversation with Mr. Stratton as to what you knew about the matter? A.—No, sir.

Q.—Did any other person go with you to Mr. Johnston's office? A.—No, sir, not that day.

Q.—You went alone? A.—I went alone.

Q.—Did Mr. Stratton tell you not to say anything about it to any other person but Mr. Johnston? A.—No, he did not.

Q.—He did not caution you in any way about it? A.—No, sir.

Q.—Then did you have a conversation with any other person about it? A.—About the matter?

Q.—Yes? A.—Everybody that met me spoke to me about it. I don't remember any particular person.

Q.—Your memory is at fault as to that, but several did speak to you? A.—Yes.

Q.—And you cannot give us the names of any? A.—Oh, yes, I can give you the names of some.

Q.—Give us the names of some? A.—Well, Mr. Christie, the inspector, I met him the next morning.

Q.—Anybody else? A.—Mr. Lumsden, the head of the Department. I met one of the fellows in the Attorney-General's Department.

Q.—You are speaking of people around the building? A.—Yes.

Q.—Officials in the building, these were the people who were speaking about it? A.—Yes, these were the people I saw mostly.

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Q.—Asking you what share you had had in the transaction? A.—Oh, no.

Q.—And Mr. Stratton never referred to the subject again? A.—No, well, he never asked me anything about my statement, of course, you could not avoid, I am there to tell him things I saw in the papers about it.

Q.—On the 10th of September you got back at what time in the morning?

A.—At nine o'clock.

Q.—And that night you left at? A.—I left about half-past four that night.

Q.—Now, what makes you recollect leaving at half-past four? A.—Well, I got home and I had nothing to do and I sat on the porch for I guess a half an hour until the evening paper came, it comes about five o'clock.

Q.—That is on the 10th of September? A.—Yes.

Q.—Now, on the 12th of September, what time did you go home? A.—In the afternoon?

Q.—Yes? A.—About five, that is the Friday, the 12th.

Q.—Take the 15th, what time did you go home? A.—What day of the week would that be?

Q.—Don't you recollect? A.—I don't remember by the dates.

Q.—Call it Monday? A.—Was it Monday?

Q.—Yes I think so? A.—I left at four o'clock.

Q.—What enables you to say that? A.—Well, that day Mr. Stratton was not in town either, he had not come up from Peterboro' on Monday.

Q.—So when he is not there you get away early? A.—I get away early.

Q.—Have you any regular office hours at all? A.—We have to begin with, we have not to finish with.

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Q.—Can you tell what time you left on the first Tuesday in October? A.—Oh, no, there is nothing to fix it. If you can tell me anything that happened that day I can fix the time.

Q.—Can you tell us anything that happened that day yourself? A.—Nothing that I remember now.

Q.—And on the 10th you were there with the exception of the three-quarters of an hour that you took in going to get your mid day meal? A.—Yes, sir, an hour and a quarter.

Q.—A quarter to twelve to one. And you did not see Mr. Gamey on that day at all, on the 10th? A.—I did not.

Q.—You are quite sure of that? A.—Yes, I paid no attention.

Q.—Where was Mr. Stratton on the 10th of September? A.—He was in the office.

Q.—All day? A.—No he was not in in the afternoon. He went down town in the morning, at noon, rather. I did not know he went down town at noon. But when I got back I knew he was there.

Q.—Did he go down town on the morning of the 10th? A.—No, but when I got back I knew he was down town.

Q.—At what time? A.—When I got back at one o'clock.

Q.—He was not there then? A.—No.

Q.—What time did he get back to the office? A.—I don't think he was in the office in the afternoon.

Q.—Will you swear to that? A.—Well, I will swear that if he was he was only in for a minute or so.

Q.—You will pledge your oath to that? A.—Yes, sir.

Q.—Did you know whether he went out driving on that day or not, the 10th? A.—I don't remember, no, whether

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he was driving or not.

Q.—You will pledge your oath that he was not in except for a minute on the afternoon of the 10th? A.—The afternoon of the 10th.

Q.—You will pledge your oath that he was not in for a minute? A.—That he was only in for a minute.

Q.—Then, when you went away for lunch was he there? A.—On the 10th, yes, sir?

Q.—When you got back he was not there? A.—He was not.

Q.—Then can you tell us whether or not he came into the office again on the 10th after you returned from your

lunch? A.—Whether he came into the office?

Q.—Yes. A.—He came over for a minute. I don't know what for; he came in for a minute.

Q.—About what time did he come in? A.—It would be—

Q.—“It would be” what was it? A.—Well, round about half past two.

Q.—Did he go into your room? A.—To my room—he went through my room.

Q.—Say anything to you? A.—No.

Q.—And only remained in his office for a minute? A.—Well, I don't remember him going out, but I remember he was out after that.

Q.—He only remained in his office for a minute? A.—Yes, a minute or two.

Q.—You did not see him go out. Now, do you undertake to swear that he was not in? A.—Well, I remember that he was not there.

Q.—Did you go into his room to see? A.—I don't remember whether I was in his room after that. Very likely I was not. I don't go in when he is not there.

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Q.—And you did not see him go out? A.—I don't remember seeing him go out. I did not see him go out.

Q.—He might have gone out into the corridor direct from his room. A.—Well, through the lobby.

Q.—Is that the way he usually goes out. Surely you can answer that? A.—Well, it depends upon what you mean by usually. He goes out that way generally. He comes through our office quite often.

Q.—But generally he goes out? A.—Through the door into the hall.

Q.—And comes in through that door in the lobby quite frequently? A.—No, we lock it after he goes out.

Q.—Has he no means of opening it? A.—Not from the outside.

Q.—Has he not a key to it? A.—The key stays in the door on the inside. It is a Yale lock, and the key stays in the door all the time.

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Q.—You have told us then that people do come in that way, or have come in that way, to see him? A.—Yes.

Q.—What would they do, knock at that door? A.—Oh, no.

Q.—Who would open it? A.—Well, if it was anyone that should get in that way, supposing it was a Minister who wanted to get in ahead of all the visitors waiting, they would have asked me to let them in that door.

Q.—And you would go inside and unlock it? A.—Yes.

Q.—Or the messenger might do it? A.—Yes.

Q.—Then you say in September your desk was in the corner of the room, the furthest removed from the entrance to Mr. Stratton's room? A.—My type-writing desk.

Q.—That is where you would have been sitting on that occasion? A.—Yes, sir.

Q.—Did you see Frank Sullivan on the 10th? A.—No, sir.

Q.—Had you seen him before the 10th of September? A.—Oh, I suppose I had, I don't remember whether I had or not.

Q.—Was he there? A.—Frank Sullivan?

Q.—Yes. A.—I did not see him.

Q.—You knew him at this time, prior to the 10th of September? A.—No, I did not, I might have seen him.

Q.—You did not know him by sight? A.—I don't know that. I don't remember that.

Q.—Did you know he was employed in the Public Works Department upstairs? A.—That a fellow by the name of Sullivan was, no, I did not.

Q.—When did you first see him, then? A.—First see Frank Sullivan?

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Q.—Yes. A.—Oh, I cannot tell you that. When I knew him I knew I had seen him before as a clerk in the Buildings, but there was nothing to fix the first time I had seen him in my mind.

Q.—Then, you had no doubt seen him before the 10th of September? A.—I may have.

Q.—Seen him about the Buildings and knew him as a clerk in the Buildings? A.—Very likely.

Q.—When was the first time you saw him in Mr. Stratton's Department? A.—The first time, well, the only time I ever saw him was in my own office.

Q.—When was that, the first time? A.—That would be some time around the 1st of November.

Q.—What was he there for? A.—We were having some bells put from the Minister's desk to the different departments.

Q.—And he was doing what, the wiring? A.—No, that was not in his department; he was down to see if they were doing the work, or if the work had been done, I don't just remember it, in connection with the accounts.

Q.—Will you swear that was the first occasion upon which you ever saw Mr. Sullivan to know him? A.—I did not know his name then.

Q.—You told us he was four or five times in your department? A.—Yes.

Q.—And on two of these occasions you say it was in connection with the electric bells? A.—Yes.

Q.—What was the object of his visit on the other occasion? A.—Well, in

January I was having the private secretary's telephone changed to my house. I sent a memorandum upstairs

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about it, and he came down to get the particulars.

Q.—When next did you see him there? A.—Well, then, after that there was some delay about it, they did not bring it over, I forget what the delay was, but I telephoned up to the Department to ask them. You see the Public Works Department has charge of the telephone contracts. Then he came down to tell me they would telephone.

Q.—Did you ever see him on any other occasion than these occasions when he came about the telephones or the electric bells? A.—No, sir.

Q.—Never saw him on any other occasion? A.—That I remember.

Q.—He may have been in several times to see Mr. Stratton, and you not know anything about it? A.—No, sir, he would not. If he was in the office again it was for something less important than what I tell you.

Q.—What was he in for? A.—I don't remember him having been in.

Q.—And he could not have been in Mr. Stratton's room without your knowing? A.—No, sir.

Q.—You swear to that? A.—Yes.

Q.—You pledge your oath that he could not have been in Mr. Stratton's room without your knowing it? A.—I pledge my oath to that.

Q.—Now, Frank Sullivan says that both he and Gamey were in Mr. Stratton's room on the 10th of September? A.—Well, but in this I am referring to the time I had charge of the office. I don't know anything about before. I understood you to mean after I had charge of the office.

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The Chancellor: When do you mean that you had charge of the office? A.—From the 4th of October, my Lord. After that I am speaking of. Before that I had nothing to do—

Mr. Ritchie: You just thought of that, Mr. Sullivan having said he was there on the 10th of September? A.—No, sir, I misunderstood you entirely.

Mr. Riddell: Mr. Sullivan did not say that.

Mr. Ritchie: You did know that Frank Sullivan swore that he and Gamey were were in the Minister's room on the 10th of September? A.—No, I knew he swore he was in there once.

Mr. Riddell: Sullivan did not say that. It was on the 9th, Mr. Sullivan said he, was there.

Mr. Ritchie: I do not care whether it was on the 9th or 10th? A.—I knew Sullivan swore he was there once, and I

was ready to allow that he might have been.

Q.—You heard Mr. Gamey say that they went in through the private door? A.—I don't remember Mr. Gamey saying so.

Q.—Supposing he did say so, are you prepared to contradict that? A.—No, I had nothing to do with the visitors then at all.

Q.—And you know that they say they were there, and had a conversation about certain matters? A.—I heard what he said.

Q.—And now you will admit that he might have been there without your knowledge? A.—On the 10th of September he might have been in and out a dozen times.

Q.—And 'I suppose they might have been in, apart from the 10th of September, in October? A.—Not after I took charge of the office.

Q.—They might have been in a dozen times while you were away? At your meals, or when you happened to leave early? A.—I did not leave early.

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Q.—They might have been there when you were away at your meals, or when you happened to leave the building? A.—They might have been in the office.

Q.—So it is not correct to say that it would be impossible for Sullivan or Gamey to be there and see the Minister without your knowing it? A.—I don't go to lunch until the Minister goes.

Q.—I suppose the Minister does not time himself by your coming and going? A.—No, but I time myself by his.

Q.—He is frequently there when you are absent? A.—No, I am always there when he is there.

Q.—Would you swear the he is never there when you are absent? A.—“Never,” no.

Q.—That must necessarily occur from time to time? A.—I don't remember any occasion when it did.

Q.—That must necessarily occur from time to time that he is there when you are not? A.—It might occur.

Q.—And, I suppose, Mr. Gamey and Sullivan might have seen him then without your knowing about it? A.—If they saw him when I was in the office, I was referring to the time when I was in the office.

Q.—You say that it was on the 10th of September that this letter was dictated to you? A.—This letter, yes, sir.

Q.—And, I think, you told us the time? A.—Yes, sir.

Q.—What time was it? A.—Between half-past 11 and a quarter to 12.

Q.—Where was it dictated to you, in Mr. Stratton's private room or in the public room? A.—In the private room.

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Q.—He called you in, did he? A.—Yes.

Q.—And dictated it, and then you went out to your own room and ran it off on the typewriter? A.—Yes.

Q.—Who was present with Mr. Stratton when he dictated that letter to you? A.—Mr. W. J. Boland.

Q.—Was he in at the time the Minister called you in? A.—Yes.

Q.—Do you know if they had been discussing the subject matter of the letter before you went in? A.—I don't know.

Q.—At all events, Mr. Boland did not get up to leave after you were called in? A.—No, sir.

Q.—Did any conversation take place between Mr. Boland and the Minister while you were present? A.—No, sir.

Q.—Did Mr. Boland make any remark? A.—No, sir, not when he was dictating the letter.

Q.—Nothing whatever said? A.—No, sir.

Q.—Was any one else present besides Mr. Boland? A.—No, sir.

Q.—Was he simply whispering this dictation to you, or was it in his ordinary tone of voice? A.—His ordinary tone of voice.

Q.—So Mr. Boland heard everything that was dictated to you? A.—I have no doubt he did.

Q.—And you did not, in your mind, connect Mr. Boland with the subject matter of that interview? A.—No, I cannot say that I did.

Q.—It did not occur to you that probably they had been discussing the matter? A.—Oh, I cannot tell what they had been discussing.

Q.—And did Mr. Stratton make any remark outside of this dictation, any statement to you? A.—No, sir, he never does.

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He does not make any statements to me.

Q.—I am not speaking of what he does not do? A.—He did not.

Q.—He did not on that occasion. Was Mr. Boland there when you handed the letter to him? A.—Yes, sir.

Q.—How long did it take you to run off that typewritten letter? A.—Four or five minutes.

Q.—Would it not take a little more than that? A.—No, sir.

Q.—I thought you were worrying about the time and about getting to lunch? A.—Well, when he told me to do it before I went to lunch, I looked to see if I had time.

Q.—And it was then half-past 11? A.—No, it was after half-past 11.

Q.—When you handed it back, did Mr. Stratton make any remarks? A.—I laid it down in front of him and he read it over.

Q.—And then called your attention to a particular passage, asked you to interline two or three or four words? A.—Yes, sir.

Q.—Then you went out to your type-writing machine, interlined these words and then handed it to him? A.—Yes.

Q.—Was Mr. Boland still there then? A.—Yes.

Q.—And then what did he say to you when you handed it in in the completed shape? A.—He did not say anything to me and I went to lunch.

Q.—And Mr. Boland and he were still there? A.—Yes.

Q.—So, we have an instance when Mr. Frank Sullivan or anyone might have come in to see him when you were at lunch? A.—Yes, but this is in September.

Q.—Now, the next morning you say Mr. Stratton went down town early? A.—Yes.

Q.—How early? A.—Around ten o'clock, a quarter-past ten.

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Q.—What time did he return? A.—What time did he get back?

Q.—Yes? A.—Well, he did not come back again until after lunch, in the afternoon. He was late in getting in from lunch.

Q.—You swear to that? A.—Yes.

Q.—You see, you were not private secretary at this time? A.—No, sir, but his going out affected my work.

Q.—Then, you swear that he went down town about a quarter-past ten in the morning, and did not come back until after lunch? A.—Yes, sir.

Q.—What time did you go to lunch? A.—Just before a quarter to 12.

Q.—And came back when? A.—I was a little late in getting back that day. I guess it was maybe 20 minutes after one.

Q.—Do you pledge your oath that between a quarter to 12 and twenty minutes after 1 that day Mr. Stratton was not in the office? A.—Well, I was out of it.

Q.—You say he could not have been there? A.—No, sir. I don't know what happened when I was out of the office. I know when he came back.

Q.—So that you are not in a position to pledge your oath that he was not there between a quarter to 12 and 20 minutes past one? A.—I don't know anything about it. I can only tell you what happened when I am in the office.

Q.—But you make very broad statements, unless you are pinned down to specific matters.

Mr. Johnston: Oh, no, he does not.

Mr. Ritchie: How do you know what time he came back that afternoon? A.—He was late getting back from lunch. I remember that.

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Q.—Well, what time? A.—Oh, it would be nearly three o'clock, I guess.

Q.—Now, do you tell us that you could go over the whole month of September just the hours that Mr. Stratton came and went, what hours he departed from the Building? A.—Oh, no.

Q.—Then, why is it you are enabled to swear so positively about the 9th or 10th or 11th? A.—If you give me anything that has occurred and ask me to give you the particulars of it, I could do it.

Q.—There is nothing occurring about this, at all. You simply state that on the 11th he went down; there was nothing done on the 11th, except to go down town in the morning and come back at a certain hour? A.—I remember that.

Q.—Take the 12th. What time did he go out in the morning? A.—On the 12th, what day was that, Friday?

Q.—Yes, it does not make any difference what day of the week it is, because you are only reasoning from what may usually happen. I am asking from independent recollection? A.—I don't think he went out on Friday, not until the afternoon.

Q.—Will you swear he did not go out on the morning of Friday? A.—To the best of my recollection.

Q.—Will you swear positively he did not go out? A.—Yes, sir, to the best of my recollection.

Q.—Will you swear he did not go out in the afternoon? A.—I will swear he went out late in the afternoon.

Q.—At what time? A.—About a quarter to five.

Q.—He was not out before that? A.—No, sir.

Q.—You swear to that? A.—To the best of my recollection he was not.

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Q.—Now, we will take the following Tuesday; did he go down town on the following Tuesday? A.—Yes, sir. He went down town in the morning on the following Tuesday.

Q.—What is there to fix that in your mind? A.—Well, that is the day he goes down to the bank.

Q.—You are only reasoning. I am asking your independent recollection. A.—I am not reasoning. I remember that he did go that day.

Q.—What time did he go? A.—About 12 o'clock.

Q.—And you say that because that is the time he usually goes to the bank, is it? A.—Well, that is why I say it is that time, but that is not why I say he went. I remember he did go.

Q.—And can you tell us the exact time he went? A.—No, not from recollection.

Q.—On Wednesday, the following day, did he go down town? A.—I don't remember.

Q.—The following Thursday? A.—I don't remember.

Q.—I thought you had undertaken a very big contract if you were going to tell us the times he came and left the office spread over a period of seven months? A.—I fix these things in my mind.

Q.—What led you to fix these particular dates in your mind? Did anything unusual occur on the 11th? A.—Anything unusual?

Q.—Yes, in the running of your office? A.—No, nothing unusual.

Q.—Nothing occurred on that day that would impress this upon you? A.—It was rather unusual for the Minister to be-

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out that length of time.

Q.—Do you keep tab on him when he is away? A.—Oh, well, it affects the day's work.

Q.—What led you, in running your mind back, to the 11th of September? A.—Well, I remember what happened that week, it was the first week I got back.

Q.—I thought you got back the week before? A.—The first week I got back to work.

Q.—I thought you got back a week before? A.—So I had from my holidays.

Q.—So that this is the second week? A.—Not the second week I was working.

Q.—I asked you if you got back on the 9th, and you said the week before. A.—You asked me if I got back from my holidays on the 9th.

Q.—What time did you get back? A.—Well, I told you on Wednesday or Thursday the week before.

Q.—Well, then; did you do any work the week before? A.—No, sir; not in the office.

Q.—You did not go to the office on the Wednesday, Thursday, Friday or Saturday? A.—I was up on Friday.

Q.—Was that the only day that you were there? A.—That I remember, yes.

Q.—Then you have no better means of fixing the time that Mr. Stratton went out and came back to the office for any period during the last six months except that you say this was the first week after you got back from your holidays? A.—That is one reason why I remember it.

Q.—There was nothing unusual happened during that week com-

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mencing the 8th or 9th of September? A.—Oh, no; not in itself.

Q.—Nothing unusual that would lead you to pay particular attention to his incomings? A.—If anything happened that would draw my attention to any other week, I could tell you about it, I think.

Q.—Can you tell us anything that happened in any other week? A.—No.

Q.—Tell us the time Mr. Boland came into the office on the 10th of September? A.—I don't remember what time he came in. He was in during the morning.

Q.—You have not thought over that, have you? A.—Have not thought over it? Well, to the best of my recollection he was in 20 minutes or so, but I don't remember.

Q.—I am asking you the time he came in. A.—Twenty minutes or so, 15 or 20 minutes before I went in there.

Q.—Do you recollect his coming in? A.—No, that is why I am not swearing to it positively.

Q.—Did he go into Mr. Stratton's office through the private entrance? A.—No, sir; I don't know, but I don't think so. I don't think he would go in that way. I paid no attention to visitors then. I had nothing to do with them.

Q.—Did you know he was in Mr. Stratton's room; did Mr. Stratton call you in to dictate? A.—Yes, I knew he was in there.

Q.—How long had he been there? A.—Well, as I tell you, my idea is that he was in 15 or 20 minutes.

Q.—Fifteen or twenty minutes in conversation with Mr. Boland before

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you were called in? A.—Yes.

Q.—And you have already told us that when you went away you left Mr. Boland and Mr. Stratton together? A.—Yes, sir.

Q.—Now you said that Stratton went down town on the morning of the 11th, do you know where he went to? A.—No, sir; I do not.

Q.—Did he tell you after he came back where he had been? A.—No, sir; I don't think so; I don't remember that he did.

Q.—Did he come back before you went to lunch? A.—He went out that morning with Mr. Boland.

The Chancellor: That is the 11th? A.—Yes, sir.

Mr. Ritchie: Well, then, Mr. Boland was also there on the 11th? A.—Mr. Boland and he went out together.

Q.—On the 11th? A.—Yes, sir.

Q.—What time did Mr. Boland get there on the 11th? A.—It would be sometime around 10 o'clock.

Q.—How long after you got there? A.—Oh, about an hour, I suppose; I am not fixing it to 15 minutes.

Q.—I do not expect you to be able to fix it within 10 or 15 minutes. A.—There was not anything to fix it.

Q.—Then what door did Mr. Boland go in on the 11th? A.—He was not in Mr. Stratton's office I don't think on the 11th. He came to our office; this is just my impression.

Q.—I don't want impressions. I want the facts, what you know, what you saw. A.—He waited around our office on the 11th until the Minister came out.

Q.—He waited around your office? A.—My room.

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Q.—Why did he not go in? A.—The messenger told him he was there and he came right out.

Q.—Had anyone been with the Minister before that morning? A.—I don't remember.

Q.—You don't remember whether any person had been in to see him or not. Then on the 11th Mr. Boland came and asked for him and Mr. Stratton came out? A.—Yes, sir.

Q.—Did they appear to have an appointment for that morning? A.—That was my idea, yes, they did not tell me that, though.

Q.—And the moment Mr. Stratton heard that Mr. Boland was there he came out dressed ready to leave the buildings? A.—Yes, sir.

Q.—Had his hat on ready to go out? A.—Yes, sir.

Q.—Do you recollect what time he got back on the 11th? A.—Well, I told you he was not back until after lunch.

Q.—You did not see him at all events? A.—No, sir.

Q.—Was Mr. Boland there a second time on the 11th? A.—I did not see Mr. Boland after that.

Q.—Do you swear he was not back there with the Minister? A.—Oh, no, he was not there that I saw.

Q.—But he might have been back there with the Minister? A.—When I was out.

Q.—Had you frequently see Mr. Boland there before that day? A.—Oh, yes, quite frequently.

Q.—What was the day next preceding the 10th that he was there? A.—Well, you see, I was not there myself, I don't

know. I was not there for a month before that, three weeks or a month.

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Q.—What was the next day he was there after the 11th? A.—Well, he was in sometime the next week, I don't remember what date. He is in quite frequently.

Q.—But you could not fix the day he was next there, could you? A.—Well, it was the end of the week, it would be Wednesday or Thursday?

Q.—On Friday? A.—Perhaps Friday.

Q.—You could not pretend to say which day? A.—Not from my present memory, no, sir.

Q.—Could you say the time of the day he was there? A.—Just about noon, just before noon.

Q.—Did Mr. Stratton go out with him on that occasion? A.—Well, they were there when I went to lunch.

Q.—You left him there?

A.—The Chancellor: Which day is that? A.—The next week.

Mr. Ritchie: I am just testing his memory as to whether he could tell. Now, will you tell me what business you transacted with Mr. Stratton on the 11th? A.—We did not do very much in the office on the 11th.

Q.—Did you transact any business with him at all? A.—Yes, we had a letter or two before Mr. Boland came in in the morning.

Q.—Can you recollect what they were? A.—No, general letters, I don't know what they were.

Q.—Can you tell us now of any letter, refer particularly to any letter that you wrote on the 10th or on the 11th? A.—No, not without seeing the letter.

Q.—You have no recollection then? A.—No, sir.

Q.—Nor upon the 12th? A.—No, sir.

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Q.—And you cannot tell us of any business you transacted on any of these days except writing out this particular letter that Mr. Stratton dictated to you? A.—You have not shown me any other letters.

Q.—I know I have not, but you have no recollection of any other letter? A.—No, I have not.

Q.—You could not specify any other? A.—No, we have quite a considerable correspondence.

Q.—Now, you have told us about Mr. Gamey's visit there upon the 23rd of October. When did you next see him? A.—After the 23rd of October?

Q.—Yes. A.—On the 13th of January.

Q.—How do you come to fix that date? A.—Well, I don't fix the date to the 13th. I suppose it was that date.

Q.—Where did you get that date from? A.—Mr. Gamey says it was the 13th.

Q.—What did he go there to discuss? A.—I don't know what he came to discuss. I only know a little of what he did discuss after he got there.

Q.—What did he discuss? A.—He was referring to the lock-up keeper at, I think, Little Current. I am not sure.

Q.—Was that discussion with you? A.—No, sir.

Q.—Who was it with? A.—Mr. Stratton.

Q.—He came in, you say, and shook hands with you and called you by name? A.—Not on the 13th of January, no.

Q.—That was on the 23rd of October. He called you by name, although you say he never saw you before, as far as you know? A.—As far as I know.

Q.—Nobody else in the room when he went it? A.—On which occasion?

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Q.—The 23rd of October? A.—Costello was there.

Q.—Just the two of you? A.—And the stenographer.

Q.—A lady stenographer? A.—Yes, sir.

Q.—Then in January who were present when he went into the room? A.—In January? Costello was there and the stenographer and myself.

Q.—He asked if Mr. Stratton was in. Was Mr. Stratton disengaged at the time? A.—No, I think not. I don't think he had come in. I am not sure as to that.

Q.—What time of the day on the 13th of January was it? A.—Just about half-past nine.

Q.—Then did you tell him to sit down and wait until the Minister should come? A.—No, he did not speak to me that day. He spoke to the messenger, Costello.

Q.—You heard what he said to the messenger? A.—Oh, he asked him if he was in. I don't remember his words. I don't remember what the conversation was when he spoke to Costello. I did not pay attention.

Q.—The answer probably was that he was not in? A.—Yes.

Q.—Then did he sit down and wait? A.—No, he stood up.

Q.—Waited for how long? A.—In our office? About 20 or 25 minutes.

Q.—He was waiting for the arrival of Mr. Stratton? A.—Oh, not all that time. There was somebody with Mr. Stratton part of it, and he was waiting until he came out.

Q.—I thought you said Mr. Stratton was not there when Mr. Gamey went there first? A.—I don't think he was.

Q.—Now, did Mr. Stratton come in, through your room or through the private door?

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A.—He came in through the private door.

Q.—Was anyone with him? A.—On that occasion?

Q.—Yes, when he came in? A.—No, sir.

Q.—And there was no one waiting for him except Gamey? A.—No, Mr. Vance was there.

Q.—Who was in there first, Vance or Gamey? A.—I don't know, I don't remember that.

Q.—You remember Vance coming in? A.—I remember Vance and he, speaking to each other just after Gamey came in.

Q.—Vance and who? A.—Mr. Gamey.

Q.—Vance and Mr. Gamey speaking together? A.—Yes.

Q.—Did Mr. Gamey know Mr. Vance? A.—Apparently. My impression is that Mr. Vance was there first, but I cannot swear positively. He may not have been. He may have come in just after.

Q.—If Mr. Gamey came in first, in the ordinary course of business, he would be introduced to the Minister first, would he not? A.—Oh, I suppose so?

Q.—And did Mr. Vance take the entre and was he able to get in? A.—No, very likely Mr. Vance was there first.

Q.—You knew Mr. Vance very well? A.—I knew him.

Q.—When was he there before that day? A.—I don't remember.

Q.—He is there quite frequently? A.—Oh, no.

Q.—You have seen him a considerable number of times? A.—Since I have been there, that is, in three years?

Q.—You have seen him with Mr. Stratton? A.—Yes.

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Q.—Quite frequently. Then how long did Mr. Vance stay in with Mr. Stratton? A.—About 20 minutes.

Q.—Do you know how long they were together, Vance and Stratton, on that occasion? A.—About 20 minutes.

Q.—So then Mr. Gamey had to wait that 20 minutes before seeing Mr. Stratton? A.—Yes.

Q.—And how long had he been waiting before Stratton came in? A.—Oh, not more than a minute or two.

Q.—That is certainly not the impression I got from you before. I thought Mr. Gamey was there some time before Mr. Stratton came in. A.—You misunderstood me then.

Q.—Now, what you say is, that Mr. Gamey came in about half-past 9 and

that within a minute or two afterwards Mr. Stratton came in? A.—Yes, sir.

Q.—Nobody with him? A.—Nobody with him that I remember.

Q.—And you are not sure whether Vance came in before Gamey or not? A.—No, I am not quite sure. I was writing a letter at the time.

Q.—But you do know that Vance had about 20 minutes' interview with Stratton before Mr. Gamey was admitted? A.—Yes.

Q.—Then when Mr. Gamey went in what was done, did he go in alone? A.—Well, I went in immediately after.

Q.—Did he go in alone? A.—Yes.

Q.—You went in afterwards? A.—Right after.

Q.—For what purpose? A.—The Minister rang for me. He rang for me before Mr. Gamey got in there. He rang for me just after Mr. Vance came out, and Costello showed Gamey in as Mr. Vance came out, and the Minister had rung for me for the correspondence in the meantime.

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Q.—What did you do when you went in? A.—I laid the correspondence on the desk and waited to see if he was going to take it, and he was talking with Mr. Gamey.

Q.—And the talk was about what? A.—This lock-up keeper.

Q.—Up where? A.—Little Current, I think.

Q.—Do you recollect the name of the man? A.—No, I don't recollect that. I don't know whether it was mentioned or not.

Q.—Anything else discussed than that? A.—Not while I was there, because they rang for Dr. Chamberlain before I came out.

Q.—When did you come out? A.—There I saw that he was not going on with the correspondence.

Q.—Who is Dr. Chamberlain? A.—The Inspector of Jails.

Q.—And you say nothing was said except about this lock-up business? A.—Nothing whatever.

Q.—Then did you wait after Dr. Chamberlain came in? A.—No, I stood up after Mr. Chamberlain came in, and looked at the Minister, and I saw he was not going on with the correspondence, and I came out.

Q.—What interval between the time Mr. Gamey went in and Dr. Chamberlain coming in? A.—About five minutes, not more than five minutes.

Q.—Then who came out first, Gamey or Chamberlain? A.—Mr. Gamey.

Q.—How long before? A.—Oh, the Doctor was in quite a few minutes, perhaps 5 or 10, perhaps 10 minutes.

Q.—And what time was it Mr. Gamey went out, what time of the

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day? A.—That would make it nearly half-past 10.

Q.—It would make it, I thought you were going to give us your independent recollection? A.—It would be about half-past ten.

Q.—Did Mr. Stratton go down town that morning? A.—The morning of the 13th of January?

Q.—Yes? A.—I don't remember whether he did that morning.

Q.—Where was he on the afternoon of the 13th? A.—Thirteenth of January, I don't know.

Q.—You do not remember? A.—No, sir.

Q.—What time did you leave for your lunch on that day? A.—What day of the week was it?

Q.—Oh, you are going to reason from that, are you? A.—No, I cannot tell you. It would be when the Minister went. I waited for the Minister, but I cannot tell you when it was.

Q.—What time was your lunch hour after you became secretary? A.—I waited until the Minister went.

Q.—You had some fixed time? A.—No, no fixed time, he generally left 15 or 20 minutes after one, and I left then, sometimes a little later.

Q.—How long did you take for your lunch hour? A.—About half an hour or 40 minutes.

Q.—Before that time you took an hour and a quarter, when you were stenographer? A.—Yes, sir.

Q.—But after that time it was only 30 or 40 minutes? A.—Yes, I had not any permanent stenographer to assist me, and I had to be there myself.

Q.—Mr. Stratton took his lunch in the Building I suppose? A.—Yes.

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Q.—How long did he take for his lunch? A.—Well, he was always away for an hour or more.

Q.—Some cases in which he was back inside of half an hour? A.—I don't remember any occasion of his coming back in half an hour.

Q.—He has frequently got back before you got back from your lunch? A.—No, very seldom.

Q.—But he has on occasions? A.—He has.

Q.—Now, let us go back a little. On the 27th of December where was Mr. Stratton? A.—I don't remember.

Q.—If I told you the day of the week would that help you? I am giving you a starting point. That is only two days after Christmas. A.—Well, I don't remember between Christmas and New Years. I think he was in the office, though.

Q.—What day of the week was Christmas on? A.—I am not sure, but I think it was Wednesday.

Q.—Take the day following Christmas, the 26th, where was Mr. Stratton? A.—Either the day after Christmas or the day after New Year's, I don't remember which, he came up from Peterborough.

Q.—That is a great break, a whole week? A.—I cannot tell you any closer than that.

Q.—Oh, come, with the marvellous memory you have got, I am giving you a nice starting point, Christmas day, where was he the day after Christmas? A.—I cannot tell you.

Q.—Where was he the second day after Christmas? A.—I cannot tell you.

Q.—The third, fourth, fifth, sixth? A.—On the seventh day after he was home. The seventh and eighth he was home.

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Q.—Then, was he absent from the office the whole of that week? A.—I don't remember.

Q.—Do you pledge your oath you do not remember whether Mr. Stratton was absent from the office during the whole of the week between Christmas and New Year's? A.—I don't remember at all.

Q.—Do you remember whether you saw him during that interval of time? A.—No, I have no recollection.

Q.—You have no recollection of what occurred so recently as last Christmas? You have not the slightest recollection of whether he was in the office that whole week or not? A.—I have not any at all. If you tell me something that happened then, perhaps I can tell you where he was.

Q.—Surely you can get your mind back to the Christmas week. You pledge your oath now that you don't know where he was? A.—I do.

Q.—Whether in the office or not? A.—I do.

Q.—And you have no recollection of his coming or going during that week? A.—No.

Q.—None whatever? You say the day after New Year's you know something about his movements? A.—No, I said either the day after Christmas or the day after New Year's, he came up from Peterborough the next morning.

Q.—What day of the week was it? A.—I don't remember. The day after.

Q.—Where was he the second day after New Year's? A.—I cannot tell you.

Q.—The third, the fourth? A.—I cannot tell you.

Q.—The fifth, is there something that is going to brighten

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you up there? A.—I can tell you where he was the seventh day after New Years.

Q.—You seem to have singular lapses of memory, by the week. You cannot tell where he was between Christmas and New Years or between the 1st and 7th of January? A.—Yes, I can tell you where he was in January.

Q.—Where on the 2nd of January? A.—I don't know that it was the 2nd, I know he was up in Perth addressing a meeting or two between the 1st and 7th.

Q.—Was he in his Department between the 2nd and 6th of January? A.—I cannot tell you that. He was not in it on the 4th and 5th, I remember that.

Q.—Why does your memory lapse just there? Was he there on the 6th of January? A.—Well I have not thought about it.

Q.—I am asking you now where he was on the 6th of January? A.—Well, I think it was on the 6th he came back.

Q.—From the election contest? A.—Yes, sir.

Q.—Where was he on the 8th of January? A.—I don't remember. He was in the office all day on the 7th.

Q.—That is a memorable day, very much more important to you than Christmas or New Years? That was the day of the bye-elections, the 7th? A.—It was.

Q.—And you know he was there that day? A.—I know he was there that day.

Q.—Can you tell me where he was during February, for the first week of February, first, second, third or fourth? A.—I cannot tell you the first week in February; no.

Q.—Any day? A.—In February?

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Q.—Yes. A.—I remember he was in the office.

Q.—No day in the first week in February? A.—No, sir.

Q.—Cannot tell whether he was in the buildings or not? A.—I don't remember.

Q.—Do you remember any work that you did in your Department during the first week in February? A.—Not at present.

Q.—Do you recollect any visitors to Mr. Stratton during the first week of February? A.—No.

Q.—Now, let me take you in March. Take the first week in March. Where was he during that week? A.—He was in the office.

Q.—Every day was he? A.—As far as I remember.

Q.—Will you swear he was? A.—No.

Q.—Can you tell us what time he came and what time he left each day? A.—Not offhand.

Q.—Could not pretend to do it? A.—Not just at present.

Q.—Tell us where he was the first week of April? A.—I cannot tell now, I could I have no doubt.

Q.—I am not hurrying you. You cannot think? A.—No.

Q.—Can you tell us where he was any day of the first week of April? A.—I don't remember when April started or what day of the week it was or anything.

Q.—Take the first Monday if you will? A.—What date in April was the first Monday?

Q.—It does not make any difference, you only want the day of the week, and I am giving you Monday? A.—I cannot tell you.

Q.—The first Tuesday? A.—I cannot tell you.

Q.—The first Wednesday? A.—I don't remember.

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Q.—Then, I suppose there is no use my taking up time going over the second and third week in April, you cannot tell where he was? A.—Yes, I can. This year?

Q.—Yes, I am speaking of this year? A.—Well, he has been here from the 13th.

Q.—Around this court from the 13th? A.—Yes.

Q.—Then we will take the second week in April. Where was he then? A.—He was in the office all the time.

Q.—Will you swear to that? A.—Yes, sir.

Q.—You will swear that the second week of April he was in the office all the time? A.—Yes, sir.

Q.—No doubt about that, now? A.—No, sir; that is right as far as I recollect.

Q.—On Monday of the second week where was he? A.—Well, I cannot tell you between one Sunday and another. There was one Sunday he went home and another he did not.

Q.—What visitors did he have on the second Monday in April? A.—I cannot tell you.

Q.—If I take you through the second week in April you cannot tell what times he came to the office and what times he left? A.—Not asking me like this I cannot.

Q.—Not, say, in October last? On the 7th of October where was he? A.—I don't know. If you tell me anything that happened then I can tell you.

Q.—The 8th, 9th, or 10th? A.—Not that I remember.

Q.—Take from the second to the 17th? A.—On the 2nd of October he left for Halifax, no, the 3rd of October he left for Halifax on the evening train.

Q.—Do you know how long he was away? A.—Until a week from the next Monday.

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Q.—Where was he the week after he got back from Halifax? Do you recollect? A.—No, I cannot think.

Q.—Now, let us follow up the next time you saw Gamey. Who was with him in Halifax, do you know? A.—I don't know who he went with.

Q.—Do you know that Mr. Boland was with him? A.—I think he was, but I am not sure. I don't know whether he was or not.

Q.—Is there a bell from Mr. Stratton's office to Mr. Chamberlain's office? A.—Yes, sir.

Q.—You are sure of that? A.—Quite sure.

Q.—Was there a bell in the month of September and October last? A.—There was not before October.

Q.—Was there a bell at that time that Mr. Chamberlain and Mr. Gamey were in Stratton's room together? A.—In January, yes sir.

Q.—Was there not a man sent from the outer office, was not Costello sent for Mr. Chamberlain? A.—Sent for him, no sir.

Q.—You swear to that that he was not sent for him? A.—Yes, sir.

Q.—Now, then, the next interview you had after the 13th of January was on what date? A.—The next time I saw Mr. Gamey?

Q.—Yes. A.—It was the day he gave The Globe interview.

Q.—What day of the week was that? A.—Thursday, I think.

Q.—What day of the month, do you remember that? A.—The 29th.

Q.—Thursday, the 29th, what time did you first see him that day? A.—Mr. Gamey?

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Q.—Yes? A.—After lunch. About a little after two.

Q.—Had any one come in with him? A.—No, sir.

Q.—Did he come into your office first? A.—Yes, sir.

Q.—Asked for Mr. Stratton? A.—He asked Costello.

Q.—Was Mr. Stratton in? A.—Yes, he was.

Q.—Was he ushered in at once into his room? A.—I think so.

Q.—Or had Mr. Stratton any person there in conference with him? A.—I don't remember, he went in almost immediately.

Q.—Do you pledge your oath that Mr. Gamey had telephoned you the day before? A.—Yes, sir.

Q.—Because he instructs me that he did not? A.—He did.

Q.—Do you know his voice? A.—Well, yes.

Q.—Did you hear Mr. Sullivan's evidence? A.—I did, most of it.

Q.—Do you recollect his stating that he telephoned you? A.—He did not—no, I remember him saying he telephoned the office.

Q.—Did you know Mr. Gamey's voice, or could you tell if it was Mr. Gamey's or Mr. Sullivan's voice? A.—He said it was Mr. Gamey.

Q.—I suppose he wanted to know what time Mr. Gamey could meet Mr. Stratton? A.—No, he said it was Mr. Gamey speaking.

Q.—But you don't know it was him? A.—Not enough to swear, but I think it was him, I believe it was him.

Q.—You heard Sullivan say he telephoned? A.—I heard that.

Q.—He says that he telephoned you from the Public Works

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Department at the buildings? A.—He did not telephone me. He did not say he telephoned me.

Q.—Who did he telephone to? A.—Any one in the office would answer the phone, or might answer it.

Q.—Did you hear him say that he telephoned to Mr. Gamey that Mr. Stratton would see him at 2.15? You heard Mr. Sullivan swear to that? A.—I heard his evidence, I don't remember all the particulars of it.

Q.—And he said he telephoned from the Public Works Department at the Parliament Buildings? A.—He may.

Q.—So it may well be that Mr. Sullivan telephoned you, instead of Mr. Gamey? A.—No, not unless Mr. Sullivan said he was Mr. Gamey.

Q.—I suppose Mr. Sullivan could say that. It may well be that Mr. Sullivan telephoned you in Mr. Gamey's name? A.—I don't think it was.

Q.—You show how frank you are. You don't know his voice? A.—I have heard Mr. Gamey's voice. I had no doubt at the time he was speaking.

Q.—You know Mr. Gamey's voice over the telephone? A.—I think it was his voice.

Q.—Did you know his voice? A.—I would know his voice.

Q.—Over the telephone? A.—I think so.

Q.—How often had you spoken to him before this? A.—On two occasions. I had no doubt when he said it was him that it was him.

Q.—I am not asking you what you thought then, but what you think now, in the light of what you heard Sullivan say? A.—Well, in the light of what Sullivan said, I still think it was Mr. Gamey.

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Q.—Where did the telephone message come from? A.—I don't know.

Q.—He did not say? A.—No.

Q.—Do you know Frank Sullivan's voice over the telephone? A.—Oh, I know Sullivan's voice.

Q.—How often have you spoken to him? A.—Five or six times, I suppose.

Q.—And you are able to pledge your oath that it was not Frank Sullivan that telephoned you? A.—I don't think it was Frank Sullivan.

Mr. Johnston: My learned friend is quite in error. My learned friend should be more careful in what he says. Mr. Gamey and Mr. Sullivan both swear, Mr. Gamey said, "I think I made the appointment myself."

The Chancellor: You have both Sullivan and Gamey claiming to have made the appointment and this man says the voice seemed to be Gamey's.

Mr. Ritchie: I do not recollect what Mr. Gamey said, but what I have read to the witness, and my learned friend should hesitate before he says anything was done unfairly.

Mr. Blake: That which has been given is not on the same date at all, it is the 13th of January and not this date at all.

Mr. Ritchie: At all events I was not referring to Gamey, because I have not present to my mind what Mr. Gamey said on that subject, but Frank Sullivan says, as I read to you, "Did you on that day telephone to Mr. Gamey that Mr. Stratton would see him at 2.15? A. Yes." A.—Oh, well, I didn't say anything about any date to whoever telephoned.

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Q.—This is the date we are referring to about the Globe interview. In the afternoon he said he had an interview. He said: "I have an interview written out for The Globe." He said something that he wanted to make some corrections in it. Then he goes on to speak of how the appointment was made. Now, do you know what time the appointment was made for Mr. Gamey? A.—No, sir, I do not.

Q.—Then do you pledge your oath from what you know of Frank Sullivan's voice, you thought he was the person

who telephoned you? A.—I don't think he was. That Frank Sullivan was.

Q.—Yes, will you pledge your oath that he was not the person who telephoned you? A.—I will say I don't think it was.

Q.—Will you pledge your oath to it? A.—That is all I say, no more than to the best of my recollection.

Q.—Do you pledge your oath that you know their voices sufficiently well to say who is speaking over the telephone? A.—I know the voice of either one sufficiently to say that when he said it was Mr. Gamey I thought it was.

Q.—Are you giving your evidence fairly? A.—I am giving you the best answer I can, to the best of my ability.

Q.—I don't think so. A.—Yes, sir.

Q.—I suppose you know Frank Sullivan could say he was Mr. Gamey? A.—Oh, I had no idea of Sullivan in my mind at all.

Q.—I am not speaking of what you had in your mind; I am assuming that you believed that it was Mr. Gamey speaking to

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you, but when I call your attention to the fact that Mr. Sullivan telephoned the appointment to Mr. Gamey, and Gamey says he did not telephone you, I ask you, in view of that, are you prepared to swear that it was Gamey who was telephoning you? A.—I still believe it was Mr. Gamey.

The Chancellor: He believes it. He does not know the fact.

Mr. Ritchie: It is only important as showing the way he gives it.

The Chancellor: He has given it fairly and fully several times in the same way. It does not make it any better to repeat it. He believes it was Gamey, although it may not have been Gamey.

Mr. Ritchie: Now, Sullivan says at page 1347, "Mr. Gamey asked me, either the night before or that morning when I saw him, to telephone Mr. Stratton's office, and find out when Mr. Stratton would be in." His answer is, "I telephoned that morning sometime, and, I think, Mr. Myers answered the 'phone. One of the folks there." A.—Who is this, Sullivan saying this?

Q.—Yes, that he telephoned, and he thought it was you who answered the 'phone. Now, have you any recollection of any person telephoning you about this appointment, if Mr. Gamey did not telephone you? A.—About Mr. Gamey's appointment?

Q.—Yes? A.—No, sir.

Q.—You did not have a conversation over the 'phone with anybody as to making an appointment for a meeting between Gamey and Stratton? A.—No, sir.

Mr. Johnston: The witness is speaking about a different occasion.

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Mr. Ritchie: I understand you are speaking about the occasion of the Globe interview? A.—I am speaking of the day before the Globe interview.

Q.—The 28th of January, so that our minds are at one on that. A.—That is the time I am referring to.

Q.—And that is the time Mr. Sullivan is referring to? A.—I don't know the time he is referring to.

Q.—Is not that the only occasion when, so far as you know, any fixed hour was appointed for an interview between Mr. Gamey and Mr. Stratton? A.—I don't know that any fixed hour was appointed then.

Q.—After Mr. Gamey telephoned, if he did, did you enquire of Mr. Stratton? A.—No, I told him Mr. Gamey was at the 'phone and wanted an appointment and asked him if he would speak to him.

Q.—Did you hear him speaking to him? A.—No, I just opened the door and told him and went away.

Q.—You did not hear any conversation at all? A.—No, sir.

The Chancellor: I do not suppose we can finish this evening. We will adjourn now.

(At 4 p.m. adjourned to 10 a.m. on Friday, the 1st day of May, 1903).

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SIXTEENTH DAY.

May 1st, 1903, 10 a.m.

Elgin C. Myers. Cross-examination continued by Mr. Ritchie:

Q.—I was asking you when we adjourned last evening about an interview that you had with Mr. Gamey on the 29th of January. You said you first saw him on that day I think about two o'clock? A.—About two o'clock.

Q.—And you saw him at the buildings then? A.—Yes, sir.

Q.—What conversation did you have with him? Did you have any? A.—I went into the Minister's room when he was there.

Q.—But he came in through your room, I suppose, to get to the Minister's room? A.—Yes.

Q.—What did he say to you when he went in? A.—It was to Costello he spoke when he came in.

Q.—Did he speak to you before he went into Mr. Stratton's room? A.—No.

Q.—Did you know the object of his visit at that time? A.—Yes.

Q.—How did you know it? A.—Well, I had written this interview.

Q.—You had written this interview before that. How long before that had you completed it? A.—I had written it on the 28th.

Q.—And given it to Mr. Stratton on the 28th? A.—Yes.

Q.—Did you take it down from manuscript, or dictation? A.—I copied it from manuscript.

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Q.—In whose handwriting was the manuscript? A.—It was dictated by Mr. Stratton to one of his clerks from Peterborough—he quite often comes up—Yokome.

Q.—It was dictated to Mr. Yokome? A.—It was given to him. I do not know how.

Q.—If it was dictated I suppose it would be typewritten afterwards? A.—I do not know how he gave it to Mr. Yokome.

Q.—Was it typewritten matter that you had, or manuscript? A.—It was manuscript.

Q.—And it was in the handwriting of some clerk of Mr. Stratton's? A.—Yes, he had been there for some days. He quite frequently comes down.

Q.—Not a clerk in the employ of the Department? A.—No, one of his private clerks in his office at Peterborough. When we are unusually busy he often comes up to do Mr. Stratton's work.

Q.—Now, where is that manuscript? A.—Oh, that is destroyed.

Q.—Did you destroy it? A.—Yes.

Q.—When? A.—At the time I read it. I never keep manuscript.

Q.—Just after you wrote it you say you destroyed it? A.—Yes, sir.

Q.—After you ran it off on the typewriter? A.—Yes.

Q.—Then did you see that from the time you gave it to Mr. Stratton on the 28th—did you see it again that day? A.—No, sir.

Q.—There were no corrections made in it on the 28th? A.—Well when I gave it to him he started to look over

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it, and he said it is not quite right, or you have not got this quite right, I have not time to look over it. I do not think he started to correct it then.

Q.—He did not ask you at that time to make any corrections in it? A.—No.

Q.—Then you supposed when Mr. Gamey got there about two o'clock on the 29th, it was for the purpose of discussing this matter with Mr. Stratton? A.—I suppose it was in connection with that.

Q.—You supposed it was in connection with that. You did not know of any other object he had in view? A.—I did not know anything about it.

Q.—How long was he with Mr. Stratton on this occasion, on the two o'clock visit? A.—Maybe twenty minutes.

Q.—And did he speak to you as he was going out? A.—Well, I went in to speak to him.

Q.—How did you go in? Did Mr. Stratton call you in? A.—No, Mr. Hammond came.

Q.—Was Mr. Hammond there on that occasion before Mr. Gamey? A.—Yes. I had just returned from lunch

when Mr. Hammond came in, but Mr. Hammond had been there in the morning.

Q.—After your lunch hour was Mr. Hammond there before or after Mr. Gamey. I believe he had been in before, but I do not know.

Q.—Then he came in while Mr. Gamey was closetted with Mr. Stratton? A.—Yes.

Q.—And what did Hammond say to you? A.—Well, he asked me if Mr. Gamey—when he was going to give that interview—if I knew.

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Q.—Did you tell him then that Gamey was closetted with Mr. Stratton? A.—I said he was in with Mr. Stratton then.

Q.—Then did Hammond go into Stratton's room? A.—No. Hammond asked me if he was ready, and I said I do not know. He asked me if I would ask him.

Q.—Then you went into Mr. Stratton's room? A.—Yes, sir.

Q.—And asked Mr. Gamey what? A.—Mr. Gamey was just coming out. I said Hammond was there.

Q.—And what did Gamey reply? A.—He said he was not quite ready to give it—he said that and more.

Q.—He said he was not quite ready. Did Gamey at that time have any paper in his hand? A.—Not that I remember. I do not know.

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Q.—Did Gamey then go out? A.—Well, I came out and talked to Mr. Hammond—I do not remember.

Q.—Do you remember Mr. Gamey going out on that occasion? A.—No, I was talking to Mr. Hammond. He may have passed me.

Q.—You don't recollect whether he did or not? A.—No, I was talking to Mr. Hammond.

Q.—He may have been let out the private door? A.—I do not know.

Q.—You do not know anything about that? Then when did you next see Mr. Gamey on the 29th? A.—In the evening, with the exception of the time I met him in the elevator.

Q.—What time did you meet him in the elevator? A.—Just before 6 o'clock some time.

Q.—Had you been out of the buildings? A.—No, I had just been down stairs.

Q.—Had he been apparently out of the building? A.—I think he had his hat.

Q.—At all events, you were down on what we call the ground floor? A.—Yes, sir.

Q.—And you and he both got into the elevator on the ground floor? A.—Yes, sir.

Q.—And this was about 6 o'clock? A.—Oh, before 6 it would be.

Q.—You said in your examination yesterday it was somewhere about 6? A.—Yes; it was not after 6.

Q.—But it was near 6? A.—Perhaps half-past 5.

Q.—At all events, what did he say to you in the elevator when he met you? Did he ask you if Mr. Stratton was in? A.—No, he said is Council over yet.

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Q.—And you said, no? A.—Yes. Q.—And you got off at the first floor? A.—Yes, sir.

Q.—And he went up to the second floor? A.—He did not get out at the first.

Q.—He went upstairs at all events? Further up in the elevator? A.—Yes.

Q.—And the Public Works Department is on the second floor? A.—Yes.

Q.—Now, how long after you met him in that elevator was it that you saw him in Mr. Stratton's office or in your office? A.—It would be over a half an hour.

Q.—It would be after 6, at all events? A.—Oh, yes, after 6.

Q.—Between 6 and 7? A.—Some time there—about half-past, perhaps.

Q.—And what did he say to you when he came in about half-past 6? A.—He asked me if Mr. Hammond was in. I said Mr. Hammond had been in.

Q.—What next? A.—But he had gone out again, and was coming back.

Q.—Did Gamey then go in to see Mr. Stratton? A.—Yes, sir.

Q.—How long did he remain with Mr. Stratton? A.—About 15 or 20 minutes.

Q.—Then did he go out to your room? A.—He did.

Q.—There was no other person in Mr. Stratton's room at the time

Gamey was there, so far as you know? A.—No.

Q.—And after 15 or 20 minutes he came out to your room. Was Hammond there then? A.—Hammond was there.

Q.—Did you have any conversation with Gamey? A.—When he came out—no—I think not. Hammond spoke

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to him right away.

Q.—Did Hammond and he have any conversation? A.—Yes.

Q.—What was done after the conversation? A.—Well, while they were talking they moved over towards this table in the corner.

Q.—In the corner of your room? A.—Yes, sir.

Q.—And Mr. Gamey sat down? A.—They both sat down.

Q.—And we are told Mr. Gamey made some alterations in the letters? A.—I do not know anything about what he did.

Q.—You did not pay any more attention to them. Then you said yesterday that some one opened the door? A.—Well, I have a recollection that some one opened the door. I saw some one in the door, I do not know who it was. I did not see them plainly enough.

Q.—What time would that be? A.—I am not speaking of the exact time. A.—It was while they were sitting at that table.

Q.—It would be close to 7 o'clock at that time? He came in about half-past 6 and he was 15 or 20 minutes in with Mr. Stratton? A.—I did not fix the time to half-past 6. It was somewhere about that.

Q.—You are not fixing it exactly at 7, but somewhere about 7 o'clock when they sat down to the table? A.—It might not be as late as 7, if he was in before half-past 6. I said about half-past 6.

Q.—If half-past 6 is right and he was 15 or 20 minutes in Mr. Stratton's room? A.—It might have been 20 minutes after 6.

Q.—At all events, it would be between half-past 6 and 7 some time? A.—Some time.

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Q.—And you heard somebody open the door. Did you see a form in the door? A.—The door opens my way. I knew there was some one. The doors opens towards me.

Q.—Apparently somebody opened the door and looked in? A.—Yes, sir.

Q.—You were not curious to find out who that person was? A.—Oh, no, when they went out again I did not.

Q.—Didn't get up to see who was at the door? A.—No; I was standing up. I was filing my letters. I was standing up.

Q.—And you swear you don't know as a matter of fact who it was? A.—No.

Q.—Did you hear who it was? A.—I have heard.

Q.—And whom did you hear it was? A.—I heard it was Frank Sullivan.

Q.—And from whom did you hear it? A.—I heard it here.

Q.—Didn't you hear it before? A.—No, sir.

Q.—You did not hear it before? A.—I read Mr. Gamey's statement. That is all the information I have—what I read in Mr. Gamey's statement, and what I have heard here.

Q.—Then I suppose you heard Mr. Hammond's statement as to who he was there? A.—Yes, sir.

Q.—So that you have no doubt it was Frank Sullivan? A.—Oh, I do not know. I have no idea of it myself.

Q.—Then did you see Mr. Gamey after that? A.—On that occasion?

Q.—Yes, after they had been sitting at the table. How long were they sit-

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ting at the table before Mr. Gamey left the office? A.—Perhaps ten minutes. I cannot tell you the exact time.

Q.—Did any person go out of your office with Mr. Gamey? A.—No, sir.

Q.—Then Mr. Hammond did not go out with him? A.—Well, Mr. Hammond went out into the hall and Mr. Gamey went into the Minister's room.

Q.—Mr. Hammond went out into the corridor? A.—Yes, sir.

Q.—And Gamey went in to the Minister? A.—Yes, sir; Mr. Hammond spoke to me before he went out. He asked me—

Q.—You are speaking of what took place after they had been sitting at the table? A.—Hammond went out for a few minutes. He came back again.

Q.—But you say after they had been sitting there and after apparently Mr. Gamey had signed this interview—you say Gamey went into the Minister's room? A.—Yes.

Q.—You are quite clear about that? A.—Quite clear.

Q.—And how long did he remain there? A.—Just in a minute.

Q.—He was just in a minute. Did you hear what passed between them? A.—No, sir.

Q.—Do not know what passed between them. When you say a minute, do you mean absolutely a minute, or a few minutes? A.—No; he just had time to go in. I mean a minute—

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about a minute. He had just time to go in and come out again.

Q.—And you heard nothing that passed between them? A.—No, sir.

Q.—Now, then, before Gamey went in to Mr. Stratton's room, that as after signing this interview, had Hammond left the room? A.—Hammond asked me if there was anything—

Q.—Answer my question, please? A.—I beg your pardon.

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Q.—Had Hammond left your room before Gamey went into the Minister's room? A.—They left about the same time. They went in about the same time—Hammond went out about the same time.

Q.—You told us Hammond went out, but that Mr. Gamey went into Mr. Stratton's room? A.—Yes, sir. I mean out of my room into Mr. Stratton's.

Q.—Hammond did not go into the Minister's room? A.—No; he went into the corridor.

Q.—Did Hammond go out into the corridor before Gamey went into the Minister's room? A.—Oh, it was about the same time.

Q.—You cannot tell which? A.—No. I was speaking to Mr. Hammond. I was not—

Q.—Your memory is not good on that point? A.—Well, I am pretty sure they both went in at the same time.

Q.—Hammond went out your door? A.—Yes, sir.

Q.—And Gamey went into Mr. Stratton's room? A.—Yes, sir.

Q.—Then how long was it before Hammond came back? A.—Mr. Gamey had gone out, and I had gone into the Minister's room—oh, two or three minutes, perhaps.

Q.—Two or three minutes? A.—He had gone down to the wash-room. He told me he was going there.

Q.—Who did? A.—Mr. Hammond.

Q.—He told you he was going to the washroom, and in a few minutes he came back? A.—Yes, sir.

Q.—Did he go into Mr. Stratton's room? A.—Yes, sir. I had told the Minister in the meantime that he was—

Q.—Where was the paper that Gamey had signed? A.—I do not know.

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Q.—You do not know. You do not know whether Gamey took that in to the Minister or not? A.—I do not know.

Q.—You do not know whether it was given by Gamey to Hammond or not?

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A.—Except what took place between me and Hammond afterwards.

Q.—Did you know as a matter of fact? A.—I did not know at that time.

Q.—You did not know what became of it at that time? How long did Hammond remain with Mr. Stratton after Gamey had gone? A.—Not more than five minutes.

Q.—Did you see Gamey after that evening? A.—No, sir.

Q.—Gamey? A.—No, sir.

Q.—You never saw him after that until this investigation? A.—Not that I remember.

Q.—You have seen him here. You have been here regularly every day since the investigation commenced? A.—Yes, sir.

Q.—You have seen him here? A.—Yes, sir.

Q.—But between the night of the 29th and the commencement of this investigation you pledge your oath you have not seen Mr. Gamey? A.—Not that I remember.

Q.—Then you have note books in which you take down dictation from the Minister? A.—We take it down in note books.

Q.—And where are these note books? A.—They are destroyed, as soon as I finish one and take another.

Q.—They are not kept? A.—Oh, no.

Q.—Have you any note books that you had in September last that were in use in September last? A.—No, sir. There would not be room for anything else in the office if we kept all

those.

Q.—Any note books that were in use in January last? A.—No, sir.

Q.—None at all? A.—No, sir.

Q.—Have you no book or paper in the department showing the number of letters that go out on any day, or the persons to whom they go? A.—No, sir.

Q.—Nothing of that kind at all? A. No, unless the messenger keeps a record of the stamps. I do not know anything about that. I do not think he does.

Q.—Then, if I were to ask you what letters were written by the Minister, or sent out by the Minister, on a certain day, how long would it take you to find that out? A.—On a certain day.

Q.—Yes. Suppose I asked you how many letters were sent out on the 10th and 11th of September? A.—Well you could only do that by going over the whole files, and taking every letter off of that date. We have never have any occasion to refer to letters in that way.

Q.—Then, you have nothing which you could turn up as you could an ordinary letter book to find out the letters sent out on a particular day? A.—No, we use a duplicating system.

Q.—Then, you could, with some little trouble, find out how many letters were sent out by the Minister on the 10th and 11th of September? A.—I do not know that I could accurately. I could some of them.

Q.—I would like to find that out. See how much work was done that day?

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Mr. Johnston: We will try and find it out.

Mr. Ritchie: Is there no index to your duplicating system? A.—No, we have no index. We just look at it from the—when we want to find a letter—it is from the name of the writer.

Q.—Do you keep an index of the name of the writer? A.—No.

Q.—No index? A.—The files have the initials, you know, A, B, C, and so on. There is a file case for each letter.

Q.—A case for each letter. How long will these cases last for each letter? A.—Well, some letters I use more than others.

Q.—Then, you would have a file containing the letters alphabetically arranged for the month of September? A.—For the month of September.

Q.—Yes, the letters written in the month of September? They would appear in your file, A, B, and C? A.—All through them.

Q.—How often do you have these files renewed? How long does it take to fill up a file? A.—I cannot tell you that at all. Some will take quite a while, and others not so long.

Q.—Usually? Take under the letter B? A.—They are so varied I could not give you an average.

Q.—Tell us whether a month or two months? A.—It would be a great deal more than a month.

Q.—Six Months? A.—Some of it would.

Q.—And some it would not? A.—I think most of them it would.

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Q.—About six months? A.—Yes; however, I cannot fix that.

Q.—Then, perhaps you will endeavor to?

Mr. Johnston: We will try and get that for you.

Witness: I will get anything you want to know.

Mr. Ritchie: Find out how many letters were sent out, signed by Mr. Stratton, on the 10th and 11th September, and you may fetch one of

these files here so that we can see what it is like. A.—They are not mine.

A.—I have no doubt the Minister will allow you to do it? A.—If he will.

Mr. Ritchie: I will ask Mr. Johnston to do that.

Mr. Johnston: We will show you how it is done. We will bring the papers here.

Mr. Ritchie: Do you recollect an interview you had with Frank Sullivan in February last? A.—February? Is that the time he met me in the upper hall? Yes, I think so.

Q.—The time he swears? A.—I have not a very clear recollection of it.

Q.—He swears he spoke to you about a letter he had got from Gamey? A.—Yes, I remember the time.

Q.—About the fishery licenses? A. Something about that.

Q.—Then, he says I had Mr. Gamey's letter; I went in and got Mr. Gamey's letter, and was going Stratton's office? A.—I was going out, and I met Mr. Myers, from Mr. Stratton's office? A.—I was going down that hall to the audit office.

Q.—"I explained to him that Mr. Gamey had written me, and he wanted

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to control that license up there, and I explained I had seen the Nobles in the buildings that they were possibly looking for that very license, and I said I wish you would in some way intimate to Mr. Bastedo that Mr. Gamey is going to have the patronage of this district." Do you recollect that? Is that true? A.—Those are not the words he used.

Q.—Is that the substance of what Mr. Frank Sullivan said to you? A.—Partially. He did not use patronage in that general way at all.

Q.—In what particular is it incorrect? A.—Well, he did not say anything about the general patronage of that district—at least, that I recollect. I was not paying much attention to him. I did not listen to him.

Q.—You can either contradict him or not? A.—I do not think he said anything about the general patronage. He may have referred to patronage in connection with that license.

Q.—He says I wish you would in some way intimate to Mr. Bastedo that Mr. Gamey is going to have the patronage of this district? A.—In reference to that one matter he may have.

Q.—Is that statement, as he has put it, true or untrue? A.—It depends upon the meaning.

Q.—The language is plain? A.—Well, is it?

Q.—Intimate to Mr. Bastedo that Mr. Gamey is going to have the pat-

ronage of this district. You understand the English language. Is that true or untrue? A.—It may be true. I am not sure whether it is or not, with regard to that one license. He did not refer to the patronage in general. I did not understand him that way anyway. I did not understand him in that way.

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Q.—But what he says is, that Gamey is going to have the patronage of this district? A.—Well, I did not understand it in that general way at all.

Q.—Will you pledge your oath he is stating what is untrue, when he makes that statement? A.—Oh, no.

Q.—That may be true? A.—I was not paying attention.

Q.—Did you say you would acquiesce in his wish? A.—I said I would see, I think. I do not think I answered him definitely. I was going to the office opposite Mr. Bastedo's.

Q.—On what floor is Mr. Bastedo's office? A.—The floor above mine—the second floor.

Q.—Did you go to see Mr. Bastedo? A.—I went into the audit first and I came out. Mr. Bastedo was sitting at his desk.

Q.—That is not an answer? A.—Yes.

Q.—Did you go and see Mr. Bastedo? A.—I did.

Q.—And what did you say to him? A.—I asked him if there were some people by the name of Noble in his office, he said they had been there, but they had gone.

Q.—Did you tell him what Frank Sullivan told you? A.—I said I had been told that Mr. Gamey did not want them to get that, and he said, oh, they have gone. I think that was all there was about it.

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Q.—That is all there was about it? A.—Yes, sir.

Q.—You did not tell him what he said, that Mr. Gamey was to have the patronage? A.—No. I should have no

Q.—What? A.—I would have no reason to tell him, for I did not take it in that Sullivan had said that.

Q.—Didn't it seem to be a rather strange request? A.—It would if I had understood him to mean that.

Q.—Didn't you think it a rather strange request of Sullivan to make to you? A.—He told me he was a friend of Mr. Gamey's, before he started out. He asked me if I knew Mr. Bastedo. I understood from that that he did not.

Q.—You understood from that that he did not. Now, was this the first occasion on which Sullivan had ever asked you to do anything for him? A.—I think so. He was not asking me to do very much then.

Q.—What is that? A.—I think that is the first time he ever asked me to do anything for him.

Q.—Did he ever ask you on any other occasion to do anything for him? A.—Not that I remember.

Q.—You did not demur to doing this? A.—It was not any trouble.

Q.—You did not think it was strange he should ask you to do it? A.—Well, I did not pay much attention to it. I never thought of it again from that day until I heard it in the House.

Q.—Tell us exactly what you did say to Mr. Bastedo? A.—I cannot give you the exact words.

Q.—As nearly as you can? A.—I asked him if some men by the name of Noble were there. I think Noble is the name, isn't it? And he said they

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were here but they had gone, I understood him to say, without arriving at any decision in the matter.

Q.—What? A.—I understood they had gone without arriving at any decision in the matter, and that covered all I had to say to him. I said, Mr. Gamey did not want them to get it.

Q.—Mr. Gamey did not want the Nobles to get what? A.—That he did not want them to have that.

Q.—You said that Gamey did not want the Nobles to have that license? A.—Those were not the exact words.

Q.—But that is the substance? A.—Yes, sir. He said, oh, well, they have gone, and I said all right.

Q.—Did you refer to particular licenses that the Nobles were seeking to get? A.—No, I did not understand the matter at all.

Q.—But you knew the name Nobles? A.—I got the name, yes. I knew it was a fishing matter of some kind.

Q.—You told him that Gamey did not want them to get it, and he said they had gone? A.—I did not even know that I knew it was a license.

Q.—And did you make any report to Mr. Sullivan of what you had done? A.—No, I never thought of it again.

Q.—And it did not occur to you as strange that a clerk in the Public Works Department should ask you to do this? A.—It did not occur to me as strange that he was a friend of the members at all.

Q.—Didn't it occur to you as strange he should ask you, the Secretary of an-

other department, to go and do this? A.—Oh, I do not know. I do not remember.

Q.—You say you have told us there was no intimacy between you and

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Frank Sullivan? A.—Just like any other clerk around.

Q.—Did you know anything about any friendship existing between Frank Sullivan and Gamey? A.—No, sir.

Q.—Had you seen them together before? A.—Together?

Q.—Yes. A.—No, sir, I had not. Not that I remember.

Q.—So that at all events, although you knew practically nothing of Sullivan, you complied with his request? A.—I knew he had been a clerk in that department for some time. I would do that for any one that would ask me.

Q.—Now you come to the conversation of the 13th January. You tell us that Mr. Stratton and Mr. Gamey met that day? A.—Some time about then. I suppose that is the right date.

Q.—Where was Mr. Stratton during the week preceding the 13th of January? A.—Well, he had been in Perth on the 5th and 6th, I think.

Q.—When did he return from his work in the bye-elections? A.—The night of the 6th, so far as I remember. I am not just sure. I think that is right.

Q.—But you cannot tell where he was between the 6th and the 13th? A.—I said he was in the Buildings on the 7th.

Q.—You have told us about the 7th, but apart from that you cannot tell us where he was? A.—I do not know.

Q.—Do you pledge your oath that Mr. Gamey and Mr. Stratton had no conversation about the bye-election on the 13th? A.—Not while I was in there.

Q.—Nothing said about that at all? A.—Nothing. They only discussed the one subject when I was there.

Q.—Now, you told us that you open all the letters addressed to Mr. Stratton? A.—Yes, sir.

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Q.—Those that are marked "private" or "confidential" as well as those that are apparently purely official? A.—Generally. Always when he is away, but occasionally a private letter if he is there—

Q.—If Mr. Stratton is in the building do you open these private and confidential letters? A.—Generally.

Q.—Do you read them or just open them and hand them to him to read?

A.—I generally get the substance of them so that I can tell him quickly what is in them.

Q.—Do you read them over before you hand them to him? A.—Generally, yes, not carefully, but I get what is in them.

Q.—You see the distinction I am endeavoring to draw between your opening them and reading them. I can understand your going in and opening them? A.—I look over them.

Q.—You not only open them, but you read them? A.—Yes, sir.

Q.—Is there any other person in your Department who would have any knowledge of these letters but yourself and Mr. Stratton—any other person read them? A.—Well, the stenographer would get a knowledge from the dictation.

Q.—When the reply might be dictated? A.—Yes, sir.

Q.—But I am speaking of the letters themselves. Does any other person read these private and confidential letters beyond Mr. Stratton? A.—When a reply is dictated to the stenographer I generally leave the letters in the basket so that they can refer to them to get the address if they do not get it correctly. They do not read them though—not that I know of.

Q.—So far as you know then the only persons who do read them would be yourself and Mr. Stratton? A.—So far as I know.

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Q.—And I suppose that you have taken very good care not to divulge the contents of these private and confidential letters? A.—No, I do not tell any one what is in our mail.

Q.—As a matter of fact you would not disclose to anybody the contents of the letters that come to Mr. Stratton? A.—Certainly not.

Q.—Nor would your stenographers be allowed to do anything of that kind? A.—Not if we knew it.

Q.—And so far as you know your stenographer did not divulge to anybody the contents of these letters? A.—I do not know anything about that.

Q.—So far as you know he did not or she did not? A.—So far as I know they did not.

Q.—Now do you recollect during the October visit about taking Mr. Gamey down to a room on the ground floor? A.—I said I did not.

Q.—What? A.—I said I did not.

Q.—I am asking you now just to think it over. A room afterwards occupied I think by Mr. Harcourt? A.—What?

Q.—A room that was afterwards oc-

cupied by Mr. Harcourt or any one in connection with that Department? A.—I do not know any room there that was occupied by Mr. Harcourt.

Q.—Do you recollect on the occasion of that visit in October—think it over—because Mr. Gamey says that you took him down to a room down stairs where he sat for some little time? A.—I do not know what room I could take him to there. If anyone wanted to write anything they would sit in our office. They generally do.

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Q.—You have no recollection of taking him down? A.—I did not take him down.

Q.—You swear you did not take him down? A.—I did not.

Q.—You are very positive about that? A.—I am.

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Q.—You are very positive about that? A.—I am.

Q.—Do you recollect how long he remained in the office during this October visit? A.—Well, perhaps fifteen minutes. I do not think he was in as long on that occasion as others. I could not tell you though to five or ten minutes.

Q.—How many copies did you make from that manuscript that was handed to you?

The Chancellor: Which manuscript?

Mr. Ritchie: That was written out by Mr. Stratton's clerk. The Globe interview, my Lord. What the witness says is it was copied from manuscript.

The Chancellor: I know now. There are so many spoken of I did not know which it was.

Mr. Ritchie: This is the only manuscript I have heard of.

Witness: I made two copies. I always do since I started duplicating.

Q.—What did you do with the two copies? A.—I gave one to Mr. Stratton. He did not tell me to make two copies, but I did.

Q.—You made the two copies, and handed them to him. Did you ever see these copies afterwards? A.—Not that I remember—no.

Q.—Then what you had typewritten from this manuscript. Was that corrected in any way afterwards by you? A.—Not by me.

Q.—Corrected by anybody. A.—I do not know.

Q.—You do not know anything about that. What machine—what typewriting machine did you run this Globe interview off on? A.—My own I suppose.

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Q.—Which was it? Was it the same one that you typewrote the Aylesworth letter on? A.—As far as I remember, I generally use the one machine.

Q.—You think it was the same? A.—As far as I remember. We have three or four machines in the office though.

Q.—And how many have you to work them? A.—Two.

Q.—Do you include in that yourself? A.—Myself and the stenographer—yes.

Q.—What is the name of that machine? A.—My machine?

Q.—Yes. A.—Remington.

Q.—What is the name of the other?

A.—The one the stenographer uses is a Densmore, and then there is an Underwood and another sized Remington in the office.

Q.—Did you have any conversation recently with Frank Sullivan? A.—Any recently?

Q.—Yes. A.—Oh, none particularly.

Q.—Did you have any since this investigation began—any conversation with Frank Sullivan? A.—I think I walked down with him, and The World reporter, from here down to King street one afternoon.

Q.—Did you have any conversation with him at all about the matters involved in this inquiry? A.—No. Just generally.

Q.—Do you recollect having a conversation with him in front of the Parliament Buildings? A.—Yes, I did.

Q.—When was that? A.—I think it was just before the investigation started. I merely spoke to him and went on—just a minute.

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Q.—Did you discuss the matters? A.—No, sir.

Q.—Which were involved in this inquiry? A.—No.

Q.—Swear you never referred to them? A.—Oh, well, we were not discussing matters. I suppose we talked about it.

Q.—What do you understand by discussing? Did you talk about it? A.—Those were the matters talked about—yes.

Q.—The matters involved in this inquiry? A.—I suppose.

Q.—And how long did that conversation last? A.—Just a minute or two. He was talking to the reporter.

Q.—Did you join in the conversation? A.—I did, sir.

Q.—Did you walk away with Frank Sullivan from this interview? A.—No. I think the reporter walked away first, and then I went.

Q.—Did you walk down with him? A.—No. I was going home to lunch.

Q.—And you did not walk any distance at all with Frank Sullivan? A.—Not that I remember, unless a step or two on the walk. I don't remember whether we—

Q.—How often have you spoken to Frank Sullivan since the investigation commenced? A.—I speak to him nearly every day I meet him in here.

Q.—How often did you speak to him between the time Mr. Gamey made his statement in the House, and the time of the commencement of this investigation? A.—I cannot tell you.

Q.—Several times? A.—I cannot tell you.

Q.—Cannot tell whether several times or not. That will do.

Re-examined by Mr. Johnston:—

Q.—In your talks with Frank Sullivan, did Frank ever tell you his story

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of the matter? A.—No, sir. There was nothing in the conversation that I remember at all. Just generally, like I talk to everyone.

Q.—He reserved that for a Telegram reporter? A.—Evidently.

Q.—Did not take you into his confidence in any way? A.—He did not.

Q.—Now, just one or two matters to clear up this examination. Do you know, quite apart from taking Mr. Gamey anywhere—do you know of any room in the building downstairs not occupied by the department, and in use by the department, where a man could go and write? A.—There are committee rooms, I believe, downstairs. I do not know what committee rooms there are.

Q.—Do you know of any room where they are supplied with pens, ink and paper? A.—There are pens, ink and paper in the committee rooms, so far as I know.

Q.—Have you been in any of the committee rooms? A.—I think I have. I do not remember when.

Q.—Was there any room downstairs where a man could go as a sort of private room, that you know of? So far as your knowledge is concerned? A.—I do not know of any particular room.

Q.—Downstairs is occupied by what? The ground floor? A.—Principally the Crown Lands Department.

Q.—A very large department? A.—Very large. It occupies nearly the whole floor.

Q.—And then the speaker's quarters? A.—And then the post office, and the King's Printer.

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Q.—Is it the practice in all the departments for the secretary to open the letters, do you know? A.—I think it is, so far as I know.

Q.—Now, in opening Mr. Stratton's letters, were you ever advised or instructed as to what letters you should open or should not open? A.—No, it was the rule when I came in to open the letters.

Q.—Where there any letters kept secret or private from you? A.—No, not at all.

Q.—And, therefore, any letters that might come in from anybody were liable to be opened by you? A.—Yes, sir.

Q.—Anything suspicious in the letters that you opened? A.—Nothing at all.

Q.—And if a man, for instance Sims, whom you may know? Or do you know of him? A.—I think he has been in the office.

Q.—He is a pronounced Liberal from Manitoulin? A.—Yes, sir.

Q.—Spencer is another? A.—I believe so.

Q.—Brody is another—an ex-candidate? A.—Yes.

Q.—If these men came, or any of these men came to see the Minister—I am only taking these as an illustration—came to see the Minister about any matter connected with the constituency in which they live, or which they represent, is it an unusual thing for the correspondence to be asked for connected with any particular matter? A.—Not at all.

Q.—And what is your course in a case of that kind? A.—When the Minister asks me for letters off the file, I take them in and show them to them.

Q.—So that any person asking about

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license inspectors, or fisheries, or anything else, would be able to get the information from the correspondence? A.—Oh, yes, sir.

Q.—And you know that is a fact, that that is shown by the Minister to people who would go there? A.—Certainly.

Q.—You knew Mr. Bastedo pretty well? A.—Yes, I knew him pretty well.

Q.—He was formerly the secretary—private secretary to the Attorney-General? A.—Yes, sir, and to the Premier.

Q.—Sir Oliver Mowat. Now your arrangement of letters and files—I do not think it is quite clear how that is done. Have you one of those large files alphabetically arranged? A.—We have a large filing case with drawers that pull in and out. We file the letters under the initials.

Q.—Suppose a case comes up for the appointment of Brown as License Commissioner, just state what would

happen to those letters in connection with a matter of that kind? A.—Well, I have three separate cases that I put License Commissioner letters under.

Q.—What would be done with the letter? A.—Well, you see the licenses are in districts.

Q.—What would be done with the letter? A.—It would be put on those files.

Q.—Would it be put on a separate file under Brown? A.—No, the commissioners would be put under the name of the district. That is the division.

Q.—Then I will take a general letter. Take, for instance, the appointment of a certain individual under the letter "B." Take Brown, as I have mentioned that name. How would you treat those letters? A.—The letters under that would be put under the name of Brown.

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Q.—And where would that file be kept? A.—In the letter file.

Q.—Then when it is completed what is done with it? A.—Well, it is taken out, and put into a case of the same, and the file emptied, and it would be filled again.

Q.—And what is done with the old letters? A.—Kept in the office.

Q.—So that, in the course of a year how many files would you have? A.—A file for each separate matter? A.—Well, we do not make distinctions as to matters, except in that one instance, the license commissioners, and the issuing of marriage licenses. I have separate cases, but of, course, they are all in the one file.

(2192)

Q.—But take the ordinary course of a man writing to the department? A.—They could be filed under his own name.

Q.—That is a special matter—his own name? A.—Yes, sir.

Q.—Have you got separate ones for each name, except where they refer to the commissioners, or something of that kind? A.—They are filed under the name of the man.

Q.—How many would you estimate you would have in twelve months there—how many files, for instance? For instance, I go to your office and ask for information. How many files would you have before you that you could pick out from? A.—36 in the case, and the transfers.

Q.—I do not quite understand you yet? A.—I do not understand your question.

Mr. Ritchie: If he brings the file here we will understand it better.

Mr. Johnston: I want to see what information I can get for you, Mr. Ritchie.

The Chief Justice: If you are going to produce a file, he can illustrate it better.

Mr. Johnston: What I want to know is, what I am to produce. As I understand, we cannot produce a series of letters for one day, for instance? A.—No, sir. Any file I might produce might not have one letter on a certain day, if there did not happen to be that name.

Q.—I want to see what we can produce to satisfy Mr. Ritchie. Just tell me how you would produce the letters for the 10th or 11th September—the letters received?

The Chancellor: The letters are classified according to substance? A.—

(2 193)

According to the name, my Lord.

Q.—The name of the person or the subject? A.—The name of the person.

Q.—The license commissioners were put under separate name? A.—That is, a separate file.

Mr. Johnston: If I asked you for the letters of the 10th or 11th September—the letters you had received—what number of files would you have to look over? A.—I would have to look over every letter on my file. There are some 36 or 40 cases.

Mr. Johnston: Is that what you want, Mr. Ritchie?

Mr. Ritchie: I want the system.

Witness: Do you want me to look through all these cases?

Mr. Johnston: That would involve 36 different files. When you speak of that, you mean the boxes in which they are kept? A.—Yes, sir, and the transfers. They may have been transferred from the case since that time.

Q.—Then, each compartment will be made up of, perhaps, 50 or 60 different matters? A.—Yes.

Q.—Then, as to the letters sent out, would you have to go through the same process? A.—Just the same. They are filed exactly the same.

Q.—You mean transfers from one department to another? A.—No. The transfers we call the cases in which we put the letters when we take them off the file. When the drawer becomes full we put the letters in a transfer case and keep the transfer case. It is the same as the drawer, only it is not in use at the time.

(2194)

Q.—I do not want any mistake about that, because we will get whatever they want. For instance, here are several papers put together. That is under letter "B." Here are some more put

together under "B." For instance, say Brown and Barnes, two names A.—Yes, sir.

Q.—Are they kept together like this under each heading? A.—Under each name.

Q.—Are they allowed to be loose and separate in the files, or are they fastened together? A.—Each letter is put under its own initial. You see, the files are sub-divided.

Q.—Supposing you had ten letters for Brown, would they be fastened together? A.—No.

Q.—But they would be all in the one place? A.—Yes. There are different sheets, Ba and Be, and so on covering them all. There would be, may be, thirty different compartments in each drawer.

Mr. Johnston: I see now what my learned friend wants, and we will do the best we can to get it.

Q.—Then, do you use a great many note books? A.—Yes, sir, a great many.

Q.—Any object in keeping those, or destroying them? A.—None at all. The letters are on file.

Q.—Do people read your shorthand readily, or can you read other people's shorthand readily? I mean, are the note books of any use to other shorthand writers? A.—Not at all. No one could read them but myself.

Q.—Then, about The Globe interview. Was there anything private at all about The Globe interview? A.—Apparently not.

Q.—Just in this connection, let me get at it exactly. I

(2195)

do not want the details of what was done, but let us see who knew about that. Mr. Yokome? A.—He knew about it.

Q.—Mr. Stratton? A.—Mr. Stratton knew about it.

Q.—Mr. Gamey? A.—He knew about it.

Q.—Mr. Hammond? A.—He knew about it.

Q.—Mr. Myers? A.—I knew about it.

Q.—Before it was published? A.—Yes.

Q.—With reference to the doors, We have the plan, and we can see for ourselves. The door leading from your room into the small room, you have told us is generally kept open? A.—Yes.

Q.—How is it kept open? A.—There is a clasp at the bottom to fasten it back.

Q.—Of course you cannot say any particular hour or minute upon the 5th day of July whether it was open or shut? A.—No, sir.

Q.—But I will ask you, generally speaking, from the time the Minister comes there until he leaves, what position is that door in? A.—When the Minister is in it is generally open.

Q.—Why? Any object in having it open? A.—Yes, because I have to go in and out, and others may have to go in and out. I cannot open the door every time.

Q.—Then, there is a door leading from that small room into the Minister's room? A.—Yes, sir.

Q.—Is that the only door going into the Minister's room? A.—The only door.

Q.—Then, the one going into the corridor from this small room has a Yale lock on the inside? A.—Yes, sir.

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Q.—Is there any way of opening from the outside? A.—No, sir.

Q.—Then, you have told us about people going in—about Ministers and so on? A.—Yes, sir.

Q.—Assuming this case, what would you do. For instance, 5 or 6 people waiting in your room to see a Minister, my learned friend or myself wanting to see him just for a moment, and we asked to see him specially as a favor, and he consents, which way would you take us? A.—I very likely would tell you to go out into the hall as quietly as you could and I would let you into the other door.

Q.—That is a little deception on the public that is sometimes practised? A.—Yes, sir.

Q.—And that is when it is opened, for that purpose only. Then, with reference to the bells. Have you one for each of the heads of the Minister's departments? A.—Yes, sir.

Q.—Has he connection with Mr. Lumsden's room? A.—Yes, sir.

Q.—Dr. Chamberlain? A.—Yes.

Q.—Mr. Hunter? A.—Mr. Hunter is not in our Department.

Q.—Then, your own? A.—Yes.

Q.—And Dr. Bryce of the Health Department? A.—Yes, and Mr. Christie, and the License Branch.

Q.—So that he may call these men without sending a messenger? A.—Oh, yes.

Q.—From the different Departments, across the corridor, and other places? A.—That is why they were put in.

Q.—You saw Mr. Boland there very frequently, you say? A.—He is in occasionally—quite often.

(2197)

Q.—What? A.—He is in quite often.

Q.—Do you know his business at that time with the Minister? Did you know what it was? A.—I knew what

it was about. Business matters of their own.

Q.—Did you know the subject matter of their business, when Mr. Boland was there—I mean apart from the Department entirely? A.—Yes, I knew.

Q.—What was it? A.—They had business about a railroad in Nova Scotia.

Q.—You do not know the details of it? A.—No.

Q.—They will speak for themselves. Now, you were asked about different days and different times and different movement? A.—Yes, sir.

Q.—Do you profess to be able to recall absolutely the movements of yourself or Mr. Stratton or anybody else upon any particular day or occasion, unless something marks the occasion? A.—No, sir, not by the dates.

Q.—Does the date mean anything to you at all? A.—Not generally, but if you give me any circumstance, and ask me the particulars of it, I can tell you—and I very likely can tell you the date.

Q.—And Mr. Stratton usually gets back from Peterborough on what day of the week? A.—When we are very busy he usually comes back on Monday, but it is often Tuesday.

Q.—Then at that time in the Fall, up until October, were you regular in your going to lunch? A.—Yes.

Q.—Before you were Private Secretary? A.—Always.

Q.—Was there any occasion during that period for your being earlier or later on any day? A.—None at all that I remember—not at all.

(2198)

Q.—Will you tell me who lives in the house with you—what man? A.—Mr. Douglas Dewar.

Q.—Does he have his lunch at the same time that you do? A.—He did.

Q.—He did at that time. Then, when you got to be Private Secretary, your time depended entirely upon the Minister's movements? A.—Yes, sir.

Q.—That was from the beginning of October or somewhere from that on? A.—Yes.

Q.—The letter dated 27th October, I will just look at that for a moment. That is Exhibit 13. Now, that was made according to what you have told us—this copy or this letter was printed before its apparent date. Do you know anything about that? A.—I do not remember the date.

Q.—As to the circumstances, or the reason for it, you do not know anything? A.—I do not know.

Q.—You at any rate were not asked to alter any date of any letter? A.—No, sir.

Q.—At any time? A.—No, sir.

Mr. Blake: Was it altered?

Mr. Johnston: I do not know that it was.

Q.—Or to change any date of any letter? A.—No, sir.

Q.—And the duplicating of letters, is that done in other Departments as well as your own? A.—I believe so.

Q.—Will you tell us just what Mr. Burrows did when you were there in August, September and so on? Just tell us what his work would be generally? A.—Well, it would be to see that the office was kept running properly, that we did our work right—the Department.

(2199)

Q.—But what actual work did he do about the office himself personally? A.—Well, he did not do very much in September.

Q.—He was not very well then? A.—No, but he had done general typewriting, some; he had not done as much as I had. I had it nearly all. But, matters that he could attend to himself, he typewrote himself generally.

Q.—He was a short, stout, thick-set man? A.—Yes, sir.

Q.—And how tall are you about? A.—About 6 feet 1 inch.

Q.—My recollection is he would not be more than 5 feet 5 or 6; correct me if I am wrong? A.—He would not be more than that.

Q.—You are very slight? A.—Yes.

Q.—He was just the reverse? A.—He is dark and short and stout.

Q.—That was Mr. Burrows? A.—He was a very nervous, excitable man.

Q.—And since the beginning of October, or about that time you would be the only one who would have any considerable knowledge of who went in and out of the Minister's room? A.—Yes, sir.

Q.—Prior to that time you say your duties were such that you would not observe particularly? A.—Not unless there was something to draw my attention—I would not—no. I sat with my back to the door generally.

Q.—That was on account of your duties, and your work. A person knocking on the door in the corridor, with Mr. Stratton's door shut, could he be heard? A.—Not by Mr. Stratton. I do not think.

Q.—You do not think he could? Could you hear from where you were, where you usually sat, with your door open, a person rapping on the corridor door? A.—Certainly.

(2200)

Q.—I am speaking of the one that goes into the small room. A.—Certainly.

Mr. Ritchie: Just one word. You said that you did not alter the date of that letter of the 27th October, that there was no alteration of date? A.—I did nothing with the date. I did nothing with the letter.

Q.—You prepared that about the 23rd October? A.—I did not prepare it at all.

Q.—Didn't you?

Mr. Johnston: No.

Witness: This is a letter which was handed me by the Minister to mail.

Mr. Ritchie: It was handed to you before the 27th? A.—Well, I do not remember. It was the same day. It was the day Mr. Gamey was in.

Q.—The 23rd? A.—I suppose he is right. I do not know. It may have been the 27th.

Q.—You do not know why the letter was post-dated? A.—I do not know.

Q.—Are private and confidential letters to Mr. Stratton put on your official files? A.—All letters are put on the files.

Q.—You swear that all private and confidential letters addressed to Mr. Stratton go on the official files? A.—Yes.

Q.—You swear to that positively? A.—Unless he has some reason for keeping them on his table. Some he keeps.

Q.—Are they not frequently destroyed? A.—No, sir.

Q.—Private and confidential letters? A.—No, sir.

Q.—Suppose the private and confidential letter did not relate to the

(2201)

department, what is done with it? A.—Put on the file.

Q.—Whether it related to the department or not? A.—Yes, sir. It is not a departmental file exactly. It is a file for the Minister's letters.

Q.—So that if a solicitor was writing to him about some matter in which he was interested, and in which the department had no concern whatever, you would still put that on the official file, would you? A.—On the file—yes, sir.

Q.—On the official file. Have you ever known any of these confidential letters to be destroyed? A.—No, sir.

Q.—That did not relate to the departmental business? A.—No, sir.

Q.—Then see if I am accurate in this. You do not keep anything to show the correspondence that comes into the office? Do you keep any record of the mail coming in? A.—No, sir, we have all the letters there.

The Chancellor : No book in which you enter the letters received? A.—No.

Mr. Ritchie : And in the same way you keep no record of letters sent out? A.—No.

Q.—You have to look through these files in the way you have told us? A.—Yes. It would take some time. I would have to look at every letter on the file.

Q.—Now, see if I am correct in this, that the official letter book has been absolutely discontinued in the department? A.—Yes, sir, in our office.

Q.—That is what I mean? A.—Yes.

The Chancellor : You asked him all that before. He said it was discontinued in October, or sometime.

(2202)

The Chief Justice : And that the separate letters are put in their appropriate place.

Francis Costello, sworn. Examined by Mr. Johnston :—

Q.—You are the messenger for the Provincial Secretary at the buildings? A.—Yes.

Q.—You have not been well? A.—Not this last while. I got the grip.

Q.—Try and speak as loud as you can.

The Chief Justice : Do you feel ill enough to wish to sit down? A.—I can stand up.

Mr. Johnston : Stand up as long as you can. You were threatened with typhoid fever, or something of that kind lately? A.—Yes, but the doctor was not sure.

Q.—You have been at home until this morning? A.—Yes.

Q.—And you have been messenger at Mr. Stratton's office for how long? A.—Since the 1st of January, 1901.

Q.—Do you know Mr. Gamey to see him? A.—I do, sir.

Q.—Do you know Mr. Sullivan to see him? A.—I do, sir.

Q.—Frank Sullivan? A.—I do, sir.

Q.—Do you remember seeing a report of a Conservative caucus in the papers in September last? A.—I do, sir.

Q.—Do you remember what day it was held on? A.—The caucus?

Q.—Yes. A.—On the 10th September, 1902.

Q.—When did you read about it? A.—On the 11th September.

Q.—The following day? A.—Yes, sir.

Q.—Was your attention called to anything by reading that? A.—It was.

(2203)

Q.—Will you just tell their Lordships what it was? A.—It was the fact that Mr. Gamey had spoken at that convention.

Q.—The fact that Mr. Gamey had spoken at that convention? A.—Yes, sir, and that Mr. Gamey had been up to see Mr. Stratton on the 9th September, that is, the day before.

—The day before the convention. Did you see Mr. Gamey on the 9th September, fixing it in that way? A.—I did, sir.

Q.—Who was with him? A.—Mr. Frank Sullivan.

Q.—Did they see the Minister that day? A.—They did.

Q.—Were they back again in September? A.—Not that I remember of.

Q.—Were they back on the 10th? A.—They were not.

Q.—Or the 11th? A.—They were not.

Q.—Either of them back? A.—Neither one.

Q.—And were you there all the time? A.—I was.

Q.—And your duty is to show people in to the Minister, or to take their cards in? A.—Principally.

Q.—And what are your hours? A.—From nine until, generally, six o'clock.

Q.—Do you stay there for your lunch? A.—No, I am away generally from one until two.

Q.—Were Frank Sullivan and Mr. Gamey ever there together at that office at any other time since the 9th September, that you know of? A.—They were not.

Q.—That is all.

Cross-examined by Mr. Ritchie :—

Q.—You say that you read the report of the Conservative caucus? A.—I did, sir.

(2204)

Q.—And your attention was attracted to the fact that Mr. Gamey was reported to have spoken at that convention? A.—I do, sir.

Q.—Why did that attract your attention any more than speeches made by other Conservative members? A.—Simply this, that Mr. Gamey was up to see Mr. Stratton on the 9th September.

Q.—Mr. Gamey was up to see Mr. Stratton on the 9th September. Was there anything unusual in that? A.—I could not say there was, except that he was a Conservative member.

Q.—You knew that Mr. Gamey had been elected as a Conservative? A.—I saw it in the paper.

Q.—And you believed it, did you not? A.—I did.

Q.—And you still more strongly believed it by the fact that he spoke at that convention? A.—I did, sir.

Q.—As a supporter of Mr. Whitney? A.—I did.

Q.—Now, I suppose Conservative members speak frequently to Mr. Stratton? A.—I have seen Conservative members.

Q.—And did not think there was anything strange about that? A.—Oh, no, I did not.

Q.—The mere fact that the men were opposed politically does not prevent them having personal intercourse? A.—It does not.

Q.—Then this was impressed upon your mind—the fact that Gamey spoke at that convention? A.—Well, it occurred to me at the time, when I read the paper.

Q.—But it was impressed upon your mind? A.—Well, I could not say it was impressed any more than anything else, probably.

(2205)

Q.—Now, how did you fix the date as the 11th September, when the report appeared? A.—How do I fix the date?

Q.—Yes? A.—The report appeared on the 11th.

Q.—How do you fix the date? A.—Which date?

Q.—The date of the 11th September? Have you remembered it ever since you read it, that that was the date? A.—It is part of my duty to cut out and paste up all important political meetings, either Liberal or Conservative.

Q.—That is part of your duty? A.—Yes, sir.

Q.—But you don't recollect everything that appears in the reports of important Conservative and Liberal meetings? You do not carry that in your mind? A.—Oh, well, as a rule, I generally—

Q.—Well, do you? Do you now pledge your oath that you carry all these reports in your mind—reports of both Conservative and Liberal meetings? A.—I could not say that I do.

Q.—This was just part of your ordinary routine work? A.—Yes, sir.

Q.—Did you cut out this particular report? A.—I think I did.

Q.—Will you swear you did? A.—I will not swear exactly, but it was part of my duty, and I think I did.

Q.—It was part of your duty, and if you had performed your duty you would have cut it out? A.—Yes, sir.

Q.—That is all you can say? A.—Yes, sir.

Q.—But you have no distinct recollection, or independent recollection, of having cut out this particular report? A.—Nothing more than that.

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Q.—And when you cut out these reports, where do you put them? A.—I place them, as a rule, on Mr. Stratton's table.

Q.—Are they put in a scrap book? A.—No.

Q.—You cut them out day by day, if reports appear, and put them on Mr. Stratton's table? A.—Paste them on paper, place them on Mr. Stratton's table—not on Mr. Stratton's desk, but on the table behind Mr. Stratton's desk.

Q.—Where he can see them? A.—If he wants to look at them.

Q.—And how long are these preserved? A.—I do not know. I think they are all there yet. I think most of them are there yet, as far as I know.

Q.—Are they kept for some years? A.—I do not know that.

Q.—Because, if so, you would have a large pile, wouldn't you? A.—I do not know that.

Q.—Surely you know that. You say this was your duty. Are they kept piled up there? Is there a very large pile there now? A.—There is a pile of them there now.

Q.—When are they destroyed? A.—I do not know that.

Q.—Are they ever destroyed? A.—Not that I know of.

(2207)

Q.—Are all the clippings that you cut out since you went there in January, 1901—are they all there on the table behind Mr. Stratton? A.—So far as I know.

Q.—Some of them may have been destroyed? A.—They may have, I never destroyed any.

Q.—And you never watched to see whether they were destroyed or not? A.—I never did.

Q.—Now, do I understand you that you have carried that date of the 11th September in your mind up to the present time right along? A.—Not right along—no.

Q.—If I had asked you before this investigation began what day that report appeared could you have told me? A.—I could not have told you the exact date.

Q.—As a matter of fact you have been looking up the newspapers to find out the date? A.—When Mr. Gamey made his statement in the House I made it my business to look up that date.

Q.—When Mr. Gamey made his statement in the House you made it your business to look up that date? A.—Yes, sir.

Q.—And find out how you could state the date here? A.—Yes, sir.

Q.—Now, did you hear any part of the interview that took place between Mr. Gamey and Mr. Stratton? A.—I did not.

The Chief Justice: That is on the 9th?

Mr. Ritchie: Yes, my Lord. He says on the 9th. Then how do you fix the date of the visit of Frank Sullivan and Gamey to Mr. Stratton? A.—I fixed it simply by the Conservative caucus held in Toronto on September 10th, by the report in The Mail on September 11th.

(2208)

Q.—The caucus was held on the 10th? A.—Yes, sir.

Q.—And the report on the 11th? A.—Yes, sir.

Q.—Now, how did you fix that it was the day before the Convention? A.—Simply that Mr. Gamey and Mr. Sullivan were there two days before.

Q.—They were there two days before? A.—Two days before the report appeared in The Mail.

Q.—As soon as you saw that report you were impressed by the fact that Mr. Gamey spoke at that Conservative caucus and you recalled to mind then that on two days before that Frank Sullivan and Gamey had an interview with Stratton? A.—I do, sir.

Q.—And that of course was somewhat significant, was it not? A.—It appeared so at the time.

Q.—It naturally occurred to you that that if Frank Sullivan had a man in tow he had got him solid for the Government? A.—It did not.

Q.—That did not occur to you. What was there so unusual about Frank Sullivan and Gamey seeing the Minister? A.—There was nothing unusual about Frank Sullivan.

Q.—Nothing unusual about Frank Sullivan? Why do you say that? A.—I simply consider Frank Sullivan as any other man who would visit the Minister.

Q.—What? A.—Who would visit the Minister—as any other visitor.

Q.—There was nothing unusual about him seeing him? A.—No.

Q.—He had seen him quite frequently before that and after that? A.—He had not.

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Q.—Do you swear Frank Sullivan had never seen the Minister before that? A.—I swear positively he had not.

Q.—You will swear that Frank Sullivan never saw Mr. Stratton before that time? A.—I swear he had not, to my knowledge.

Q.—Oh come now. To your knowledge. You pledged your oath that you

would swear he never saw him before? A.—Well, I swear he had not.

Q.—And you will stick to that? A.—I will stick to that.

Q.—Did not know anything about him? A.—Nothing whatever.

Q.—He did not know anything about Stratton before that. Now, did you think at that time that Mr. Gamey had determined to support the Government? A.—I did not.

Q.—You had no reason to suppose anything of the kind? A.—I had not.

Q.—No reason to suppose that he any more than any other Conservative would have supported the Government? A.—I had not.

Q.—Then why was it that the fact that he had this interview impressed itself upon your mind? A.—Simply that Mr. Gamey was up to see Mr. Stratton on the 9th, on the 10th he spoke at a Conservative Convention, very strongly in favor of the Conservative party.

Q.—You always expected him to do that, didn't you? A.—Oh, I suppose I did.

Q.—Well, did you? A.—Well, if he was elected as a Conservative I expected he would speak in favor of them.

Q.—So that would not have impressed itself upon your mind? A.—But the fact of his seeing Mr. Stratton and then speaking at this convention strongly in favor of the Conservative party appeared strange.

(2210)

Q.—You have told us already there was nothing unusual in a member of the Opposition speaking to Mr. Stratton or having an interview with Mr. Stratton or any other Minister? A.—Nothing whatever.

Q.—So that now we have an occurrence that was not in any way unusual, and we have Gamey taking a stand which you expected him to take, which is the stand which you would naturally expect him to take, and being so, how were you impressed with it? A.—I was simply impressed with the fact as it occurred at the time.

Q.—What other Conservative member spoke at that Convention? A.—As far as I can remember Mr. Hanna spoke for one.

Q.—You have read the interview recently, have you not? A.—I have not.

Q.—When did you last see the interview—at least the report I mean? A.—I saw the heading of the report after Mr. Gamey had made his statement in the House, but I did not read it.

Q.—Did the fact that anybody else spoke at that convention impress itself upon your mind? A.—No, it did not.

Q.—It did not. But you tell their Lordships that this did impress itself upon your mind simply because Gamey saw Mr. Stratton in September? A.—That is exactly what I tell them, and Mr. Gamey was to see the Minister.

Q.—You had no reason to suppose Gamey was going to support the Government? A.—No. And no other Conservative member was up to see Mr.

(2211)

Stratton any time before that that I can remember of. Mr. Gamey was the only one.

Q.—Did you have any idea from the fact of Gamey being there that it was probable he was going to support the Government? A.—I had not.

Q.—Now, will you tell us the date of any other report of a Liberal or Conservative caucus? A.—I remember a Conservative caucus or convention held at London, I think.

Q.—What? A.—I think I remember of a Conservative caucus held at London, or a banquet to Mr. Whitney, or something like that—a banquet to Mr. Whitney, if I do not forget.

Q.—When? A.—I cannot just recall the exact date.

Q.—What year? A.—1902.

Q.—Some time in the year 1902? A.—Yes, sir.

Q.—That is all you can tell us about it. You have a recollection of some banquet to Mr. Whitney at London in 1902. Do you recollect who spoke at that convention? A.—Mr. Whitney for one spoke.

Q.—That would be natural. Who else? A.—I do not remember who else.

Q.—You do not remember anybody else. Can you tell us what any speaker said at that convention? A.—From the drift of the speeches I remember reading, they expressed confidence in Mr. Whitney, and so on.

Q.—That is all you can remember? A.—That is all I remember.

Q.—That there was a banquet held in 1902 at London, and they expressed confidence in Mr. Whitney. What speakers expressed confidence? A.—I couldn't say.

Q.—Do you remember the names of any speakers apart from Mr. Whitney? A.—I do not.

(2212)

Q.—Now, can you give us any other report of a Conservative or Liberal caucus? A.—I read an account of a meeting held in West York I think somewhere.

Q.—You read an account of a meeting held in West York? A.—I think it was.

Q.—When? A.—A couple of months ago probably.

Q.—What political meeting was it? A.—I cannot say that.

Q.—Was it Liberal or Conservative? A.—Conservative.

Q.—And you cannot tell us anything about it? A.—Simply this, that one of the members said that Mr. Gamey was too smart for the Liberals or something to that effect.

Q.—That was after his statement in the House? A.—I believe so.

Q.—But I want you to go back prior to this statement and give me the substance of anything that was said at any political caucus during 1902? A.—I cannot give it at present.

Q.—You cannot give the names. You cannot give dates. That is so, is it not? A.—Not just now.

Q.—Of course if you looked it up specially you could. If you referred to the papers and studied it up you could tell us all about it? A.—I suppose I could.

Q.—How long did this interview on the 9th between Frank Sullivan and Gamey and the Minister last? A.—As far as I can judge about twenty-five minutes or half an hour.

Q.—Probably twenty-five minutes or half an hour. What time of the day? A.—As near as I can judge from the circumstances probably a quarter after ten the interview took place.

(2213)

Q.—The interview took place about a quarter after ten? A.—As far as I can tell you.

Q.—And lasted from twenty-five minutes to half an hour? A.—As far as I can judge.

Q.—Which door did Sullivan and Gamey go in at? A.—Into which office?

Q.—Into Mr. Stratton's office? A.—Through the door entering into Mr. Stratton's office.

Q.—You know what I mean. Did they enter through the private door? A.—Through which private door?

Q.—The door opening into the lobby? A.—They did not.

Q.—Who were present in the outer office when they came in? A.—I was there anyway.

Q.—Who else? A.—I cannot swear to anyone else.

Q.—Was Mr. Burrows there? A.—He may have been.

Q.—Mr. Myers there? A.—He may have been.

Q.—You cannot tell? A.—I cannot tell.

Q.—But at all events it was about a quarter past ten in the morning they went in? A.—So far as I can judge.

Q.—Mr. Burrows had been ill for some time, had he? A.—I did not know that at that date.

Q.—You did not know that he was ill in September? A.—I did not. I knew Mr. Burrows, and I never agreed on any point whatever.

Q.—What is that? A.—I knew that Mr. Burrows and I never agreed.

Q.—I do not suppose that is a matter of much moment. At all events you have no recollection of who were there when he came in? A.—I have not.

Q.—Did you let them out or did Mr. Stratton let them out into the lobby? A.—Well, I did not let them out.

(2214)

Q.—You did not let them out. Did you see them go out? A.—I did not, not so far as I know.

Q.—You did not see them go out at all. Then if you did not see them go out, they were probably let out the private door? A.—Well, they could not have been let out the private door.

Q.—What? A.—They would not have been let out the private door.

Q.—You did not see them go out at all events. You have sworn to that. They could have been let out the private door by Mr. Stratton without your knowing it? A.—Mr. Stratton never lets anyone out.

Q.—They could have been let out that private door without your knowing it? Answer the question please. Do not hesitate. A.—They might have been.

Q.—Now, how do you know they were there from twenty-five minutes to half an hour when you swear you did not know when they went out? Can you tell us that? A.—I know they were there from twenty-five minutes to half an hour.

Q.—How do you know that? You did not see them go out? A.—I know I had gone in there to Mr. Stratton's office.

Q.—When had you gone into Mr. Stratton's office? A.—As soon as Mr. Gamey and Mr. Sullivan had gone out.

Q.—How do you know you went in there as soon as they had gone out, when you did not see them go out? You have told us that already. You have pledged your oath you did not know when they went out? A.—I know Mr. Stratton had rung for me that morning, but as a rule—

(2215)

Q.—I am not speaking of a general rule. When he wants you he rings for you? A.—Yes, always after interviews he rings for me.

Q.—Why? A.—He asks me if there is anyone else there.

Q.—After interviews he asks you if there is anyone else. You were not out of your room? A.—No.

Q.—Then they must have gone out the private door, or you would have seen them pass out through your room? A.—Oh, no, they may have gone out the other door.

Q.—They may have gone out the private door? A.—They may have gone out our door.

Q.—Without your seeing them? A.—They might have.

Q.—Wouldn't that be unusual for them to go out without your seeing them? A.—Nothing unusual. I may have seen them and I may not. I do not remember.

Q.—You have sworn that you did not see them go out. Which are we to take as correct? A.—I swear this, I may have seen them and I may not have seen them.

Q.—Then you want to take back what you swore before, that you did not see them go out? A.—I do not.

Q.—You want to let both stand there. Now, did Sullivan and Gamey go in together? A.—As far as my recollection goes they did.

Q.—They did. Had they any appointment, so far as you know, to meet the Minister that morning? A.—Not that I know of.

Q.—Now, will you be good enough to give me the name of any other person who had an interview with Mr. Stratton on the 9th September last? A.—I cannot give you the name of any other.

Q.—You cannot give the name of any other person who had an inter-

(2216)

view with Mr. Stratton on the 9th, nor on the 8th? A.—I cannot.

Q.—What? A.—I cannot.

Q.—Nor any day in the month of September? A.—I cannot fix the month of September exactly.

Q.—You cannot give the name of any other person than Gamey and Sullivan who had an interview with Mr. Stratton in the month of September? A.—Except that—

Q.—What time was Stratton there on the 9th? What time did he get there? A.—He got there, so far as I can judge, five or ten minutes past ten.

Q.—Then he had got there before Sullivan and Gamey arrived? A.—As near as I can judge—yes.

Q.—As near as you can judge he had. Then, what did Mr. Stratton do after Gamey and Sullivan had left? A.—After Gamey and Sullivan had left?

Q.—Yes. A.—I do not know.

Q.—Did he go down town? A.—I do not remember his movements. Wait until I see. On Tuesday?

Q.—On the 9th, you have told us. A.—On the 9th he went down town about a quarter to twelve.

Q.—What fixes that in your mind? A.—He always goes down.

Q.—It is simply because he always goes down, but you have no distinct recollection of it on that day any more than any other Tuesday? A.—No.

Q.—You say he always goes down on Tuesday about what hour? A.—Between half past eleven and a quarter to twelve.

Q.—For what purpose? A.—As I understand he goes down to a bank meeting.

(2217)

Q.—Then, when did he get back that day? A.—On the 9th?

Q.—Yes. A.—I could not specify the exact time to a minute.

Q.—Was he there in the afternoon of the 9th? A.—So far as I know he was.

Q.—Can you swear to it? A.—I cannot.

Q.—Cannot tell anything about his movements on the 9th at all, except that you infer he went to the bank that day because he was in the habit of going to the bank on Tuesdays? A.—I will swear he went to the bank.

Q.—Because that was his usual custom? A.—It was his custom and he always did.

Q.—Now, can you tell us any other place he went to upon the 9th? A.—No.

Q.—And you cannot tell what hour he came to the office or left in the afternoon? A.—He goes to the office

Q.—I am asking about this day. Can you swear? A.—No.

Q.—Nor as to any day in September? What bank is he a director of, do you know? A.—I think it is the Traders Bank.

Q.—What? A.—I think it is the Traders Bank.

Q.—You go to your dinner at what hour? A.—1 o'clock.

Q.—And return at? A.—2 o'clock.

Q.—And what you say is that you did not see Mr. Gamey after that? A.—After what.

Q.—After the 9th September? A.—I did not.

Q.—Until this investigation commenced? A.—Oh, yes, I saw him before that.

Q.—Then, when did you next see him after the 9th September? A.—I saw him later on in the fall, probably a month or a month and a half afterwards.

(2218)

Q.—You saw him about a month or so after that? A.—Yes, sir.

Q.—Where? A.—I first saw him in our office—that is Mr. Myers' office and mine.

Q.—About a month after the September visit? A.—I cannot swear it was a month.

Q.—You saw him several times in the office after that, did you? A.—I did.

Q.—At the time Mr. Gamey went into the office on the 9th, up to that time you had not known him? A.—I had not.

Q.—And how did you come to know him then—on the 9th September? A.—I did not know him then.

Q.—What? A.—I did not know him then.

Q.—Did any person mention his name to you? A.—Mr. Sullivan.

Q.—What did he say? A.—He said Mr. Gamey from Manitoulin.

Q.—Did he introduce him to you or simply say Mr. Gamey from Manitoulin wanted to have an interview with the Minister? A.—I asked Mr. Sullivan who was with him that day, and he said Mr. Gamey from Manitoulin.

Q.—When did you ask him? A.—When Mr. Sullivan and Mr. Gamey came into our office.

Q.—You asked him that in the presence of Gamey? A.—I did. I could not say in the presence of Gamey. I asked Mr. Sullivan who was with him.

Q.—You knew Sullivan? A.—I did.

Q.—How long had you known Mr. Frank Sullivan? A.—I think I first met him in the session of 1901, as far as I can remember.

(2219)

Q.—Pretty well acquainted with him? A.—I could not say I was well acquainted with him.

Q.—You are not ashamed of him surely? A.—I am not.

Q.—You were acquainted with him? A.—I was acquainted with him. I knew him to speak to him. I could not say I was well acquainted.

Q.—You knew he was employed in one of the departments? A.—Yes, sir.

Q.—In the Public Works Department. You knew that. Now, when did you first make the statement to

anybody that he was there on the 9th? A.—This morning.

Q.—That is the first time? A.—No, I made that statement before.

Q.—When did you make that statement? A.—I cannot specify the exact date.

Q.—How long ago? Did you ever make that statement to anybody until after Mr. Gamey made his statement in the House? A.—I made it after the statement was made in the House.

Q.—Then from September 9th up to the time that Mr. Gamey made his statement in the House you never thought of this incident of his being there? There was nothing to recall your mind to it? A.—Well, yes, I can say I did think of it.

Q.—Why? A.—I cannot say why.

Q.—You did think of it. In what connection did you think of it? A.—I had heard reports here and there, I do not know where, that Mr. Gamey was thinking of supporting the Government.

(2220)

Q.—I see. And then this report of the caucus of the 11th September was recalled to your mind? A.—It was.

Q.—Did you link in your mind after you heard these rumors the visit that Frank Sullivan and Gamey had made to Mr. Stratton? A.—It occurred to me.

Q.—Did it occur to you at that time that probably that was the interview at which matters were arranged as to his supporting the Government? A.—It did not. I did not know anything about that.

Q.—That did not occur to your mind at all events? Then, whom did you first tell it to? A.—What?

Q.—Your recollection about this report of the Conservative caucus? A.—Mr. Johnston.

Q.—Did you tell it to Mr. Stratton first? A.—I did not.

Q.—Never told it to anybody until you told it to Mr. Johnston? A.—Until I told it to Mr. Johnston.

Q.—And who told you to tell it to Mr. Johnston? A.—No one told me to tell Mr. Johnston.

Q.—No one told you to tell it to Mr. Johnston? How did you come to go to Mr. Johnston? A.—Mr. Johnston telephoned to me.

Q.—I see. Mr. Johnston telephoned to you? A.—Yes, sir.

Q.—And you went to his office? A.—Yes, sir.

Q.—Were you surprised to get a telephone from Mr. Johnston? A.—I cannot say I was.

Q.—But yet you had never told this to anybody prior to that time? A.—I had not.

Q.—Never divulged it to anybody? A.—Never.

(2221)

Q.—And you were not surprised when you got a telephone from Mr. Johnston asking you to come to his office? A.—I was not.

Q.—Did you give him a statement in writing? A.—No.

Q.—But you have no idea how Mr. Johnston came to know that you could give any evidence in connection with the matter? A.—Nothing more than I presume Mr. Johnston knew as I was messenger there and ushered visitors into Mr. Stratton, probably I would know something about it.

Q.—So far as you were concerned, you had not told anything about it? A.—So far as I know.

Q.—Now you say you saw Gamey there on 4 or 5 occasions altogether? A.—I would not say 4 or 5. I saw him there on different occasions.

Q.—Give us the date that he was at Mr. Stratton's office next following the 9th September? A.—I cannot give you the date.

Q.—You cannot give the date? Was it before or after the 1st of October? A.—I cannot say that.

Q.—What? A.—I cannot say that.

Q.—So that he might have seen him again before the 1st of October? A.—As far as I know.

Q.—Then you cannot pretend to fix the date that he next saw him after the 9th September? A.—I cannot fix the date after the 11th day of September. I cannot fix the date after the 11th September.

Q.—I understand you to say you did not see him on the 11th September there? A.—I did not.

Q.—And you cannot fix any other day in September after the 11th? A.—After the 11th?

(2222)

Q.—Yes. A.—No.

Q.—You cannot fix as to whether he saw him in September any date after the 11th?

The Chancellor: That is Gamey?

Mr. Ritchie: Yes, my Lord. You understand I am referring to Gamey? A.—Yes, sir.

Q.—He might or might not? You don't recollect? A.—I don't recollect.

Q.—He might or might not have? You don't recollect? And you will not pledge your oath either one way or the other? A.—I will not.

Q.—Then can you say whether he saw him in the month of October or not? A.—I cannot say.

Q.—Can you say whether he saw him in the month of November? A.—I cannot say.

Q.—Or December? A.—I cannot say.

Q.—Or January? A.—Yes, I can pledge my oath he saw him in January.

Q.—You can pledge your oath that you saw him in January, but you cannot pledge your oath that he was not there after the 11th September or in October, November or December? A.—I will pledge my oath this far, that I saw Mr. Gamey later on after the 9th September.

Q.—That is all you can say, but you cannot fix the time? A.—That is before January.

Q.—That is before January. You can pledge your oath that you did see him between the 9th of September and the beginning of January? A.—Yes, sir.

(2,223)

Q.—On how many occasions did you see him between these times? A.—Once only.

Q.—Once only. But you cannot pretend to give us the month? A.—I cannot give the month.

Q.—Do you recollect what time of day he went there, between the 9th of September and the 1st of January?

A.—Between what?

Q.—Do you remember what time of day? You say he did make a visit somewhere in between, but you cannot fix the date or even fix the month. Can you fix the time, that is, the hour of the day, that he saw Mr. Stratton in the interval between the 9th September and the 1st January? A.—I cannot fix the hour exactly, but I know it was in the forenoon.

Q.—What enables you to say it was in the forenoon? A.—Simply this. I took a pitcher of water into Mr. Stratton's bedroom.

Q.—When? That morning? A.—That morning.

Q.—Where did Mr. Gamey see Mr. Stratton? Was it in his bed-room? A.—In his room, in his private room.

Q.—How does the incident of taking in a pitcher of water help your memory? A.—Well, it helps my memory—that is all.

Q.—Don't you do that every morning? A.—Take a pitcher of water?

Q.—Yes? A.—As a general rule.

Q.—Every morning? A.—I take a pitcher of water, as a general rule, before Mr. Stratton enters his office.

Q.—You take it in, as a general rule, before Mr. Stratton enters his office? A.—Yes, sir.

(2,224)

Q.—Then, on the occasion of the second visit of Mr. Gamey's, when you saw him, you say, following out your

usual custom, you took in a pitcher of water to Mr. Stratton's bed-room? A.—I took in a pitcher of water that morning later than usual.

Q.—Was it your usual hour for taking in a pitcher of water? A.—Between 9 o'clock and a quarter past.

Q.—Now, on this particular day, what time did you take it in? A.—It was after 10 o'clock anyway.

Q.—Well, now, will you tell us how you fix that in your mind? A.—Fix which?

Q.—How do you fix in your mind the fact that you took in the pitcher of water on this day later than on ordinary days, or other days? A.—I remember taking in the pitcher of water, and I remember Mr. Gamey speaking to Mr. Stratton—sitting beside Mr. Stratton.

Q.—Did you take in the pitcher of water to Mr. Stratton's bed-room? A.—On that day?

Q.—Yes. A.—Yes.

Q.—Was Stratton in the bed-room? A.—He was at his desk.

Q.—Was he in the bed-room? A.—He was not.

Q.—Then you passed through and left them there? A.—I did.

Q.—Now, what is this that enables you to say that it was later than usual? Mr. Stratton, I suppose, is in his office at 9 o'clock on some mornings, or a quarter past 9? A.—Very seldom in his office at 9 o'clock.

Q.—There at a quarter past 9 or half-past 9? A.—Generally half-past 9 Mr. Stratton enters his office.

(2225)

Q.—And that is the only thing you can think of, that you took in the pitcher of water a little later that day than usual, and you saw Mr. Gamey in Stratton's office? A.—I did, sir.

Q.—That is the first time you saw him that day? A.—Mr. Gamey?

Q.—Yes? A.—Yes, sir.

Q.—First saw him in Mr. Stratton's office. That is Mr. Stratton's private office, you mean? A.—Mr. Stratton's private office.

Q.—How did he get in there? A.—In Mr. Stratton's private office?

Q.—Yes. A.—I ushered him in.

Q.—You told us a moment ago that the first you saw of him was in the private office? A.—Well, I did not intend you to take that meaning.

Q.—Well, you made that statement, and I can only take the meaning the English language conveys? A.—I make this statement, that I ushered Mr. Gamey into Mr. Stratton's office.

Q.—Then you were not correct in saying that you first saw him on that occasion in Mr. Stratton's private office? A.—I am not.

Q.—You saw him first in your own office? A.—I did.

Q.—Did anyone go in with him on that occasion? A.—No.

Q.—Who were present in the outer office when he came? A.—I could not swear to who was present.

Q.—Was Mr. Myers there? A.—He may have been.

Q.—Anybody else there.—I cannot swear to it.

(2225½)

Q.—You cannot pledge your oath as to who was there? Did you see anybody else there on that day? A.—I cannot say that I did.

Q.—You cannot give the name of any other person who was there that day. Just answer, please? A. I cannot.

Q.—How long, on that occasion, did he remain with Mr. Stratton? A.—On the October visit?

Q.—You could not fix it as an October visit. You said it was somewhere between the 9th September and the beginning of January? A.—That was the next visit.

Q.—You cannot give it any more definitely than that? A.—There is nothing in my mind to make the visit any longer than 15 or 20 minutes.

Q.—What? A.—Nothing more than 15 or 20 minutes.

Q.—Have you a recollection it was 15 or 20 minutes? A.—I cannot swear it was, exactly.

Q.—Did you let him out? A.—I did not let him out.

Q.—Who did let him out? A.—He came out himself, so far as I know.

Q.—You know what I mean. Did he pass through your office? A.—Through my office?

Q.—Yes? A.—I cannot swear that he did.

Q.—You cannot swear that he did. He may have been let out the private door into the corridor? You cannot say how that is? A.—I can say this, as long as I am in the office, I have yet to find out any one who went out of the private door.

Q.—But you have no recollection of his passing out? You have no recollection, you told me, of his passing out on that

(2226)

occasion? A.—Of his passing out?

Q.—Yes? A.—No.

Q.—You have not. You have no recollection of any other person who saw Mr. Stratton on that day. Now, then, you cannot speak of any other occasion until we get to January. Then tell us what you know about the January visit?

The Chancellor: I thought this was the January visit.

Mr. Ritchie: I understand first he saw him on the 9th September, he saw him some time between the 9th September and the 1st of January, but he cannot give the month. Then he says he does recollect that he did see him in January.

Mr. Blake: I thought he called this the October visit.

Mr. Ritchie: He said that and then he took it back.

Witness: So Mr. Gamey says.

Mr. Blake: He called this the October visit.

Mr. Johnston: He said a month or six weeks afterwards. That was the nearest he could give.

Mr. Blake: He called it the October visit?

Witness: That is what Mr. Gamey says.

Mr. Ritchie: Then you saw him in January? A.—I did.

Q.—What fixes that in your mind? A.—Well, I saw him on three occasions in January.

Q.—You saw him on three occasions in January. Give us the first one? A.—The first one—I cannot say the exact day. Mr. Gamey says it was on the 13th, so probably it was.

Q.—On the 13th. Do you recollect what time he came there on the 13th? A.—I do.

Q.—What time? A.—As far as I remember it was about half-past nine.

(2227)

Q.—Was anyone with him? A.—No.

Q.—Did you let him in? A.—I did.

Q.—Ushered him into Mr. Stratton's room? A.—I did.

Q.—Was Mr. Stratton there when Gamey arrived? A.—I think he was.

Q.—You know Mr. Vance? A.—I do.

Q.—You know his position, that he is Assistant Liberal Organizer? A.—I have heard so.

Q.—Was he there on that day? A.—He was.

Q.—Mr. Vance was there on the day Mr. Gamey was there, assuming that date to have been the 13th January? A.—He was.

Q.—Was he there before or after Mr. Gamey? A.—I could not say that; I do not know.

Q.—You do not know whether he saw Mr. Stratton on that day before Gamey did or not? A.—Mr. Vance saw Mr. Stratton first.

Q.—Did he? A.—He did, but I cannot say who came into the office first.

Q.—Wouldn't you naturally usher in the person who came in first? A.—Oh, sometimes we make exceptions.

Q.—Did you make an exception in the case of Mr. Vance as a rule? A.—Not as a rule.

Q.—He is a frequent visitor there, I suppose? A.—He comes there now and again.

Q.—Well, do you usually let him in first? A.—Well, sometimes the visitors make arrangements between themselves.

Q.—But speaking generally, do you know that Mr. Vance has gone in before those who had arrived before him? A.—Well, yes I do.

Q.—You do know that. Admitted without delay? A.—In some cases. In some cases only.

Q.—Then, how long did Mr. Vance's interview last? A.—I do not know exactly. Probably fifteen minutes.

Q.—Then did Mr. Gamey go in after Mr. Vance came out? A.—He did.

Q.—Then how long did the interview between the Minister and Mr. Gamey last? A.—Fifteen or twenty minutes.

Q.—Anybody else in Mr. Stratton's room when Mr. Gamey was there? A.—When he went in?

Q.—At any time when he was there? A.—Dr. Chamberlain was in there.

Q.—Not when he went in there first? A.—Not when he went in there first.

Q.—How far is Dr. Chamberlain's office away from Mr. Stratton's office? A.—Oh, I do not know exactly. Twenty-five or thirty feet or more.

Q.—On the other side of the corridor? A.—The same side.

Q.—In which direction from Stratton's? A.—North.

Q.—How long had Mr. Gamey been in with Mr. Stratton before Dr. Chamberlain came into the office? A.—I think about five minutes.

Q.—Was there anything to impress that interview upon your mind—any special significance in the visit? A.—Oh, no; I do not know as there was.

Q.—You did not think there was. Nothing to make you recollect that any more than the visits of other people or on other days? A.—Nothing more

(2229)

or less than I heard Mr. Gamey was thinking of supporting the Government.

Q.—What? A.—Nothing more than this, that I heard Mr. Gamey was thinking of supporting the Government.

Q.—Where did you hear that prior to that time? A.—I heard that.

Q.—Prior to the 13th January? A.—Yes.

Q.—Where? A.—I cannot say where.

Q.—From whom, now? Tell us? A.—I do not know from whom. I know I heard it, that is all.

Q.—Did you hear it from Mr. Stratton? A.—I did not.

Q.—Hear it from Mr. Myers? A.—No.

Q.—Do you know whom you heard it from? A.—I do not know.

Q.—But you had heard rumors? A.—Yes, sir.

Q.—And did that interest you? A.—It did not interest me any.

Q.—Then why should the fact that he made a visit impress itself upon your mind any more than if any other member made a visit? A.—Oh, simply this, that a man elected as a Conservative—I did not see why he should support the Government.

Q.—At all events you say at this time in January you had heard rumors? A.—I had heard rumors before that.

Q.—Tell us the name of any person who visited on the 13th January—who had an interview with Mr. Stratton on that day apart from those you have mentioned? Can you do it? A.—I cannot.

Q.—The 12th January? A.—I cannot specify any date.

Q.—Or the 11th? You cannot give the name of any person

(2230)

who had an interview with Mr. Stratton in January last, other than those you have mentioned? A.—Oh, yes, I can in January last.

Q.—Can you fix any date? A.—I cannot fix the date.

Q.—Then, did Mr. Gamey walk through your room in leaving? A.—I presume he did.

Q.—Do you recollect as a matter of recollection? Can you say whether he did or not? A.—No, I cannot.

Q.—As a matter of recollection you cannot say whether he did or not. Then, when did you next see him in January? A.—I saw him the day before the Globe interview.

Q.—At what hour? A.—I first saw him I think about 2 o'clock.

Q.—Who was with him? A.—He was alone.

Q.—Did he speak to you? A.—Yes.

Q.—What did he say? A.—He asked me if Mr. Stratton was in.

Q.—What did you tell him? A.—I said no, Mr. Stratton was at lunch.

Q.—What did he do then? A.—He went away.

Q.—When did he return? A.—He returned probably in 15 or 20 minutes.

Q.—In the meantime, Mr. Stratton arrived? A.—He did.

Q.—He went in and had an interview with Mr. Stratton? A.—He came into our office first—the outer office.

Q.—He passed through the outer office into Mr. Stratton's private room? A.—Yes, sir.

Q.—And how long was he closeted with Mr. Stratton on that occasion? A.—As far as I remember he was the usual time, fifteen or twenty minutes.

(2231)

There was nothing more or less to attract my attention, that he was in any longer.

Q.—Was there anybody else in the room with Mr. Stratton and Mr. Gamey? A.—Not that I remember.

Q.—Then, did you see him with any paper on this visit—any paper in his hand? A.—Mr. Gamey—I did not.

Q.—Did you know the object of his meeting Mr. Stratton? A.—I did not.

Q.—Hadjn't heard anything about it? A.—Nothing.

Q.—Then, after this interview he went away? A.—Yes, sir.

Q.—Did he say anything about returning that you heard? A.—Nothing to me.

Q.—Nor in your hearing? A.—Nor in my hearing.

Q.—So that you did not know when he left that he intended returning? A.—I did not.

Q.—Did he return on that day? A.—Not so far as I know.

Q.—What time did you leave that day? A.—That day about 6 o'clock.

Q.—You left that day about 6 o'clock. You heard Mr. Myers state that he did return? A.—I do not know anything about that.

Q.—What? A.—I do not know anything about that.

Q.—You heard Mr. Myers state that? A.—I did.

Q.—Then he must have returned after you left? A.—He must have.

Q.—You did not leave until about 6? A.—6 o'clock.

Q.—Did you see Frank Sullivan that day? A.—Not as far as I remember.

(2232)

Q.—Can you pledge your oath to it? A.—I can pledge my oath that so far as I remember I did not see him.

Q.—You don't recollect having seen him? A.—I do not.

Q.—Was that the last you saw of him on the 29th when he left about 3 o'clock—between 2 and 3? A.—That was the last.

Q.—And you fix the date by reason of the fact that the next day you saw this interview published in the Globe? A.—Exactly.

Q.—When was the next time you saw him in January? A.—I do not know as I saw him in January after that.

Q.—What is that? A.—I did not see him after that.

Q.—Didn't you tell me that you saw him three times in January? A.—I did.

Q.—You did. Have you given us the three times? A.—I have.

Q.—Do you mean us to take the three times as having seen him twice on one day? A.—I do.

Q.—That is the way you put it. You say you saw him three times. You saw him on the 13th and saw him twice upon the 29th? A.—Yes, sir.

Q.—The interval between your seeing him on the 29th being about 15 minutes? A.—Yes, sir.

Q.—Now, did you see him on any other occasions? A.—Before or after?

Q.—I have taken you up to January, taken every occasion upon which you have seen him. When did you see him after January? A.—Saw him in the House.

(2233)

Q.—On what day? A.—The day he made the statement.

Q.—Is that the first time that you saw him after you saw him in January? A.—The first time.

Q.—I suppose you have seen him several times since then during the investigation here? A.—I have. He has nodded to me—spoken to me.

Q.—Ever had any conversation with Frank Sullivan about the matter? A.—I spoke to him one day near Mr. Chace's desk.

Q.—That was in the corridor? A.—Yes, sir.

Q.—When was that? A.—It was after Mr. Gamey's statement in the House.

Q.—How long? A.—I do not know exactly.

Q.—And you spoke to him in connection with this matter? A.—Not in connection with this matter.

Q.—You did not refer to the subject matter of this inquiry at all? A.—The conversation that day was this—

Q.—You can tell us shortly whether it referred to matters involved in this inquiry? A.—It was this, and you can judge for yourself. I asked Mr. Sullivan—I made—

Q.—Tell us whether the conversation was in connection with matters involved in this interview.

The Chief Justice: If he tells you exactly what the conversation was, then you will know.

Witness: I met Mr. Sullivan and said to him, how are you? He said, very good. I said, how are things

going, and he said, all right, and he said then I will tell the truth?

Q.—That is all? A.—That is all that was said.

Q.—Did he ask you what you knew about the matter? A.—Nothing whatever.

(2234)

Q.—Was there anything occurred that would lead him to say that? Have you or anybody else been expressing doubt as to his telling the truth? A.—Not that I know of.

Q.—It did not occur to you it was a singular thing for him to say that he would tell the truth? A.—Not at the time.

Q.—What? A.—Not at the time.

Q.—Not in the least. Are you in the habit of going out on messages? A.—In the habit of going out?

Q.—Yes, outside of the Buildings? You are the messenger for the Department? A.—Well, practically, yes.

Q.—Practically yes. And if there are messages to be delivered outside, do you usually deliver them? A.—I do not.

Q.—What? A.—No.

Q.—Who does deliver them? A.—Well, what kind of letters do you refer to?

Q.—Any messages the Minister may want to send to any person? A.—Oh, the Minister might ask me to take a letter. He has asked me to take two or three letters as far as I can remember to Mr. Coffee, the Manager of the Trust Company.

Q.—Any others? A.—Not that I remember of.

Q.—Are you in the habit of going out to deliver messages in other parts of the building? A.—Why I have taken letters to other Departments—yes.

Q.—Is there any other messenger in connection with the Department? A.—There is.

Q.—Who? A.—Mr. O'Leary.

Q.—Where is his office? A.—Mr. Lumsden's office.

(2235)

Q.—But I am speaking in connection with the Minister himself? Is there any other messenger? A.—No.

Q.—The other man is the messenger for Mr. Lumsden's Department? A.—Well, he is employed in Mr. Lumsden's Department so that I could remain in Mr. Stratton's office and not go out.

Q.—But if Mr. Stratton wanted letters delivered he would ask you to do it? A.—Yes, but he never wanted messages delivered so far as I know.

Q.—Then the only other duties you had apart from messenger—the only

other duty was to usher people in to see Mr. Stratton? A.—That was my principal duty.

Re-examined by Mr. Johnston :

Q.—Did you ever deliver any parcel, package, letter, envelope or otherwise in September or at any other time to Mr. Gamey and Mr. Sullivan in the smoking room? A.—I did not, sir.

Q.—Do you know anything at all about anything of that sort happening? A.—I do not.

Q.—Excepting what you have heard in the evidence? A.—I do not.

Q.—Did you at that time know directly or indirectly of any parcel, package, envelope or paper either containing money or not containing money being delivered to Mr. Gamey or Mr. Sullivan or anybody else? A.—Neither at that time nor until I heard Mr. Gamey's statement in the House.

Q.—Or at any other time until then? A.—Never.

Q.—I need not ask you whether you did or not after what you say? A.—You need not.

(2236)

Q.—Now, one matter which I think you might make clear. Do you remember the day on which you went to my office—the day of the week? A.—I do not remember the day exactly, I remember I was sick at the time. I remember I was sick.

Q.—Do you remember the day the statement was made in the House? A.—Yes.

Q.—It was on a Wednesday, I think? A.—I do not remember the day exactly.

Q.—How long after that was it you saw me? A.—It must have been a week anyway.

Q.—Yes. You were sick the balance of that week or during that week? A.—I was. I was sick I think for about three weeks that time.

Q.—And at the time you came to see me did you know that the others had been told by myself, or that they had come to see me—that others had come to see me to give statements? A.—Well no, I cannot say that I did.

Q.—But you knew who I was? A.—Yes, sir.

Q.—And that was the first intimation you say of what you knew about the matter, to me as solicitor? A.—I think it was, so far as I know.

Q.—Now, in order to make the matter clear, although I do not ask you for the dates, I do not want to keep you any longer that I can help, how long after the first meeting in September was it before you saw Mr. Gamey at the Minister's office? Give it to me in weeks or months, according to your best recollection? A.—Well, I cannot

say exactly. It was some time latter on in the fall.

(2237)

Q.—I mean would it be days, weeks or months according to your recollection, after the 9th September? A.—I think it was a month afterwards anyway.

Q.—You think it was a month afterwards anyway? Did you ever see him at the Minister's office two days in succession? A.—I did not.

Q.—When a man leaves the Minister's room, do you show him out or does he go out himself? A.—He goes out himself.

Q.—Did you ever see Frank Sullivan with Mr. Gamey upon any other occasion but the first? A.—I did not.

Q.—Is it the fact that Frank Sullivan was around the Minister's office after that occasion, day in and day out, or was he only there occasionally? A.—The Minister's office.

Q.—Yes? A.—He was never in the Minister's office.

(2238)

Q.—Never in the Minister's office after that, whether he saw the Minister outside or not, you cannot speak? A.—He may have seen him outside for all I know.

Q.—What about frequenting your part of the office? A.—He has been around there three or four times I think.

Q.—Was there any occasion for his being around your office in the fall of 1902? A.—I heard him speak one day to Mr. Myers regarding some bells that were being put in.

Q.—That was late on in the fall, I think, his account shows. A.—I also heard him speak to Mr. Myers in regard to the removing of a telephone.

Q.—That is all. You can go back to your room, and take a rest for a day or two.

Dr. Theodore F. Chamberlain, sworn. Examined by Mr. Johnston:

Q.—You are Inspector of Jails and Public Charities under the Ontario Government? A.—Yes, the Charity Aid Act.

Q.—And you have been in that position for how long? A.—Some thirteen or fourteen years.

Q.—And that is attached to? A.—To the Provincial Secretary's Department.

Q.—Do you know Mr. Gamey? A.—I do know Mr. Gamey now since the House opened, and I met him on one occasion previous to meeting him in the Legislative Chamber.

Q.—Can you fix the time reasonably exact as to when you met him? A.—Well, I am not going to say as to

dates. I believe the day was the 13th of January. I have reason for believing that. However, he states that himself, and I do not dispute him. I never saw him but on that occasion previous to the time he made his statement on the floor of the House.

(2239)

Q.—Where did you see him on that occasion? A.—I saw him in the Provincial Secretary's office.

Q.—The main or the private office?

A.—In his private office.

Q.—And how did you come to go there? A.—I was called by the Provincial Secretary from my office.

Q.—By means of mechanical connection? A.—A call bell.

Q.—Do you remember about what time of the day it would be? A.—It would be a little after ten o'clock I should say. I cannot give the time exactly, but I should say a little after ten.

Q.—And who was in there when you went in? A.—Mr. Stratton, Mr. Gamey, Mr. Myers and his secretary.

Q.—Did Mr. Myers remain long after you went in? A.—I think he went out immediately after I went in.

Q.—What was the occasion of your being called in? A.—Well, it was in reference to the lock-up at Little Current on Manitoulin Island.

Q.—That would be under your jurisdiction? A.—Yes, sir.

Q.—Was anything said by Mr. Gamey as to the lock-up? A.—Yes, he said it was in bad condition, and the lock-up keeper—another lock-up keeper should be appointed.

Q.—Give any reason? A.—Yes, that the present lock-up keeper had gone to keeping a hotel.

Q.—And I suppose thereby more or less fed the lock-up with its patients, according to his story. However, be that as it may, what was said with reference to it, as nearly as you can recollect? Did you discuss it? A.—I think I stated to Mr. Stratton that I

(2240)

would make a report in reference to the matter as soon as I could look into it.

Q.—Anything further said with reference to it that you recollect? A.—I do not think there was just in reference to the lock-up keeper, more than the appointment of a new one.

Q.—Was there any other conversation? A.—There was some other appointment Mr. Gamey wanted made, or recommended at that time.

Q.—What? A.—There was some other appointment Mr. Gamey wanted

made, or recommended to be made at that time.

Q.—Do you know what they were?

A.—I think License Commissioners were mentioned.

Q.—That of course does not come under your jurisdiction? A.—No.

Q.—What else? A.—I think an appointment in the Crown Lands Department.

Q.—Can you tell me what the appointment in the Crown Lands Department was? A.—I think it was an appointment of Mr. Gamey's brother to the outside service with the Crown Lands Department.

Q.—That is rather an important service. Is it not? A.—I am not very much acquainted with it. I should say it would be, however, from my acquaintance with what is managed in the Crown Lands Department. That is the timber business. Of course I do not know what outside position it was, whether a fire-ranger or wood ranger or estimator.

Q.—Then when he spoke about these appointments to Mr. Stratton, what did Mr. Stratton say in reply? A.—Mr. Stratton told him that they would have to consult their friends in regard to those appointments.

(2241)

Q.—Whose friends? A.—The friends of the Government, of the party, I understood.

Q.—You understood the friends of the Government—the Government party? Did Mr. Gamey then say anything? A.—I think Mr. Gamey said, I am a supporter of the Government.

Q.—Yes, and what did Mr. Stratton say? This is on the 13th January. This was after the bye-elections? A.—Mr. Stratton rather sharply said, you have said so, but it does not look much like it, the course you have taken the last few days, being down at North Perth supporting the Conservative candidate.

Q.—Had the bye-elections taken place at that time? A.—I believe they had.

Q.—And what excuse, if any, did Gamey give for that position? A.—He had to do it.

Q.—And what else did he say? A.—I do not think he spoke next after that.

Q.—Then what further took place? A.—I think the Provincial Secretary said to him, if you are a supporter of the Government, why don't you declare your position publicly one way or the other. I think that was the remark made by the Provincial Secretary.

Q.—That was proper. Then what did Mr. Gamey say? A.—He said I am prepared to do so.

Q.—Anything further? A.—The Provincial Secretary says to him, well then do so at once.

Q.—Then did Mr. Gamey ask him anything? A.—Mr. Gamey asked him to prepare some kind of an interview for the press, that he could give to the press, in reference to his position.

(2,242)

Q.—And what position did Mr. Stratton take? A.—Mr. Stratton, I think, said to him, Get it up yourself, or something to that effect, and Mr. Gamey made some remark in reply, if I remember correctly, and the purport of it was that he would like Mr. Stratton to get it up.

Q.—And did Mr. Stratton agree to it? A.—Mr. Stratton says, What do you want to say? and Mr. Gamey repeated over the substance in fact of what he wished to say to the public through the press, and Mr. Stratton was to prepare the document for him, and he was to call again and get it.

Q.—Was there anything taken down at that time? A.—I think, if I remember right, that I got up from where I was sitting, and walked over to the window; it would be perhaps 12 or 15 feet away from where they were sitting, and I was looking out of the window. The conversation was altogether confined between Mr. Gamey and the Provincial Secretary, and I was simply interested as a hearer, as a spectator.

Q.—Do you know whether Stratton made any notes of the interview at that time? A.—I think he did take down some notes. I am not positive as to that, but I think he did—of some of the statements made by Mr. Gamey.

Q.—Did you hear the arrangement made by Mr. Gamey to Mr. Stratton on that occasion? A.—Well, I would not undertake to say that I did hear them all. I heard some of them.

Q.—Without going into details, because no doubt my learned friend will get them, did you read the interview in The Globe subsequently? A.—I did.

Q.—Is there any substantial difference between the reasons given—

(2,243)

Mr. Blake: Is not that leading absolutely, putting The Globe interview into his hands?

The Chancellor: What do you recognize in The Globe interview?

Witness: I recognize more in The Globe interview, I think, than I un-

derstood to have been said, that is, more than I heard of the conversation. The tenor of the whole document was along that line, as the Provincial Secretary was requested to frame it for Mr. Gamey.

Mr. Johnston: Now, is there any conflict between the statements in The Globe interview and the statement—

Mr. Blake: Is that right?

Mr. Johnston: Do not answer it until it is determined whether I shall ask it or not.

Mr. Blake: I object to that for this reason—

The Chancellor: What is the question?

The Chief Justice: Do not answer it. Formulate your question.

Mr. Johnston: Is there any conflict between The Globe interview as you read it, and the instructions given by Mr. Gamey to Mr. Stratton for the preparation of an interview? Now, do not answer it, please.

The Chancellor: I think you should ask him wherein it agrees. Ask him wherein it differs.

Mr. Blake: I am submitting, my Lord, that you might as well take The Globe interview, and refresh the memory of your own witness by putting it into his hands, and stating, Is that what then took place?

The Chief Justice: But he has al-

(2244)

ready stated the substance, but he says there is more there than what he heard, although along the same line. Surely he may ask, then, if there is any point of difference.

Mr. Blake: I would have thought it was the same as taking a paper, containing what I wanted to prove, putting it in the hands of a witness, and asking him, Is that correct?

The Chancellor: If the witness had no memory, he could take that and refresh his memory, but he has a memory of it, and he is going to tell us wherein it agrees, and wherein it differs.

Mr. Blake: But I submit he cannot do that, unless it is a paper prepared by himself at the time.

The Chancellor: It is a public paper. It is not a private document. He is asked to state wherein it differs, and wherein it agrees. You can ask him that.

Mr. Blake: That is presenting the paper to him, and saying, Is not that the interview?

The Chancellor: In what other way can you ask him? How are you to get it? He is asked to state wherein it agrees and wherein it differs.

Mr. Johnston: Then, in order to relieve my learned friend's objection of any of its force, I shall ask him this:

Q.—Will you please tell me one instance, so far as you recollect of the conversation, in which The Globe either adds to or differs from that conversation?

Mr. Blake: I submit, the fair thing would be to ask, What did take place? What do you remember did take place?

Mr. Johnston: He has told us that. Now, then, what can you say as to that?

(2245)

Witness: The only difference that I can see as to the article which appeared in The Globe, and the conversation which I did hear, and of course I have no right to assume what I did not hear; but, as I stated before, it is along the line of the request. There may be more words used than were used upon that occasion, expressing the desire of Mr. Gamey for this document. The document, I think, contains more words than were used. That is, there was less time taken in saying what he was prepared to say.

Q.—Is that what you mean? A.—That is what I mean.

Q.—Is there any subject matter mentioned in The Globe interview that you did not hear at the time of the interview? If there is, kindly tell us? A.—Well, I can scarcely tell as to that. I would not undertake to define each clause in that interview as a conversation which took place between the Provincial Secretary and Mr. Gamey.

Q.—Then, I will ask you this question. Was patronage discussed on that occasion? I do not want you to say anything more than yes or no, according to your recollection.

Mr. Blake: I think it would be better to ask him what was discussed.

The Chancellor: If you are going into details you had better do that.

Mr. Johnston: I was, rather, leaving the details to my learned friend. Simply, was it discussed?

Mr. Blake: It is that which I am objecting to.

The Chancellor: You can ask him what he remembers.

Witness: If I remember correctly, there was something said about that.

(2246)

Mr. Johnston: Do you remember what was said? A.—No, I do not remember what led up to it, but the Properly, said to Mr. Gamey, that when he supported the Government, that his recommendations would receive the same consideration as the recommendation of any member of the Legislature supporting the Government. I think that was the purport of the conversation which led up to that.

Q.—Now, have you told us substantially all that you recollect of the conversation, without going into details? Have you told us the substance? A.—I have told you the substance of it as nearly as I can remember.

Q.—Did you go before, or with, or after Mr. Gamey out of the Minister's room? A.—I think I remained after Mr. Gamey went out. There was another question which leads my mind to be certain upon that point.

Q.—You may say what it is. A.—It was the conversation which I required to have with the Provincial Secretary in reference to the supply of coal for some of the public institutions.

Q.—And your recollection is that you remained? A.—I remained for that conversation.

Q.—Have you a clear recollection about it? A.—I have a very clear recollection in regard to that. I do not think I am mistaken in reference to that, because I had been looking for an opportunity.

Q.—Then, you never saw Mr. Gamey afterwards? A.—Until I saw him on the floor of the Legislative Assembly.

(2247)

Cross-examined by Mr. Ritchie:—

Q.—Now, Dr. Chamberlain, you fix the date as the 13th? A.—No, sir.

Q.—So far as you can recollect? A.—No, I fix the date, as I said before, from the statement of Mr. Gamey, that it was upon that date, and that I had never met him but once in Mr. Stratton's office.

Q.—At all events, you accept his statement as to the date? A.—Yes, sir, I do.

Q.—He was there before you reached his office? A.—Yes, sir.

Q.—And they apparently had a discussion before you got there about some matter? A.—I do not know as to that.

Q.—What was the first matter that was brought up after you entered the room? A.—The condition of the lock-up at Little Current, Manitoulin Island, and the lock-up keeper.

Q.—There was no lock-up keeper then? A.—There was, yes.

Q.—I understood you to say he had left to keep an hotel? A.—No, sir, he was keeping the hotel.

The Chancellor: Concurrent occupations.

Mr. Ritchie: Oh, I see.

Witness: He was still acting as lock-up keeper.

Mr. Ritchie: I thought he had left, and there was a vacancy. But you thought those two positions were not

compatible? A.—I thought so myself.

Q.—And that was the view apparently that Mr. Gamey took? A.—And Mr. Stratton, too.

(2248)

Q.—So that the question discussed was the appointment of a new lock-up keeper? A.—At first, yes.

Q.—And was there much said on that subject? A.—Very little.

Q.—Were you asked to report? A.—I think I was. I think the Provincial Secretary said to me, you will make a report upon this.

Q.—But you had all concurred in that view that it was undesirable to have the man filling the two positions? A.—That is correct.

Q.—So that it was practically unnecessary for you to make any report? A.—Not by reason of the two positions concurrently, because he had been filling two positions previous to that. We only paid him a very small salary and allowed him to do other business in connection with his care of the lock-up, but his taking over an hotel was rather inconsistent with his acting as a lock-up keeper.

Q.—You all agreed upon that? A.—Yes, sir.

Q.—He had taken over the hotel, so that it was unnecessary for you to make any report? A.—Oh, no.

Q.—Did you not all agree in that view, that it was undesirable he should be continued there? A.—Oh, yes, but it was necessary for a report to have another man appointed, and a proper officer.

Q.—All you had to do was to make a formal report to the Minister? A.—I think I would have to make a little more than that, to know the individual that was appointed to the position.

Q.—Did you discuss who was to be appointed? A.—No.

(2249)

Q.—Was the name mentioned? A.—No.

Q.—Did Mr. Gamey recommend any particular person? A.—I think not. I do not think he mentioned it.

Q.—Will you swear he did not? A.—Yes, I will, I think.

Q.—You will swear he did not mention the name of any person? A.—I do not remember of any name being mentioned for the position.

Q.—The conversation on that subject must have lasted a very short time? A.—A very short time.

Q.—And that was the only subject matter about which Mr. Stratton wished to discuss with you? A.—I cannot say as to that.

Q.—So far as you know? A.—I cannot say as to that at all.

Q.—There was no other subject matter discussed? A.—Mr. Stratton gave me no indication to leave.

Q.—Well, now, after the conversation with respect to the lock-up had ended, what was said? A.—I think the question of the license commissioners was mentioned—the appointment of license commissioners.

Q.—Who opened the discussion about that? A.—I think Mr. Gamey asked in reference to it.

Q.—What did he ask? A.—About the appointment of license commissioners—that he would like to have them appointed.

Q.—Did he give the names of any persons? A.—I think not.

Q.—Tell us all that was said? A.—That is all.

Q.—That he would like to have the license commissioners appointed? A.—Yes, sir.

Q.—Did not name them? A.—I think not.

(2250)

Q.—What reply did Mr. Stratton make to that? A.—He made the reply that I stated a little while ago that they would consult their friends in reference to those appointments.

Q.—Was it at that point he made that statement? A.—No, I think the vincial Secretary, if I remember cor- outside appointment to the Crown Lands Department was mentioned just before.

Q.—Now, I want them in order? A.—I have given them to you in order.

Q.—The lock-up was first? A.—Yes, sir.

Q.—Was the appointment to the Crown Lands Department second? A.—No, sir.

Q.—The License Commissioners? A.—Yes, sir.

Q.—And was it during the discussion as to the License Commissioners that Mr. Stratton made the remark that he would consult his party friends? A.—No, sir. I said after the other appointment was asked for.

Q.—Now, did Mr. Stratton make any remark as to whether he would not appoint License Commissioners? A.—He did not to my knowledge.

Q.—What reply did he make? A.—He said we will consult our friends in reference to those appointments.

Q.—Was that with reference to the License Commissioners? A.—With reference to the appointments.

Q.—Now, the conversation took place in a certain order. First about the lock-up. You have dealt with that? A.—Yes.

Q.—Then the License Commissioners were discussed? A.—Yes, sir.

Q.—And he wanted Mr. Stratton to appoint License Commissioners? A.—Yes.

(2251)

Q.—What reply did Mr. Stratton make to that? A.—I have told you, sir, what the reply to that was.

Q.—Just at that point? A.—Not at that point.

Q.—What did he say in answer to the request that the License Commissioners should be appointed? A.—Just as I have told you, sir.

Q.—He said in reply to that? A.—Just as I have told you.

Q.—Repeat it? A.—Just as I have told you, that they would consult their friends in reference to making those appointments.

Q.—What was the next subject matter of discussion? A.—I think Mr. Gamey says I am a supporter of the Government.

Q.—You think Mr. Gamey said I am a supporter of the Government? A.—Yes.

Q.—And what next? A.—He said it does not look very much like it, your actions a few days ago.

Q.—Referring to his actions in the bye-election? A.—Yes, sir.

Q.—He seemed to be annoyed with Mr. Gamey in connection with that? A.—Well, I thought he was treating Mr. Gamey—if Mr. Gamey was a supporter of the Government—a little sharp—it struck me as that.

Q.—He seemed to be a little annoyed at that? A.—That perhaps called my attention to the matter a little more than if it had not taken place.

Q.—He said it very sharply? A.—I thought so.

Q.—He seemed to be annoyed at his action? A.—I cannot say that.

(2252)

Q.—He did speak very sharply? A.—I thought so.

Q.—And he said it did not look much like it? A.—Yes, sir.

Q.—After his action in North Perth, was it? A.—In North Perth—yes, sir.

Q.—And he referred, no doubt, to the fact that he was supporting the Conservative candidate there—that he had been on the platform? A.—No, I cannot say about being on the platform.

Q.—Did you know he had been out speaking? A.—I do not think so.

Q.—Had you been out in this bye-election yourself? A.—I had not.

Q.—You usually do take a hand in all the elections? A.—I never do.

Q.—Never took any hand in West Elgin? A.—No, sir. Never in any local election in the fourteen years I have been inspector—not the slightest part.

Q.—Then I have been misinformed? A.—I have in respect to Dominion matters, not local matters. I have no hesitation in volunteering that statement for you.

Q.—You have taken an active part in connection with Dominion elections? A.—I have on some occasions. That is my own business, however.

Q.—But you repudiate taking part in local elections? A.—I have never taken part directly or indirectly since I have been inspector.

Q.—And after he had spoken thus sharply to him, what did Gamey reply? A.—He had to do it.

Q.—Why? A.—I cannot say why. That is a matter he can tell you.

(2253)

Q.—He said he had to do it? A.—Yes, sir.

Q.—So that it looked like as if he was apologizing for having done it? A.—I cannot say as to that.

Q.—Wasn't that the inference you drew—that he was excusing himself? A.—I drew no inference whatever.

Q.—He said he had to do it? A.—Yes.

Q.—No further explanation made? A.—I know of no further.

Q.—What? A.—Not that I can remember.

Q.—Did the conversation end there? A.—No, I think not.

Q.—In respect of that subject matter. A.—Well, I think it did perhaps rather abruptly just there.

Q.—Then what was the next thing talked of? A.—I think the next thing that was said was by the Provincial Secretary.

Q.—What did he say? A.—I think he said if you are going to support the Government or are a supporter of the Government, why don't you declare yourself publicly so, one way or the other.

Q.—He would not have said "One way or the other"? A.—I think those words were used. I will not state positively they were. But, that was the purport of it.

Q.—And what did Gamey say in reply to that? A.—He said he was prepared to.

Q.—What next? Give us the whole conversation? A.—If you are prepared to, then do it.

Q.—And what next? A.—He said, get me up something that will act as an interview with the press that I can give to them.

Q.—That is to get up something he wanted? A.—Yes.

(2254)

Q.—He was quite willing that Stratton should get up anything he wanted and that he would assent to it? A.—Well no, Mr. Stratton says, tell me what you want to say to the public.

Q.—But then prior to that time he was willing to let Stratton get up anything he wanted? A.—He seemed to be, and when he left it was with the understanding that he would come back to get the document. I presume he left it with Mr. Stratton to have a free hand to get it up along the lines he had indicated, that is all.

Q.—The substance of which was that he was to declare himself and out and out supporter of the Government? A.—I did not say that.

Q.—I am asking you the question? A.—No, that was not said there at all. Those words were not used.

Q.—Was that the substance of the conversation? A.—I am not going to give you the substance, my learned friend, as to your construction of the matter.

Q.—Oh yes, you will give the substance? A.—I will give you the exact conversation so far as I can recollect it.

Q.—So far as you can recollect? A.—As soon as you ask the questions.

Q.—You can recollect the exact words that were made use of? A.—No, I cannot, but I will as far as I can recollect.

Q.—I am trying to act in your case by saying, give me the substance? A.—I will so far as I can.

Q.—Was the substance of that interview, that Mr. Gamey assented to Mr.

(2255)

Stratton preparing such document as he might think proper in order to show that Mr. Gamey was to support the Government? A.—Yes, along the lines that Gamey had indicated.

Q.—That was the substance of it? A.—That is right.

Q.—And then the substance of it was that when he did this he would get the patronage just the same as a member elected to support the Government? A.—That was not mentioned any farther than I told you, I think the statement was made, that when you sup-

port the Government your recommendations for these appointments will receive the same consideration as any other supporter of the Government. Those I think were the words. I am sure as to that.

Q.—When did you think he was going to have the patronage? After he had committed himself as a supporter?

A.—I thought nothing in regard to it. I know what the system is with all Parliaments and all parties as to that.

Q.—And this interview was to be prepared how soon? A.—No time stated so far as I know.

Q.—Now where did the conversation about the appointment of Gamey's brother come in? A.—When speaking of making appointments which he wanted made upon that occasion.

Q.—I ask you where did it come in? Did it come in before or after the subject matter was discussed as to License Commissioners? A.—I told you first

Q.—You can answer that question? A.—First, there was the question of the lock-up keeper, then the license commissioners, and then the appointment to the outside service in the Crown Lands Department.

(2256)

Q.—The license commissioners, and then the appointment of his brother to a position in the outside service of the Crown Lands Department. Then immediately after referring to the appointment of License Commissioners, Mr. Stratton said that as to that matter he would consult the party friends, or the friends of the Government? A.—As to the whole appointments.

Q.—Now you must understand? A.—Now when you call my attention to it that so far as the Crown Lands business was concerned, it was not in his Department.

Q.—Wait a minute. You told in that box a little while ago that when the question of the license commissioners was first discussed the statement was then made by Mr. Stratton that he would have to consult their party friends? A.—I did not say that.

Q.—It is taken down? A.—I say I did not say it, and it is not taken down and cannot be taken down in that way.

Q.—When was it said? A.—Immediately after the question of the appointments were discussed it was said.

Q.—After the statement was made—the request made for the appointment of license commissioners, what was next thing that was said? A.—The appointment to the Crown Lands service.

Q.—After the request was made for the appointment of license commissioners, before any reply was made by Mr. Stratton at all, the question of the appointment of Gamey's brother was brought up by Gamey? Is that it? A.—That was at that time, while I was there. I do not know what took place before I went in.

(2257)

Q.—I am not asking what happened before you went in there. Do you tell me now that after he made the request about the appointment of license commissioners and before Mr. Stratton made any response to that, that Gamey brought up the subject of appointing his brother? A.—Yes, sir.

Q.—That is what you tell us now? A.—That is what I told you before.

Q.—We will see. The notes will show.

The Chancellor: He said that at first.

Mr. Ritchie: I think he said it in two or three ways. I tried to get the matter consecutively.

Witness: You tried to get me to say what was not so.

Mr. Ritchie: I did not try to get anything of the kind. I wanted you to state it in sequence. What you say now is, whether you said it before or not, that before any response was made by Mr. Stratton in regard to the commissioners, Mr. Gamey went on to state a request that his brother should be appointed to a position in the Crown Lands Department? A.—Mr. Gamey went over the appointments he wished made. Then Mr. Stratton spoke and said, we will consult our friends there in regard to that.

Q.—I suppose you can answer my question? A.—No, I cannot answer it any further than is proper.

Q.—If you will do less talking and answer questions you will be doing what is becoming of a witness. A.—We would both be doing the same thing. I have privileges, as a witness in Court, as well as you have as counsel.

Q.—I want a simple answer to this question. After the

(2258)

License Commissioners had been discussed, did Mr. Gamey, before any reply was made on that subject, bring up the question of the appointment of his brother? A.—He brought the question of all the appointments.

Q.—Answer my question? A.—I will not answer it in any other way unless my Lords require me.

The Chancellor: He is answering the question. He is giving the answer.

Mr. Ritchie : He is not answering yes or no.

The Chief Justice : He cannot answer the question no, when that is not a complete answer.

Mr. Ritchie : If your Lordships thinks it is not a question that admits of an answer yes or no, very well.

Q.—Will you give us the whole conversation again? A.—Yes.

Q.—And give it to us in order and in sequence? A.—Exactly.

Mr. Gamey spoke of the lock-up at Little Current on Manitoulin Island, he wanted a jailer appointed, he wanted the commissioners appointed, and the brother to the outside service of the Crown Lands Department. Now you have it exactly.

Q.—Wait a moment. And he went on and made all these requests before Mr. Stratton made any allusion to consulting his party friends? A.—I have told you so half a dozen times.

Q.—Cannot you say yes? A.—I have told you that.

Q.—After that what was said? A.—Then I have told you what the Provincial Secretary said.

Q.—What did he say in reference to the Crown Lands Department appointment? A.—He said that was in another department—that appointment—not under his management.

(2259)

Q.—Did he say anything as to whether he would communicate with the other department? A.—Not to my knowledge.

Q.—Nothing said about that? A.—Not to my knowledge.

Q.—Did Mr. Gamey seem to think that Stratton had the appointment in connection with this Crown Lands Department matter? A.—Oh, I do not know.

Q.—Then when Mr. Gamey left, was anything said about the interview being prepared at a certain date? A.—No, I think not.

Q.—Nothing said about that? Do you know when Mr. Gamey was to leave town? A.—No.

Q.—Anything said as to whether he was going back to Gore Bay or not? A.—No.

Q.—Nothing said of that kind? A.—Not to my knowledge.

Q.—Anything said that he was to go back the next day or the day following in order to discuss the press interview? A.—I do not think there was.

Q.—You do not think there was anything said of that kind at all? A.—No.

Q.—Did you have any discussion with Mr. Stratton at all as to Gamey's support of the Government? A.—No. I had no conversation with him.

Q.—Answer the question. Did you after Gamey left have any conversation with Mr. Stratton as to Gamey's attitude towards the Government? A.—I do not think I had—no—I do not think I had.

Q.—No further allusion was made to it then after he left? A.—I do not think so. I do not think so.

(2260)

Q.—You state that you went over to the window? A.—I think I walked over to the window.

Q.—Why? A.—Well, they were having a conversation between themselves as to what was to be said in the interview for the press, and I was waiting to see Mr. Stratton upon very urgent business in connection with my department and was not so particularly interested. I was curious, I will admit that, to some extent.

Q.—Did you think as a matter of delicacy you ought not to over-hear the conversation? A.—Not at all.

Q.—You walked to the window? Do you know whether Mr. Stratton took down any notes or not? A.—I cannot say. I did not see them. I saw him using pencil and paper.

Q.—You cannot say whether he was taking notes of this matter or not? A.—No.

Q.—Then did you hear all that passed between them while your back was turned? A.—I think I did hear pretty nearly all that was said. I will not say positively that I did.

Q.—And, so far as you know, you have told us in this interview all that was said? A.—No, I have not told you but very little, if anything.

Q.—Then I want you to tell all? A.—As to the conversation? As to the interview?

Q.—Tell all that was said? A.—Then I must say to you that I shall not attempt to give that to you in detail or in sequence. I shall give it to you as the conversation struck my ears from time to time. I believe that the Ross Government are going to carry on their development scheme in New Ontario.

Q.—Who said that? A.—Mr. Gamey.

(2261)

Q.—Is this what was to be put in the interview? A.—That is what I understood was to go in the interview. I am giving you what I understood was to go in the interview, which interview was to be prepared by the Hon. Provincial Secretary.

Q.—Did Mr. Stratton suggest anything that should go in? A.—No, he suggested nothing in my hearing as to what should be put in—no.

Q.—What was said about that part of the interview referring to Mr. Gamey's pledge to support the Government? What was said as to his pledging himself to support the Government? How far did he authorize the Provincial Secretary to go on that point? A.—He would support the Government on votes of want of confidence.

Q.—He would support the Government on votes of want of confidence? A.—Yes.

Q.—That was expressly mentioned? A.—That was one of the points.

Q.—Anything further said as to support? A.—Yes.

Q.—Supporting the Government? A.—He said in carrying out the policy of development of the Ross Government, that his constituency would receive a large share of the benefit from it, and in that respect it was his duty to support the Government.

Q.—This is what he wished to have published in the interview? A.—Yes.

Q.—As his justification for supporting the Government? A.—Just so.

Q.—And did he appear to assent to all that Mr. Stratton desired or was

(2262)

Mr. Stratton dissatisfied? A.—Mr. Stratton did not express any opinion. He left it to Mr. Gamey to say what he wanted done.

Q.—He did not express any opinion as to whether the heads were satisfactory or unsatisfactory? A.—No.

Q.—Was anything said as to what paper the interview should be given to? A.—I do not think there was. I do not remember.

Q.—Was the Globe mentioned? A.—I think it was to the "press." I think it was a statement to be given to the "press."

Q.—To the press generally? A.—That is as I understood it.

Q.—Or did you understand it was to be an interview for some particular newspaper? A.—No, nothing said about that.

Q.—This was a statement to be given broadcast to the press? A.—To be given broadcast to the people.

Q.—And defining his attitude? A.—Defining his attitude.

Q.—And giving the reasons for that? A.—Yes.

Q.—And why he was willing to support the Government, and stating he was going to support the Government on all votes of want of confidence? A.—Yes.

Q.—That is the substance of the whole thing. Now, was this outside office the Crown Lands Department—was that an important appointment?

A.—Well, I cannot say what branch of the outside service it was to be.

Q.—Did he give the name of his brother? A.—No, I do not think he did.

Q.—His christian name? A.—No, I do not think that was mentioned.

Q.—But it was clear it was his brother he wanted appointed? A.—I understood so. I believe he swore to it in the box here himself.

(2263)

Q.—At all events your recollection is he wanted his brother appointed? A.—Yes.

Q.—Now, didn't it occur to you as a rather strange thing that a man who had been elected as an out and out supporter of the Conservative party should go and ask for the appointment of his brother to an important office? A.—Well, it did not occur to me in that light at that time because I had heard in the fall he was going to support the Government and it did not strike me that way. I thought it was perfectly right and sincere.

Q.—You thought it was an understood thing for him to ask because you understood he was going to support the Government? A.—I had understood so.

Q.—How early did you understand that? A.—Well, in the latter part of October and first part of November I heard it rumoured. I heard it stated by people in that section of the country.

Q.—Did you make any enquiry at all? A.—No.

Q.—On that subject? A.—No.

Q.—Then, when you went to Mr. Stratton's office on the 13th January, at that time you had supposed Gamey was agreeing to support the Government? A.—I did not know he was there when I went there.

Q.—You thought you saw a supporter of the Government? A.—From what I had heard said in the fall.

Q.—And then, when you heard Mr. Stratton take him sharply to task for his work in North Perth, you were surprised? A.—Well, I was not sur-

(2264)

prised, because I knew then he had been working in North Perth. I did not know he had been there until that statement was made. Then that explained to me the apparent—

Q.—The stand Mr. Stratton took in refusing to honor his recommendation? A.—It did, that was satisfactory to me—although nothing was said.

Q.—And, prior to this time, you had not heard Gamey had been working

in North Perth? A.—No.

Q.—And the strangeness of the request did not appear to you until after he had made this statement? It did not appear to be a strange request, the request to appoint his brother? It did not occur to you as a strange request to make until after Mr. Stratton called your attention to the fact that Gamey had been working in North Perth? A.—Oh, no, he had a right to make the request for his brother or any one else. He would have a right especially if he was a supporter of the Government, and he would have a right to ask for it if he was supporting the Opposition.

Q.—But very little probability of the appointment being made upon his request? That is so, isn't it? A.—If he was not a supporter of the Government I would say there would be no probability of it being made.

(Adjournment 1 p.m. until 2 p.m.)

(2275)

AFTERNOON SESSION.

Friday, May 1st, 1903.

Cross-examination of Dr. Theodore Chamberlain continued:—

The Chancellor: Had you finished with Dr. Chamberlain?

Mr. Ritchie: One question, my Lord. Mr. Chamberlain, have you told us in the box here everything that happened at the interview on the 13th of January, so far as you can recollect? A.—Well, I think I have practically told you all.

Q.—Think over it, because if you have omitted anything I want you to give it to us. A.—I don't know that there is anything further. Of course, there may have been some other remarks made that have not impressed themselves fully upon my mind. I think I give you the substance of what took place. If there is anything you can recall my memory to?

Q.—You have told us as far as you can recollect everything that happened at that interview? A.—Yes, sir.

Q.—You have endeavored to give it to us, and you think you have given it to us? A.—I think so. I don't know of anything to the contrary.

Q.—Did you ever tell any person about this interview? A.—I think I have.

Q.—Whom have you told about it? A.—I think I told Dr. Russell of Hamilton, superintendent of the asylum there, and Sheriff Brady of Woodstock,

pretty nearly as I have stated it here, in outline.

Q.—You have given them the substance? A.—Yes.

(2276)

Q.—When did you do that? A.—That was last Sunday.

Q.—But prior to this investigation had you told anybody about it? A.—No, not prior to this investigation.

Mr. Johnston: That will do, thank you, doctor. The witnesses we propose to call now, my Lords, are a little out of their order, but we desire to let them go, and just in this connection, if your Lordships will pardon me, Mr. Blake and myself have just had a very short conference with reference to the proceedings. We both feel that, considering the very large number of witnesses that have been examined this week, some forty odd, I believe, and the fact that we are very near the close of the investigation, so far as he and I are concerned, so far as his side and our side are concerned, that perhaps your Lordships will rise at three o'clock to-day. I make this statement jointly with Mr. Blake, and to just get rid of one or two witnesses in the meantime so that they may go home. Of course we do not desire to interfere with the progress of the commission for a moment, but we have very urgent private matters on all sides.

Mr. Blake: We have done a pretty heavy week's work.

The Chancellor: Counting heads.

Mr. Blake: Yes, my Lord; I believe that is the best thing to count by.

The Chancellor: They are considerably ahead of you if you count heads, Mr. Blake.

Mr. Blake: They are, but we go in for ponderans and not—

The Chief Justice: We do not think of sitting to-morrow.

Mr. Blake: Perhaps your Lordships think we should stop now.

(2277)

The Chancellor: Oh, no, we will stop at three o'clock, and resume on Monday at ten.

Arthur A. Bowen, sworn. Examined by Mr. McEvoy:—

Q.—You live at Kemptville, I believe? A.—Kemptville.

Q.—And you and your father and brother are the owners there of oatmeal mills? A.—Oatmeal and flour mill, and electric light plant.

Q.—And it has been said here that you were in Toronto at the time of the Fair last September? A.—Yes.

Q.—Did you see any of the gentlemen who are parties to this investigation at the hotel, the Walker House? A.—Yes, I seen Mr. Gamey.

Q.—Do you know how many nights you stayed at the Walker House? A.—I stayed two.

Q.—Had you a room in the regular way? A.—Well, when I came in I went to the clerk and asked him for a room and registered, and he said he could not give me nothing only a bed in the hall, that is a cot.

Q.—You had better not tell me what the clerk said. You did not have a room in the regular way? A.—No, I did not.

Q.—Do you know the date? A.—It was the 5th. I arrived on the evening of the 5th.

Q.—And when did you leave? A.—I left on the 7th at ten o'clock.

Q.—So that you were two nights on a cot? A.—Yes, sir.

Q.—In the room with Mr. Gamey and who else? A. Mr. Martin.

Q.—Were you a friend of Mr. Martin's? A.—Yes, sir. I did not know

(2278)

he was at the hotel when I arrived.

Q.—Now, will you tell me what you can of any conversation you heard between Mr. Martin and Mr. Gamey as to Mr. Gamey's political plans and his position? A.—Well, there was a conversation took place, a general conversation that Mr. Martin and Mr. Gamey was holding. I didn't take any part in it, but Mr. Gamey in the conversation said that the Ross Government was giving the Manitoulin Islands good legislation and excepting a few minor matters in mining laws, and he would have to support the Government, Mr. Ross.

Q.—That was the substance and effect of the conversation. A.—That was the substance and effect.

Q.—Of the conversation that you heard there with Mr. Gamey on that occasion? A.—Yes, sir.

Q.—Then, did you hear anything more of it? A.—No, sir.

Q.—Did you never hear or see anything in reference to or pertaining to the matter until now from that time? A.—No, sir, only what I seen in the newspapers.

Q.—Did you see what is known as The Globe interview? A.—I seen The Globe interview.

Q.—Did you notice any particular difference in that from what Mr. Gamey stated to you?

Mr. Blake: I object again. It is just as if you put that into the witness' hand and said, will you give that

evidence. I submit that is no way of giving the evidence in this matter.

Mr. McEvoy: I think it has been already ruled upon.

Mr. Blake: He has told us all that he knows and hears, and is that not the legitimate and straight way of getting it out?

(2279)

The Chancellor: We think the objection is well founded upon that. You cannot ask him wholesale about The Globe interview.

Q.—When you saw The Globe interview were you or were you not surprised at the position the man had taken?

Mr. Blake: That is not right. A man may be easily surprised or the reverse. We cannot enter into his physiological condition.

The Chancellor: You can ask that question? What do you say? A.—No, I was not surprised from what I had heard before.

Mr. McEvoy: You were not surprised after the conversation you had heard? A.—No.

Q.—Do you remember anything else he talked about there? A.—No, I do not. Just general conversation.

Q.—Do you remember any transaction of any kind that he was engaged in or what his business was here or what he was doing? A.—No, sir.

Cross-examined by Mr McPherson:

Q.—I did not catch what you said your occupation was? A.—I am manager of a flour and oatmeal mill and electric light and power plant.

Q.—In Kemptville? A.—Kemptville.

Q.—Do you take any part in politics at all? A.—No, sir.

Q.—Did Mr. Martin or Mr. Gamey know that you were coming to Toronto on the occasion you speak of? A.—No, sir.

Q.—Did not know it all at? A.—No, sir.

Q.—You had no previous acquaintance with Mr. Gamey? A.—No, sir.

Q.—But you had with Mr. Martin? A.—Certainly, he lives in the Town of Kemptville.

(2280)

Q.—Have you seen him since he gave his evidence here? A.—I seen him to-day.

Q.—Discussed the matter with him at all? A.—Well, no, nothing more than in a general way, just about the court.

Q.—Speak about what evidence he gave? A.—I seen it in The Globe.

Q.—You read it in the newspaper? A.—Yes.

Q.—You know what he said here? A.—Yes.

Q.—Are you a Macabee? A.—No, sir.

Q.—Not bound by any oath not to reveal anything that has occurred? A.—No, sir.

Q.—Did you become acquainted with Mr. Gamey on the occasion you speak of? A.—Just introduced to him by Mr. Martin.

Q.—Can you tell us what took place? A.—Well, all that took place was what I just repeated.

Q.—Just tell me what it was? A.—That Mr. Gamey and Mr. Martin had a conversation.

Q.—No, I don't mean that. What did Mr. Martin say to you about Mr. Gamey in Mr. Gamey's presence? A.—I don't recollect what he did say.

Q.—Just an ordinary introduction of one gentleman to another? A.—That is all.

Q.—Now when was that? A.—Well, I would not be positive whether it was on the 5th or 6th.

Q.—Is there no way you can fix it? A.—No, I cannot.

Q.—What time did you arrive on the 5th? A.—I arrived at 7.15 or 7.25 in the afternoon.

Q.—In the evening or morning? A.—In the evening.

(2281)

Q.—Do I understand that you roomed that night and occupied the same room with Mr. Gamey and Mr. Martin? A.—Yes.

Q.—Then was it that night you were introduced to Mr. Gamey? A.—It was that night I was introduced to Mr. Gamey.

Q.—Was it before you went to your room for the night? A.—I think it was before.

Q.—Do you remember what part of the house you were in? A.—I don't recollect only what I seen in The Globe, it was room 113. I would not have known, though.

Q.—Do you remember at the time you were introduced where you were? A.—No, I couldn't say.

Q.—Down or upstairs? A.—No, I couldn't say.

Q.—Does The Globe reflect your political creed? A.—Well, I don't know.

Q.—As far as you have one? A.—I have been a good Grit all my life. Supported the Government all the way through. I ain't ashamed of it.

Q.—Now, can you tell us any time definitely at all, take for instance before or after 9 o'clock in the evening, that this conversation took place with Mr. Gamey? A.—I couldn't say what time it was. I was there on business and I didn't pay much attention.

Q.—Do you know where you were at 9 o'clock in the evening? A.—I couldn't say.

Q.—Do you know where Mr. Martin was? A.—I could not say.

Q.—Or where Mr. Gamey was? A.—No.

Q.—Did you have your supper after you came to the Walker House? A.—Yes, sir.

Q.—Did you meet Mr. Gamey before you went to your bedroom that night? A.—I could not say.

(2282)

Q.—You don't remember that? A.—I don't remember that.

Q.—Who was in the bed room first? A.—I could not say that.

Q.—Were you in your right mind? A.—Yes, sir.

Q.—No reason why your memory should be poor on that point? A.—No, sir, I could not say. I don't recollect anything about whether I was in first or whether Mr. Martin or Mr. Gamey.

Q.—Now you have told my learned friend something that you say Mr. Gamey said? A.—Yes, sir.

Q.—When was that said? A.—I couldn't swear positively whether it was said in the room or down in the House.

Q.—Was the subject spoken of more than once? A.—Not to my recollection.

Q.—And do you think it came about by reason of some conversation? A.—Just some conversation with him and Mr. Martin.

Q.—Between Mr. Martin and Mr. Gamey? A.—Yes, sir.

Q.—Can you recollect what it was that Mr. Martin said to Mr. Gamey that drew some statement from Mr. Gamey in reference to the matter? A.—I could not.

Q.—Is it your recollection that Mr. Martin opened the conversation? A.—Yes, well to the best of my knowledge I think it was he opened the conversation, just a general conversation about Manitoulin Islands.

Q.—Do you remember anything anything that Mr. Martin said about the Manitoulin Islands? A.—No, I do not.

Q.—Do you recall anything about that at all? A.—No, I don't know anything about it.

Q.—Can you recollect anything else that Mr. Martin said besides speaking about the Manitoulin Island? A.—No.

(2283)

Q.—Do not know how the conversation occurred? A.—I don't know how the conversation occurred at all. I was not paying very much attention to it.

Q.—Will you just repeat to me then what you told my learned friend took place? A.—Well, all that took place was that in the course of the conversation, that the Ross Government was giving good legislation to the Manitoulin Island people and that excepting a few mining details that he would have to support the Government.

Q.—Did you know at that time that he was a Conservative? A.—I did not know, not at that time I don't think I won't swear positive. I don't think I did. I don't think he told me until the next day.

Q.—You don't think he told you? A.—Mr. Martin.

Q.—Martin you think told you that next day? A.—Next day him and I was talking about it, next day.

Q.—Are you perfectly sure you have told their Lordships everything that took place? A.—Yes, sir.

Q.—You have not forgotten anything? A.—I have not forgotten it.

Q.—And you have told it absolutely truthfully? A.—Just as I can recollect it.

Q.—Have you a pretty good memory? A.—Yes, I am supposed to have a pretty good memory.

Q.—If anything else had taken place would you have been apt to remember it. A.—Well I don't know whether I would or not. I wasn't in the political business at the time. Had I been I might have.

Q.—Did you ever have any conversa-

(2284)

tion about what took place there afterwards? A.—Yes, sir.

Q.—With whom? A.—Mr. Martin.

Q.—Any person else besides Mr. Martin? A.—Well I have spoken in a general way down in Kemptville a number of times.

Q.—Any person besides at Kemptville? A.—Why yes, I suppose I have spoken of it here since I have been up here.

Q.—That is since you came up to be a witness on this occasion? A.—Yes.

Q.—Had you spoken of it before you came up here as a witness on this occasion to any of the gentlemen connected with this case? A.—No, sir.

Q.—Do you know how they became possessed of the information you have given in the witness box? A.—No, sir.

Q.—Have you conversed with any of the gentlemen in connection with the matter? A.—I have conversed with Mr. McEvoy.

Q.—When? A.—To-day.

Q.—Anything but that? A.—No, well in the Walker House the other

night, I asked him if he could not let me off that I knew so very little about the case, if he would not let me go home.

Q.—Nothing beyond that? A.—Nothing beyond that.

Q.—And told him what you were to say in the witness box? A.—Yes, I told him that is all I have to say.

Q.—And that is all these parties know about it? A.—That is all.

Q.—Do you know how you came to be a witness? A.—No I do not.

(2285)

Q.—Had not any understanding about that? A.—No I didn't want to come that bad.

Q.—Can you say whether the conversation you have related here took place after the parties had retired for the night? A.—No, I couldn't say.

Q.—You don't know about that? A.—No, I don't know about that.

Q.—At any rate you have told everything that did take place? A.—That I can recollect.

Q.—That Mr. Gamey said in connection with that subject? A.—Yes, that I recollect. Of course there was a lot more said, but I didn't recollect any more.

Q.—I think you stated that there was only the one conversation? A.—That is all I heard.

Re-examined by Mr. McEvoy.

Q.—You were subpoenaed? A.—Yes, sir.

Q.—And paid your conduct money? A.—Yes sir.

Dr. Robert H. Arthur sworn. Examined by Mr. Riddell.

Q.—You reside in Sudbury? A.—Yes, sir.

Q.—A practising physician there? A.—I am, sir.

Q.—Are you in partnership with Dr. Struthers whom we had as a witness yesterday? A.—Yes, in a way.

Q.—Do you know Mr. Gamey? A.—Yes. Know him very very.

Q.—How long have you known him? A.—Since January, 1890, I think, or December, '89. I think January, 1890, I first met him.

Q.—You, I understand are a Reformer? A.—Yes, sir.

Q.—An active Reformer? A.—During election time.

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Q.—And Mr. Gamey, what have his politics been? A.—Well, Conservative. that. When I first knew Mr. Gamey the first couple of years of my acquaintance with him, he was a Federal Conservative, but posed, or claimed to be a supporter of the late R. A. Lyon in Provincial politics.

Q.—And R. A. Lyon was what? A.—Reformer. He lived on Manitoulin Island. He was a Manitoulin.

Q.—Have you had any association with Mr. Gamey at all in business? A.—Yes, sir.

Q.—You are practising as a physician in Sudbury? A.—Yes.

Q.—Do you examine for his company, the Confederation Life? A.—Yes. Dr. Struthers and myself have done nearly all his work in that country.

Q.—Are you also in partnership with him in a mining transaction or two? A.—Yes.

Q.—What transactions are those? A.—Well those iron locations that came out.

Q.—Where? A.—In the Township of McGregor, one, and the other is the adjoining Township to McGregor.

Q.—Those are mining transactions you are in partnership with him in? A.—Yes.

Q.—Then did he call at your office frequently? A.—Yes, I think he probably never came to Sudbury but he came to our office.

Q.—How often would he be at your office? A.—This summer and autumn he was there a great deal. He was very frequently in Sudbury before the election time, starting from last April a year ago now he has been in

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Sudbury a great deal up to January. Not since the latter part of January.

Q.—Were you and he at all intimate? A.—Yes, we were.

Q.—And are yet? A.—As far as I know, always been very friendly.

Q.—Have frequent conversations with each other? A.—Yes.

Q.—And did you agree politically? A.—No, agreed to disagree.

Q.—Then, in July of last year, did you have any conversation with him? A.—Yes, I did.

Q.—When was that? A.—I think it was on the 3rd day of July.

Q.—Was it early in July, at all events? A.—It was, certainly.

Q.—Where was that conversation? A.—It was in our office in Sudbury.

Q.—When you say "our office," you mean the office of yourself and Dr. Struthers? A.—Yes, sir.

Q.—What time did he come to the office? A.—Well, he came over shortly after I went up to the office that morning. I suppose it would be about 9.30.

Q.—And when did he leave? A.—He just left in time to catch the Soo train at 11.53. He went over to the hotel to get his grip and ran to the

station. He hadn't any more than 15 minutes or so.

Q.—That is the Soo train going west? A.—Yes.

Q.—Then you had some conversation with him at that time? A.—Yes.

Q.—Did you know where he had been? A.—Yes, he was just returning from Toronto.

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Q.—Did he say where he had been in Toronto? A.—He had been at the caucus held here of Conservative members.

Q.—That was the Conservative caucus? A.—Yes.

Q.—In June, about the 28th? A.—The last week in June.

Q.—Who began the conversation? A.—I think I did.

Q.—Let us have the conversation as nearly as you recall it? A.—I think that when he came in I said to him "Well, Gamey, you have been down counting noses and saw how the party stand, I suppose you know all about the political situation now?" He said "Yes." Then we went on to discuss the political situation. At that time I think most of the recounts were over, before the County Judges. Probably they were all over but two or three appeals pending from the County Judges to the Supreme Court Judges. I remember him saying to me, "Well, Arthur, I think that Ross is going to rule for the next four years." I said, "Yes, it looks so, that is my idea, too."

Q.—Then, what did he say? A.—Well, I don't just remember what order it came in the consecutiveness of this, but, anyway, he purported to have told me some things that took place at the caucus here in Toronto. He told me that a good many of the members at that caucus were very much discouraged, this was the second time in which they had come so near winning, and yet fallen short, that it was very discouraging and he took a very gloomy outlook on the prospects of the party, he said he did not believe the party would hold together another four years if they did not get in, and he thought they were not going to get in.

Q.—What else did he say, if the party were not going to get in, if any-

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thing? A.—He said that he had made up his mind that, he said that if he had not been certain, felt certain that Whitney was going to win he never would have been a candidate. He said he had no desire to sit there four

years in opposition. He said, that he did not wish to be a second A. F. Campbell, and that he had made up his mind, he said he had made up his mind what he was going to do, that he would give when the House met, that he would give Whitney the first vote, to demonstrate to him that he had not a majority. If he did have a majority of course the Government would be out, but as it was he had made up his mind that he would vote the first vote, the test vote, for Whitney and after that he was going to support the Government. He also said he had found out while in Toronto that they were going to protest his election, that they had decided to protest his election and he was very angry about it. He said to me, "You know perfectly well, doctor, that any election in this Province can be upset." He said: "It is only a matter of getting out the truth, the details. There is no election held but is capable of being upset, and they might upset mine." He said "Probably they would." I said to him, "Well, possibly they would not be satisfied with that"; "probably they wanted to disqualify him." I was rather jollying him on that. He laughed and said, "Oh, they cannot do that."

Q.—When he said he was going to give Whitney the first vote and after that he would support the Government, did he say anything about any other person's position? A.—Well, yes, he in this way, not mentioning anybody he said, as I said before, he had been saying he did not believe the party would

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hold together, and when he said that, that he had made up his mind that he would give Whitney the first vote, and then support the Government, he said, "I think there are others."

Q.—What was it he said about A. F. Campbell? A.—Well, he said he had no desire to sit here four years in Opposition writing letters, he had no desire to be a second A. F. Campbell. A. F. Campbell represented that constituency in Opposition from '90 to '94.

Q.—Was there anything that you remember that was said as to the position of his constituents in that regard?

Mr. McPherson: Do not lead him, please.

A.—Yes, he said that he did not think his constituents would want him to be that either.

Mr. Riddell: Then, did you know he had come out as a Conservative? A.—No, I did not. When he expressed

his intention of supporting the Government, I said to him in rather a jocular way, I said that will be easy, you will be getting back to first principles, because he and I have always jollied one another about the first two years when he posed as a Liberal, which he always mildly denied, he laughed and said, "No, but it would be easy for him to support the Government because he had repeatedly said on the platform during his campaign that he would support the Government in power."

Q.—Gamey said that to you? A.—Yes. I don't say that he said it; I never heard him on the platform at all, I am merely detailing what he told me.

Q.—Did he say where he had said this on the platform? A.—No, just during his campaign.

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Q.—Anything said about the votes? A.—Yes, another reason he advanced that would support him in that, he said he had got a great many Liberal votes in the constituency, he said scores of Liberals had voted for him and he instanced his own polling subdivision, where he said there had never been a Conservative majority before this time.

Q.—Did he say what polling subdivision it was? A.—He said his own at home.

Q.—I suppose you are not sufficiently acquainted with the island to say what that was? A.—No, I think I know. I would not swear positively, but I think it is Long Bay.

Q.—Then when he spoke of any person being capable of being unseated what did you say to him about that in respect to the protest and so on? A.—I said to him if he had decided to support the Government the best thing to do was to resign and run over as an independent. It would be a more honorable course, and not only better for him, but better for the Government. I told him if he adopted the course he suggested to me people would say you have been bought, and it would not only injure him, but injure the Government. He repudiated that; he said there was no thought of that.

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Q.—What reason did he give for not following out your advice? A.—Well he said it would cost something to run an election.

Mr. McPherson: I do not think you ought to lead the witness.

Mr. Riddell: I don't know what you mean by leading.

A.—I said to him—he had been speaking of his protest—he had said it would cost over a thousand dollars to fight that protest. And he had during this conversation told me something about how much it cost to run the election, and I said to him under those circumstances it would be cheaper to resign than it would to fight the protest.

Q.—What did you say about that? A.—Well I merely said it would cost less money to resign and fight it over than it would to fight the protest.

Q.—Did you give him any reason showing why that was so? A.—He had told me that his election had cost him some \$500 or less of his own money, and this he said would cost over a thousand.

Q.—What did he say to that when you said it would be cheaper to resign and run a new election? A.—He demurred, he said elections were uncertain.

Mr. McPherson: Speak louder. The witness is only mumbling to himself.

Mr. Riddell: You have no right to say that. He is not mumbling to himself. Do not attack the witness that way.

A.—He said that elections cost money, and they were uncertain. I

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said if he followed that course there would be no uncertainty, it was altogether probable that the Government would not oppose him, that under those circumstances it would be easy, that he might possibly be elected by acclamation.

Q.—Did he accede to that proposition at all? A.—No, he did not.

Q.—Then was there any discussion as to the leaders? A.—Well, he said that there must be some reason, we were talking about the discouragement of these two defeats that were such narrow defeats. He said there must be some reason for it. I said I thought the chief reason was that if they would swap leaders, they would win handily. He said, "You bet."

Q.—Was there anything else said about his leader? A.—Oh, we often had discussions about his leader.

Q.—Were you present at Sudbury when Mr. Whitney was there, were you in Sudbury at that time? A.—Not the day he spoke there I was not.

Q.—Did you ever have any discussion with Mr. Gamey about that? A.—Yes, we spoke at this conversation about Whitney's speech in Sudbury, that was a kind of standing joke in that country.

Q.—What was said about it? A.—He said, "Did you ever hear anything more childish than that speech was on the mining policy?"

Q.—How did he come to say that? A.—Well, in discussing the leader, he said that Whitney did not seem to understand the wants of New Ontario.

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Q.—And what else? A.—I think that was the main thing. This was cited as a particular instance.

Q.—You say that is a standing joke out there? A joke where? A.—Around Sudbury, the mining country.

Q.—I am not going to pursue that any further. Did you hear anything about his railway passes? A.—Yes, he spoke to me at different times during the summer about railway passes.

Q.—I mean on this occasion on the 3rd of July. A.—I think that he spoke to me that day about his passes. I would not swear positively that he did. I am of opinion that that is the day, that he first mentioned them. He said that while they were here in Toronto at the caucus that he had seen Dr. Pyne, the acting Whip, about getting his pass, and they had been unable to do so.

Q.—What had Dr. Pyne done or said? A.—Well, I think he said that Dr. Pyne had either written him a letter to Colonel Clarke, or had gone and introduced him, I don't know which, and that Colonel Clarke had explained to him why he could not get them.

Q.—And the reason was what, as he gave it? A.—The reason he gave to me was that it was not customary for new members to get their passes until the House met. And that there was another reason in his case; he was representing a constituency that had never been in existence before, and the railways had no cognizance of that constituency, consequently they would be loathe to grant a pass to a member from that place.

Q.—Was there any secrecy in this conversation of yours? A.—None whatever.

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Q.—Were you in Toronto in September, or was it Dr. Struthers? A.—Dr. Struthers was here.

Q.—Did you see Dr. Struthers on his return? A.—Yes.

Q.—Without telling me what he said, did Dr. Struthers say anything to you as to what Gamey had told him? A.—He did a few days after he came back.

Q.—I suppose I cannot ask that?

The Chancellor: If you are doubtful about it I think you had better not.

Mr. Riddell: If your Lordships think I ought not to, I will not, and I suppose I ought not.

Q.—Then in January, did you see Mr. Gamey? A.—I did.

Q.—About what time was that? A.—Well, I saw him repeatedly in January.

Mr. McPherson: January of this year?

A.—Yes, January of this year. I would not swear positively to the date, but it was after the bye-elections, and they were on the 7th.

Mr. Riddell: That is the three norths? A.—Yes.

Q.—Can you fix the date beyond which it did not happen, that is a later date, with any certainty? A.—Well I can fix one far enough, it certainly was not later than the 27th, and I think it was between the 7th and the 12th, that is my opinion.

Q.—Who was present at that interview? A.—Dr. Struthers was present at the beginning of it. He did not stay long, he was driving away, and we were both in the office when Gamey came in.

Q.—Tell us what took place on that occasion? A.—Well, of course, the

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first thing that would be mentioned was the result of the elections in the three norths, how it had gone, and we had seen in the papers, that Gamey was up in North Perth. I expressed my surprise to him that he had been up there.

Q.—Did he tell you what had happened in his North Perth trip? A.—Some things, yes.

Q.—Tell us about that? A.—He told me that he had spoken at several places that he had been; I won't say billed, but if not billed, at least it had been arranged for him to speak at the Listowel meeting.

Q.—Arranged by whom? A.—Arranged, he said, by Miscampbell and Hoyle, but when Whitney came he upset all that; he would not let him speak.

Q.—Tell us what he said if you can remember.

A.—Well he said that Whitney seemed to be jealous of any person that attracted any attention. He said that what he had to say seemed to interest the people up there, he talked New Ontario, and that was something they were all interested in, and Whitney, he said, rather objected to anything of that kind; he wanted to be the whole thing himself.

Q.—Did he say anything as to how Whitney addressed the people? A.—Well, he said that Whitney had not met him very graciously.

Q.—I mean as to Whitney's speeches? A.—Oh, he said they were the usual scold.

Q.—Then you were going on to say that Whitney had not met him very graciously. What did he say about

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that? A.—He said that instead of letting him speak at this meeting, a big meeting, Whitney was at that night, he had come to him and told him there was a meeting arranged at some little place a few miles distant. I don't remember the name of the place, and they sent him out there to that meeting. When he went out there he did not find any place, nor he didn't find any meeting arranged for, and he went and had his supper at some prominent Conservative farmer's, whose name had been given to him, and drove back in the evening, had no meeting.

Q.—Then did he speak of Mr. Ross about that time? A.—Yes. I remember him speaking of Mr. Ross, contrasting the two men. He said how jaunty and jocular Mr. Ross was, and how he took everything in better vein, without any scolding or anything of that kind. I remember him instancing, telling us a little incident about the Premier getting into the 'bus to leave Listowel that morning.

Q.—We need not go into all these particulars. At all events he was comparing them to the disadvantage of Mr. Whitney? A.—Yes.

Q.—Then did you see him again? A.—Mr. Gamey again?

Q.—Yes, did you see him in Toronto? A.—I saw him in Toronto.

Q.—When did you see him in Toronto? A.—On the 13th or 14th of January.

Q.—You were in Toronto for how long then? A.—I was here on the 13th and 14th, went down to Brighton on the 15th. Was back here on the 16th and went home on the 17th.

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Q.—Then, did you see Mr. Gamey, or have a talk with him? A.—Yes, I had several conversations. I was staying at the same hotel with him.

Q.—What was said? A.—Well, I remember once early in our conversation about him saying, Mr. Stratton had not been so very well pleased with his conduct in going to North Perth, said that he sent for him to the build-ings, that he wanted to see him, and one of the first things when he went in, he said to him, "Well, Gamey, what do you mean by going up into North Perth and taking the stump against us?"

Mr. McPherson: A little louder, please.

A.—Well, I have a very sore throat, Mr. McPherson, I am doing my best.

Mr. McPherson: I did not know that. I am very sorry.

A.—He replied to Mr. Stratton by saying: "Well, do you think I changed any votes in North Perth?" Mr. Stratton said, "Evidently not."

Mr. Riddell: Was that all about that? A.—Yes, that was all about that.

Q.—Before going on with that I should have asked you what did he say on that interview between the 7th and 27th, which you think was between the 7th and 12th, what did he say where you found fault with him for going to North Perth? A.—I told him that I thought that he had made a great mistake. Understanding as we all did up there that he was going to support the Government, I told him I thought he had done very wrong in going to North Perth and appearing on the platform. He said no, he thought not, that, of course, he had told us he had said he was going to support the Government, and he was

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but still he felt himself free outside of the House in the constituencies so long as there was a chance for the Conservatives to win at all, he felt free to go and fight for them. That was the ground he took to me.

Q.—The position he then took was that, so long as there was a chance for the Conservatives to win, he had a right to fight for them? A.—Yes, that was it. I said to him I thought that he did very wrong, because it would be merely accentuating his, I think I used the word "flop." He had said he was going to support the Government, and then going out and stumping on behalf of the Opposition, and then when the House met people would not have forgotten that when he would be voting for the Government as I expected, and I told him it was very bad policy both for him and for the Government, and that he should not have done it, that undoubtedly people would say, public opinion would say, that a man that changed that quickly, would say he had been bought. He denied it indignantly, he said there was nothing in it, that he had never looked for anything, or had been promised anything.

Q.—Did he say why he was taking that position, why he was going, he said, at all events, that he had not looked for anything, and had not been promised anything? A.—He did.

Q.—Did he say why he was doing as he did if he had not looked for any-

thing, and had not been promised anything? A.—He was simply doing this to help his constituents, help Manitoulin Island, his constituency.

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The Chancellor: Was that in January? A.—Yes, I think on the 13th and 14th, on both days.

The Chief Justice: That is when you were in Toronto? A.—Yes, sir, it was at the Walker House.

Mr. Riddell: Then he told you about Mr. Stratton, and did he say anything about the trouble at the Island? A.—Yes, just before we parted he was going home that day, and I was going east that day, and I was sending a message with him to Dr. Struthers, tell him to be sure and see Struthers, and tell him what day I would be home. He told me that he was anxious to get back to the island, he said he was in a great hurry, wanted to get back to the island before the roads got bad, because he wanted to drive around, he said there was trouble brewing in the island, and that he wanted to get back while the roads were good and drive around, and see some of his country constituents. He showed me a paper which he took out of his pocket, which I did not see the inside of at all.

Q.—What sort of paper, newspaper or writing paper? A.—No, writing paper, like that. Folded twice. I did not see the inside at all. He said that he was going around to get the Conservative farmers, who were his friends mostly, to sign that, endorsing his position, and then he would be in a position to laugh at the organization. I think he used the term "professional politicians who live in town."

Q.—What did he say about the professional politicians who live in town? A.—He said that they would be against him no doubt, but he said that he thought the Liberals and the

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farmer Conservatives, would support him in his position that he had taken.

Q.—Did he say what he was here in Toronto trying to do? A.—Well, no, he said that he had been up to see Mr. Stratton to try to get his license board appointed up there.

Q.—What did he say about his license board, and Mr. Stratton's position as regards that? A.—He said Mr. Stratton had not just fallen in line with all the nominations he had made. He said that he had not consented yet.

Q.—Was there anything else besides the license board spoken of? A.—Yes,

he told me something I am not very clear about, about fisheries, too. I did not pay much attention.

Q.—Did you ever hear anything about a Minister of Mines? A.—Yes, we have heard a good deal about a Minister of Mines.

Q.—I mean with Mr. Gamey. Where was it? A.—I think it was at Sudbury. I would not fix the date accurately. I think it was some time late in September or early in October. We were still canvassing the situation.

Q.—In order to clear off a little of the brush, do I understand that in that district it is generally believed that there ought to be a Minister from that district? A.—Yes.

Q.—Both parties agree on that? A.—Yes, both parties agree on that, that the Minister of Crown Lands, who administers all that country, ought to come from that country. There has always been a feeling about it. We were discussing that.

Q.—And you all agreed on that at all events? A.—Yes.

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I said to him then one time I cannot place the date of it, but anyway I said to him, "It is too bad Gamey that that fellow Miscampbell jumped up into this country, he is the only man in your way. If Whitney had won," I said, "And Miscampbell had not been here, you would have been right in line for the Ministry." He said, "Oh, well we could fix that, we would divide it." It is generally supposed that Mr. Miscampbell was slated, if Whitney had won, for the Crown Lands. He meant that he would divide that portfolio.

Q.—Did he say how? A.—Make it Crown Lands and Mines.

Q.—And who would take the Crown Lands, and who the Mines? A.—That Miscampbell would take the Crown Lands, and the inference was that Gamey would take the Mines, although I would not say positively he said that.

Q.—Anything else said about dividing the portfolio? A.—No, I don't recollect anything.

Q.—Did you hear anything about a proposition that someone should be appointed Minister of Mines by the present Government? A.—Oh, yes, it was current talk that they were going to do it. Mr. Gamey said it was rumored in Toronto that the present Government were going to divide the portfolio, and that Connée was going to be Minister of Mines.

Q.—You have some position under the Government. What is that? A.—I am jail surgeon under the Ontario Government.

Q.—That is jail surgeon for the jail at Sudbury? A.—Yes.

Q.—What do they give you for that? A.—\$150 a year.

Q.—And have you any other Government position? A.—Not under the Ontario Government.

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Q.—Have you other Government positions? A.—Well, I am employed by the Dominion Government to look after the Indian reservation.

Q.—You are surgeon for that? A.—Yes, sir.

Q.—Are those all the remunerative positions that you occupy in respect of the Governments? A.—I think in respect of the Government. I don't think that the C.P.R. has anything to do with the Government, not at present, anyway.

Mr. Riddell: That is all.

The Chancellor: You had better finish with the doctor, he probably would like to get away.

Cross-examined by Mr. McPherson:

Q.—What official position have you with the Liberal party? A.—None.

Q.—Have you had any official connection? A.—I have in the past.

Q.—What was it? A.—I was for a number of years President of the Reform Association in that country, Nipissing Reform Association.

Q.—For the riding of Nipissing? A.—Yes, the Federal riding of Nipissing. I have never had any official association with the Provincial.

Q.—And as such did you also act in Provincial elections, take an active part in Provincial elections? A.—Oh, yes, I took an active part in all the elections going.

Q.—Have for a number of years? A.—Yes, sir.

Q.—And did in the last general election? A.—Yes.

Q.—On the Liberal side? A.—I did.

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Q.—And either have cherished, or now cherish the ambition to be a candidate in the Liberal interest? A.—I would not say that.

Q.—Would you deny it? A.—I think I have none now.

Q.—Is it the sore throat? A.—No, sir, nor sore spot either. I was talked of at one time for the Commons.

Q.—But the varnish has worn off? A.—Yes.

Q.—Have you had any conversations with Mr. Gamey that you could be sure of the date? A.—Not of all of them.

Q.—Of this important one? A.—Yes, I can be sure of that. I can fix that one.

Q.—And are you sure enough to fix it positively to a day? A.—Yes.

Q.—And what day? A.—The third day of July.

Q.—Have you any memorandum of that that enables you to fix that positively? A.—I have this memorandum of it. I know that it was in the week succeeding the Whitney caucus in Toronto in June. That was in the last week in June and I know that that was in the last week in June, and then I looked up the hotel register, and I saw that Gamey arrived in Sudbury Tuesday, and I knew this was in the forenoon of the next day, he came in and spent that time and caught the Soo train home on Wednesday.

Q.—Have you any other way of fixing it than those two ways? A.—No.

Q.—Then I understand you have looked up the newspapers to see what the date of the Whitney caucus was in the end of June? A.—Yes.

Q.—And then you have made a search of the hotel register at

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Sudbury to find when Gamey was there after that? A.—Yes.

Q.—And putting those two together you fixed him as being at your office the next day succeeding the day he arrived in Sudbury? A.—Yes, I do.

Q.—What register is it, which hotel? A.—The Balmoral

Q.—And what newspaper did you search to get the date of the convention? A.—I never searched any until I arrived here this morning. I saw The Mail this morning.

Q.—Do not say you never searched it, because you did this morning? A.—I say until then I had not

Q.—When you arrived this morning were you sure of the date? A.—Yes, in my mind I was sure of the date.

Q.—You only did this for greater assurance? A.—Exactly.

Q.—Tell me what you found as the date of the Conservative convention? A.—Found it to be the 25th of June.

Q.—And held where? A.—Mail building.

Q.—Any account of Mr. Gamey in connection with it? A.—No, I didn't see any.

Q.—When prior to the 3rd of July had you seen Gamey to talk to him? A.—Oh, I had seen him frequently.

Q.—Tell me when prior to the 3rd of July, take the next prior occasion? A.—Well, I couldn't place a date absolutely, but a few days after the election.

Q.—A few days after the 29th of May? A.—Yes, that would be early in June he was there.

Q.—When was the first occasion after the 3rd of July that you have seen him to converse with him? A.—The first occasion after here in Toronto, I think, on the 17th he was on the way home from Grand Lodge.

Q.—The 17th of what? A.—July. I think Grand Lodge was the 16th and 17th; that would be about the 18th, likely, that I met him here in Toronto.

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Q.—Where in Toronto did you meet him on that occasion? A.—Walker House.

Q.—You have not, I think, in your relation here to-day told us any of these conversations as having taken place at the Walker House on the 17th or 18th of July? A.—No.

Q.—So there was not anything said then about politics? A.—I don't think so.

Q.—Nothing that you have related here to-day? A.—No.

Q.—Nothing that your mind carries you back to? A.—No.

Q.—When next after the 17th or 18th of July did you see Gamey to converse with him? A.—I couldn't say the next time. I have seen him frequently all the fall through the months of August, September and October. I have seen him frequently.

Q.—During September and October? A.—Yes, all the way up until New Years.

Q.—Then you are unable to fix any particular date in either September or October, or any time up to New Years, after the 17th or 18th of July; is that right A.—I can fix when I know I had a conversation with him on the 23rd of December.

Q.—Can you fix positively any date between the 17th or 18th of July and the 23rd of December at the time when you saw Gamey and conversed with him? A.—Not to a day; no.

Q.—Can you to a week? A.—Yes.

Q.—What week? A.—Well, I saw him during the week after the 10th of September.

Q.—Where? A.—In Sudbury.

Q.—Where in Sudbury? A.—Our office.

Q.—Anybody else there? A.—I have no recollection that there was. Dr. Struthers might have been in and out.

(2310)

Q.—Have you in your relation here to-day given anything which you say transpired on that occasion in your office in September? A.—No, I don't think so.

Q.—So that nothing of importance transpired then in connection with

these matters? A.—We had political conversations, I dare say, at every one of these.

Q.—But nothing that you have related here to-day took place on this conversation in this week in September that you have just adverted to; did it or not? I just want to know the fact; I won't trouble you further, but I just want to know the fact. A.—In that week in September? There was a second conversation about passes.

Q.—Is the conversation you related here to-day about passes, the one that took place on this second occasion in the week in September? A.—I said that I would not swear positively whether he brought up the pass question on the 3rd day of July or not, but I thought he did, and that we had three or four conversations about passes, and I am certain that one of them was in September after this down here on the 10th of September that he had discussed the pass question with me.

Q.—Did anything else take place on that occasion besides the discussion about passes that you can recollect or that you have spoken about here to-day? A.—I don't think so; not that I have spoken of.

Q.—When, after the week commencing the 10th of September, between that and the 23rd of December, did you see Gamey to converse with him? A.—Well, I told you I cannot place any dates; I would say that I saw him repeatedly in that space of time.

Q.—Where? A.—In Sudbury.

(2311)

Q.—Any person else present? A.—Sometimes there would be, no doubt, and sometimes there would not.

Q.—Take up the first occasion when any person else was present? A.—I am not placing this as to the date.

Q.—We must get you to something definite. Take up any occasion between the week in September and the 23rd of December, when any person else was present at a conversation between you and Gamey? A.—I would not give you a definite date.

Q.—Will you give me the name of anybody? A.—Dr. Struthers was frequently present. Might have been or might not have been in any instance. He would be in and out.

Q.—I want you to pledge your oath to something, if you know, if your memory carries you; if it does not you may say so? A.—Well, I say I will not place between those any definite day and say I had a conversation with Mr. Gamey on that day.

Q.—Then tell me definitely the name of any person who was present on any

of those occasions? A.—Well, I would not say definitely, but it is altogether likely that Dr. Struthers was present sometimes.

Q.—I do not want "altogether likely"; if you have not any memory say so, and we won't waste any time over it. A.—No, I have no recollection.

Q.—Have you any way of refreshing your recollection? A.—No, I don't think so.

Q.—Then can you tell me after the 23rd of December, when next after the 23rd of December did you see Gamey to converse with him? A.—I think he was back—I have a letter from him about business transactions dated from here on the 1st day of January.

(2312)

Q.—It was dated on the 1st of January, was it? A.—Yes, from the Walker House on the 1st of January, and I think—I would not be sure—but I think between that 23rd of December and that 1st that he was once more in Sudbury.

Q.—If he was, did anything take place on that occasion which you have related to my learned friends to-day? A.—No.

Q.—So that we can discard that from our calculations for the purposes of this investigation? A.—Yes.

Q.—Then after the 1st of January, 1903, when was the next occasion that you say you had any conversation with him? A.—Well, I say that I think the conversation would be between the 7th and 12th. I think he arrived up there and did not go home—did not go any further than Sudbury; did not go to the Island; turned back from Sudbury and came to Toronto, and he was here when I arrived on the 13th.

Q.—Between the 3rd and 12th? A.—Yes, it is my opinion that he was there then.

Q.—Between the 3rd and 12th of January, it is your opinion that he was at Sudbury? A.—Yes.

Q.—Have you looked up the hotel register to see as a fact whether he was or not? A.—Yes, I did.

Q.—What did you find? A.—I did not find him registered there.

Q.—So, is it probable or improbable from not having found that, that he was there? A.—I still am of the opinion that he was there.

Q.—Will you swear he was? A.—I swear I think he was.

Q.—No, I don't want that. You will either swear it or you won't? A.—I swear that I think he was.

(2313)

Q.—Will you swear positively that he was there and you saw and convers-

ed with him between the 3rd and 12th of January? A.—I swear to the best of my knowledge and belief that I did.

Q.—I ask your Lordships to direct the witness to answer that.

The Chancellor: He cannot do that I am not going to ask him to swear positively when he says it is only his recollection and belief.

Mr. McPherson: He can swear positively, or he cannot, one or the other.

The Chancellor: He has told you he believes he was there. I am not going to make a witness swear categorically yes or no when he tells you that.

Mr. McPherson: Have you conversed with him between the 3rd and 12th of January; and, if so, will you pledge your oath to anything that took place in the conversation? A.—If I did will I pledge my oath?

Q.—Yes. A.—Yes.

Q.—You will? A.—Yes.

Q.—Was any person present? A.—Part of the time—the first part of the conversation, when he was telling me—

Q.—Never mind that. Who was present? A.—Dr. Struthers.

Q.—How long was Dr. Struthers present? A.—Not very long. He was just getting ready to drive away. The team was at the door.

Q.—How long was Dr. Struthers there? A.—Not more than ten minutes.

Q.—Did he remain that long? A.—I would not swear that he did.

(2314)

Q.—Did he remain three minutes? A.—Yes.

Q.—Four or five minutes? A.—Yes. I think so.

Q.—Will you pledge your oath to anything?

The Chancellor: What does it matter whether he says three minutes or three and three-quarters or four minutes?

Mr. McPherson: It is not material, my Lord. I want to see what the witness will say.

The Chancellor: This sort of examination, dividing minutes: however, go on and ask what you like.

Mr. McPherson: Will you swear that any person else was present at any conversation between you and Gamey other than Dr. Struthers? A.—No.

Q.—After the 12th of January, when was the next occasion that you say you conversed with Gamey? A.—On the 13th.

Q.—At the Walker House in Toronto? A.—Yes, sir.

Q.—Did you have more than one conversation with him on the 13th? A.—Yes. I think I did. * Had a couple.

Q.—At the Walker House? A.—Yes.

Q.—Any person else present? A.—No. I would not say there was.

Q.—Will you say there was not, or were they private between you two? A.—Yes, they were private between us two.

Q.—After the 13th, did you have any more conversations with him? A.—I had one on the 14th.

Q.—Where was that? A.—At the Walker House.

Q.—Still at the Walker House? A.—Yes.

Q.—What time on the 14th? A.—I think it would be late in the afternoon.

(2315)

Q.—On the 14th of January? A.—Yes.

Q.—Any person else present then? A.—No, I don't think so.

Q.—Did you have more than one conversation with him on the 14th? A.—No, I would not say that I did.

Q.—Then, after the 14th, when was the next occasion? A.—After the 14th of January I never saw him but once until I saw him here to-day.

Q.—When was that and where? A.—Well, I would not swear the exact date. It was in the office in Sudbury, and, I think, was on the 27th.

Q.—On the 27th of January? A.—I think so.

Q.—Where? A.—At Sudbury.

Q.—I missed your last answer? A.—I said I thought on the 27th of January at the office in Sudbury.

Q.—How do you fix that date? A.—Well, he brought Mr. McGregor into the office and introduced him to Dr. Struthers and me. I never had seen the gentleman before, and I know he was on his way down, and he never has been in Sudbury since the interview appeared in The Globe.

Q.—That is, Mr. Gamey has not? A.—Yes; and that appeared on the 29th; I think this was when they were on their way down. Dr. Struthers went down that same day. If I remember, there was a meeting of a company down here that Mr. Gamey and Dr. Struthers and myself were all interested in, and he and the doctor came down together. I did not go.

Q.—Then it was earlier in the day before they left for Toronto that you had the conversation with Gamey? A.—Yes; I don't say that I had any conversation with him that day. I don't remember of any conversation. He merely came to the office, brought this

friend with him, and introduced him, and I was going out ; I remember not staying.

(2316)

Q.—Have we exploited all the conversations that you had with Gamey between the 3rd of July, 1902, and, say, the 11th of March, 1903 ? A.—Well, all that I would attempt to place a date for. Not all that we have had, by any means.

Q.—Are you positive as to the dates you have fixed positively—the dates you have asserted yourself ? A.—I am positive to some of them, yes.

Q.—Are there any you are not positive about ? A.—I am not absolutely positive about the date between the 7th and 12th of January.

Q.—Is that the only one you are not positive about ? A.—I think so; yes.

Q.—You will swear absolutely positively that any other date you have mentioned positively a conversation between you and him did actually occur at the time and place you say ? A.—That I saw him those times; yes. I would not swear positively about the 27th of January, because I am only placing it from the 29th.

Q.—Take, for instance, this in Toronto. Will you swear positively to those dates ? A.—I will, positively.

Q.—You cannot be budged on those dates ? A.—Not a bit.

Q.—There is no chance of them being wrong ? A.—No, not a bit.

Q.—What were the dates in Toronto in January that you speak of absolutely positively ? A.—On the 13th and 14th of January.

Q.—No doubt whatever about these two dates ? A.—I don't think so.

Q.—Did Gamey tell you, when speaking of a protest going to be filed against him, how he had acquired the knowledge that one was going to be filed ? A.—He said he had learned that while he was in Toronto. That was all he said.

(2317)

Q.—He did not tell you how he had learned it ? A.—No.

Q.—Do you know whether it was filed on that occasion or subsequently ? A.—It was filed subsequently. He said it was going to be.

Q.—Do you know when, in fact, the protest was filed ? A.—Well, no; I would not swear to the exact date. I think it was about the 12th of July.

Q.—How did you get that information ? A.—From conversations with Gamey, no doubt.

Q.—Did he ever tell you that the protest was filed on the 12th of July ?

A.—Well, I have got my idea from frequent conversation with him.

Q.—I want you to swear whether he did or did not ? A.—I won't swear that he did.

Q.—You have sworn to a great many things here to-day, sir, and I want to see what you will swear about this ; will you swear that he said a protest had been filed against him on the 12th of July ? A.—No, I will not. I won't swear that he ever told me the date it had been filed. I will swear that he told me one had been filed.

Q.—What time of day was it that Gamey came to your office on the 3rd of July ? A.—Oh, it would be between 9 and 10 o'clock.

Q.—In the forenoon ? A.—Yes.

Q.—Anybody with him ? A.—No.

Q.—Anybody else there ? A.—No.

(2318)

Q.—Just tell me again, as nearly as you can what he said in opening the conversation on that day ? A.—I opened it by making a reference to the fact that he had been down in Toronto to the caucus.

Q.—You opened it by that reference ? A.—Yes. What did you say ?

The Chancellor : He has just told you.

Mr. McPherson : I know, but I want to see what he will say.

The Chancellor : He just repeats what he told you. There is no use having it a second time.

A.—I said he came home and was seized of the facts of the situation.

The Chancellor : He opened the conversation, and said he had been down there counting noses ; he has said that about four times now, I think.

Mr. McPherson : I submit, my Lords, I am quite within my rights.

The Chancellor : I think it is quite unnecessary to have repetitions of these things over and over.

Mr. McPherson : I do not wish to trespass upon the Commissioners in any way, but I think I am quite within my rights. What do you say, Dr. Arthur ? A.—About what ?

Q.—About the conversation that then took place.

The Chancellor : He wants you to repeat what you first said ; apparently he wants it a sixth time repeated.

A.—Well, after that opening he said, "Well, Arthur," he said, "I think that Ross is going to rule for the next four years." I remember him saying that in those words. Just in what sequence these different things were said I am not prepared to swear. I said that in my direct examination.

(2319)

Mr. McPherson : That Ross was going to rule ? A.—Yes. He said that had he not felt sure, he said after that, that there was the possibility that the pending re-counts, the appeal from the County Judges to the Superior Court Judges might change the affair, but he did not think it would. Then he said no doubt that there would be some in the protests that would follow ; there would be some constituencies opened ; but he said, "You know perfectly well that in this country bye-elections nearly always go with the Government," so he said, taking the situation all together, he said, he was satisfied that Ross was going to rule for the next four years, and that he had no desire to sit there writing letters ; he said—I remember that part particularly—four years in Opposition, and that had he not thought that Whitney would win—felt positive about it—he would not have been a candidate at all ; he felt so strongly against sitting in Opposition all this long time, and he said he had made up his mind that he would give Whitney the first vote in the House to demonstrate to him that he had not a majority, and after that—

Q.—To demonstrate what ? A.—That he had not a majority, and after that he would support the Government.

Q.—Anything else ? A.—Yes, he spoke about the protests then. He seemed to be very angry at the idea of being protested in his election, I remember him telling me, blaming the returning officer ; he said there was no doubt it was a scheme ; that the returns in his constituency had been held

(2320)

back in order to give them greater length of time in which to protest him. I remember him saying that, and he said it would cost over \$1,000 to fight a protest.

Q.—Anything else, confining yourself to the 3rd of July ? A.—I am going to entirely. At that conversation he had mentioned something about what it cost ; there had been a general discussion about what these elections had cost up there in the different constituencies.

Q.—That is the cost of running ? A.—Yes. And he said his had only cost him between \$400 and \$500 ; personally cost him besides what he had got out of the fund. I said, "Under those circumstances, Gamey, it would be cheaper to resign than to fight a protest." I said to him, anyway that if he had determined to support the Government, he ought to resign and run over again as an Independent, that

it was the only honorable way for him, and the only way for the Government.

Q.—Anything else ? A.—Well, there may have been something else, but these are the main things I remember.

Q.—Nothing else that you can recall as having been said on the 3rd of July ?

A.—No.

Q.—You have told me everything ? A.—No, I said that I think there was the discussion about passes at that time, too, and about what took place down here at the caucus—what he alleged took place, anyway.

Q.—Can you tell me what he alleged as having taken place at the caucus ?

A.—He said that some of the members—a good many of them—were quite discouraged that this was the second time in which they had come within measurable distance of winning,

(2321)

and had failed, had just fallen short, and that their campaign fund was gone, and there was no campaign fund left with which to fight protests ; that every individual was going to have to shoulder his own, and he didn't want to do that.

Q.—No person else was present at any part of this conversation on the 3rd of July except you and Gamey ? A.—No, I think not.

Q.—And it all took place in your own office ? A.—Yes.

Q.—Did you relate that conversation to any person—what took place there ? A.—Not much of it, no.

Q.—Did you relate any of it ? A.—I mentioned something about that Gamey had expressed his intention of supporting the Government to Mr. Baikie.

Q.—What is his Christian name ? A.—Daniel.

Q.—Will you spell the name ? A.—B-a-i-k-i-e.

Q.—Where does he live ? A.—Sudbury.

Q.—Any person else beside him ? A.—Dr. Struthers ; but I don't think that I ever retailed this conversation with Gamey to Dr. Struthers until his return after September.

Q.—You did not tell him until after he got back in September ? A.—I think not.

Q.—Were you comparing notes with him then ? A.—Well, not just that—no, sir.

Q.—Did you start to tell him this conversation of 3rd July before he told you of the one he had in Toronto with Gamey ? A.—He referred to the report in the papers about Gamey's speech at the caucus on the

10th. He said that did not look much like a man who was going to support

(2322)

the Government. Then he went on to tell me what had taken place between Gamey and him here, and I said that he had told me that away back long ago something like that. I did not go into details with him.

Q.—We had Dr. Struthers here, and he did not tell us about that.

Mr. Johnston : It would not be evidence.

Mr. McPherson : I know it would not. But he did not mention even that he had known anything previously about it.

Q.—Would you be surprised to know that Gamey was not at the Conservative convention in June ? A.—No ; I didn't say that he was at it. I said he was down to Toronto here.

Q.—Did he purport to tell you what took place there ? A.—He did.

Q.—Would you be surprised to know that he had not been in Toronto for weeks before that ? A.—Yes, I would be very much surprised.

Q.—And supposing he had not been, would you still adhere to your story that he told you what you have related here to-day ? A.—Yes, I still maintain he told me that.

Q.—That he would manufacture all this stuff about the discouragement of the members, and so on, when he was not at the convention at all ? A.—I swear positively that he told me that.

Q.—And he was just simply making that up out of his mind ? A.—I am not swearing that at all.

Q.—That would have to be the effect of it, that he was relating to you

(2323)

on the 3rd of July something that took place at the Conservative convention on the 25th of June, when he was not there at all ? A.—I am merely swearing to what he told me on the 3rd day of July.

Q.—When did you tell Mr. Baikie about this ? A.—I would not place the date, but it would be a month after that at least, maybe more.

Q.—Did it simply lie dormant in your mind a month or more before you mentioned it to anyone at all ? A.—I think it did.

Q.—It did not make much impression on you one way or the other ? A.—Oh, yes, it made a very vivid impression, but I was not given to talking much of such things to other persons.

Q.—Did Mr. Gamey on that occasion tell you that he had been in Toronto ; tell you on the 3rd of July he

had been in Toronto, and was just returning from Toronto ? A.—He told me that he had been to Toronto.

Q.—You will swear that—you are not mistaken in any way about that ? A.—No, I am not.

Q.—Because I am instructed he had not even been in Toronto. A.—I swear positively that he said he had been to Toronto.

Q.—I am told that he came from Gore Bay, and not from Toronto at all.

Mr. Riddell : On the 3rd of July ?

Mr. McPherson : Yes. What do you say to that ? A.—I swear that I think that he came from Toronto.

Q.—Does that tend to shake your confidence in your memory at all ? A.—Not a bit.

(2324)

Q.—It does not in the slightest degree, but as a fact you had no other means of fixing that date of the 3rd of July than by going to the register at the Balmoral Hotel, and found that Gamey had been there the day before ? A.—Finding the first day he had been there subsequent to that caucus which he told me had taken place, which he told me, or purported to tell

Q.—When did you know the Conservative what had transpired at.

servative caucus had taken place on the 25th of June ? A.—I suppose I saw it in the next day's paper.

Q.—So that you had that event in your mind, anyway ? A.—Yes.

Q.—And having that event in your mind, and finding that he had been there on the 2nd of July, you then decided that took place on the 3rd of July ? A.—Well I knew it took place in the forenoon, and that he went home—went west—on that noon train on the 3rd day of July.

Q.—Would he go to the Soo to go from Sudbury home ? A.—No, he would go towards the Soo.

Q.—Did he say he was going to the Soo, or going home ? A.—Going home, I understood.

Q.—Do you know what he was doing in Sudbury on that occasion ? A.—No.

Q.—You have no memory on that part of it at all ? A.—He might have been doing insurance business, or he might have been on other business.

Q.—I am asking you what he told you. A.—No, he did not tell me.

Q.—You told my learned friend that there were others besides himself who were in a discouraged condition ? A.—Yes.

(2325)

Q.—Will you tell me again what you told my learned friend about that ? A.

—He said he had no desire to sit there four years in Opposition, and that he was going to give the first vote, and then support the Government, and he said he thought there were others.

Q.—That were going to do the same thing? A.—I inferred that.

Q.—Did he say who they were? A.—He did not.

Q.—Did he mention any other member of the House? A.—He did not.

Q.—Did not mention anybody by name? A.—Nobody at all.

Q.—Or by constituency? A.—No.

Q.—You had no means of coming to a conclusion who he was referring to? A.—None whatever.

Q.—I may not have caught you correctly, but I thought you told my learned friend that you did not know Gamey had come out as a Conservative? A.—No, I told him I did know he had come out as a Conservative. I did not know he had come out in any other way. I told him I understood he came out as a straight Conservative.

Q.—Did Gamey tell you anything about his having supported Lyon? A.—Not at that conversation.

Q.—Did he at any time? A.—Oh, yes, years ago. I had always accused him of deceiving me in his politics for the first couple of years I knew him.

Q.—How long ago do you say that he had supported Lyon? A.—I stated it would be prior to 1890.

Q.—How long prior to 1890? A.—I won't say that. I don't know. I did not know him.

(2326)

Q.—1884 would it be? A.—It would be at some election prior to '90.

Q.—Nineteen or twenty years ago? A.—Yes, it would be the general election, I suppose, next before '90.

Q.—I am instructed that he never voted for Lyon, and did not support him in any way, shape or form. Does that shake your confidence in your memory at all? A.—Not at all. We discussed that thing.

Q.—Do you know that as a fact? A.—Know what as a fact?

Q.—Or are you merely stating something in the box from current rumor, about Gamey ever having supported Lyon? A.—I never saw him mark the ballot no.

Q.—Do you know anything he did in support of Lyon that you can swear to as a fact? A.—I swear as a fact that he told me that he and his father had supported Lyon in the old days, prior to the time when he ran in '90 and was beaten. I swear that he did tell me that.

Q.—Was anybody else present when he told you that? A.—I have no recollection of it.

Q.—Do you know where it was that he told you that? A.—No.

Q.—I am instructed that he did not tell you anything of the kind? A.—Well, I cannot help that.

Q.—You contradict him? A.—Yes.

Q.—Did you tell him that the Government would not oppose his reelection if he resigned? A.—I told him it was not likely they would.

Q.—Had you any authority for saying that? A.—I had not.

Q.—You had not? A.—None whatever.

Q.—You were just giving him some free advice? A.—Yes, friendly advice.

(2327)

Q.—You undertook to speak about some remarks that Mr. Gamey is said to have made about Mr. Whitney in relation to the Sudbury meeting. Tell me what you said Gamey said about that? A.—Gamey said that Whitney's speech on the mining policy in Sudbury was very childish. The word childish was used. I don't know just how it came in.

Q.—Called it a childish speech? A.—Yes.

Q.—Anything besides that? A.—Oh, there may have been other things besides that, but that was the main thing—was what he said on the mining policy.

Q.—Did he tell you he was at Whitney's meeting in Sudbury? A.—Yes.

Q.—When did he tell you that? A.—Oh, he told me that subsequent to the meeting, I don't know when.

Q.—Will you place the time? A.—No, I will not.

Q.—Was any person present when he told you that? A.—No.

Q.—I am instructed that not only does Mr. Gamey say that he did not tell you that, but I am further instructed that he was not present at Mr. Whitney's meeting. A.—Well, I don't know; I told you I was not present at it.

Q.—Still you swear that he told you he was present? A.—I swear that he told me that. We had a conversation about that, and that he said anything more childish than that speech in Sudbury was not to be found. Possibly he did not absolutely tell me that he was there. I inferred that he was there.

Q.—Are you going to take back that he said he was at the Whitney meeting in Sudbury? A.—He led me to believe that he was there.

(2328)

Q.—Did he say so, sir? A.—I won't swear positively that he did.

Q.—So that you will recant that, will you? A.—Yes, if he says he was not there. I was not there, so I don't know.

Q.—You spoke about some conversation in reference to railway passes, and you think, as I understand, that that took place on the 3rd of July? A.—I think that was the first time he mentioned it.

(2330)

Q.—Can you differentiate as to the Well, he spoke to me on more than one occasion about the passes. The which we knew had taken place, and the one occasion and the other? A.—two occasions as to what was said on last time he spoke to me about it he said quite triumphantly that he had got them, so we can differentiate that far.

Q.—When was that? A.—In Toronto at the Walker House.

Q.—Was that on this occasion on the 13th or 14th of January? A.—It was one of those dates.

Q.—Was it the first or second day? A.—I would not swear.

Q.—It might have been the one or the other? A.—Yes.

Q.—Just as apt to have been one as the other? A.—I think so, yes. I would not attempt to say this day.

Q.—But you did have conversations with him on both those days? A.—Yes.

Q.—Have you looked up the register at the Walker House to see if Gamey was there on both those days? A.—I have not.

Q.—Have you a clear recollection about it? A.—I think I have.

Q.—Clear enough to come here and swear positively? Now, would you be surprised to know that Gamey was not at the Walker House at all, and was not in Toronto on the 14th of January? A.—Yes, I would be quite surprised.

Q.—Would that shake your confidence in your memory at all? A.—Well, I am still of the opinion he was here.

Q.—Will you swear he was? A.—I swear I believe he was. My recollection of it is that I left in the afternoon to go to Brighton, and he left in the afternoon to go to Sudbury.

(2331)

Q.—Now, that is as true as anything else you have stated here to-day? A.—No, I won't say that.

Q.—Your memory on that is just as good as on anything else you have stated here to-day? A.—I still believe that he was here on that day.

Q.—Speaking as a feat of memory, is your memory just as good on that as on anything you have stated here to-day? A.—It ought to be.

Q.—Will you say it is speaking of your memory, and swearing to it? What do you say, sir? A.—I swear that I still believe that I had a conversation with him here on the 14th.

Q.—I am instructed that he left Toronto on the night of the 13th, and was not back here again until towards the end of January. What do you say to that? A.—I have nothing to say to it at all, only that my memory is that he was here both the 13th and 14th.

Q.—Are you not mixing up a lot of these subjects in your mind? A.—I don't think so.

Q.—Have you a good memory? A.—I think so.

Q.—Are you not mixing up in your mind things you have heard other people say and then attributing them to Gamey? A.—I don't think so.

Q.—Will you swear you are not? A.—Yes.

Q.—What you have said here to-day is marvellously like parts of what Dr. Struthers has said. Are you sure you are not mixing up in your mind something that Dr. Struthers told you that Gamey said to him? A.—Quite positive.

(2332)

Q.—And you are just as positive that Gamey said he was here on the 14th of January, and here at the Conservative convention in June? A.—I did not say that.

Q.—We will confine it to the 14th of January. You are just as positive of that as you are that he was here on the 14th of January? A.—Well, I still think that he was here.

Q.—Did you ever hear Gamey on the platform during his election campaign? A.—I did not.

Q.—Do you know from any other source than as you say from what he has told you himself of what he said in his speech on the platform during the campaign? A.—No, I do not.

Q.—Did you read the newspapers at the time? A.—They did not have many of his speeches in.

Q.—Do you take any of the newspapers from Manitoulin? A.—No.

Q.—Do you see any of them to read? A.—Oh, I have occasionally.

Q.—Did you see any of them during that time? A.—I would not swear that I did.

Q.—We have had witnesses here who say that Gamey said on the platform that he would support the measures of any Government as long as they were good measures, whatever Government was in power, if they were good measures? A.—I don't know anything about it.

Q.—Will you swear it was not some words to that effect that Gamey told you? A.—Yes, I will.

Q.—And what will you swear he told you in that connection? A.—I swear that he told me he would support the Government in power; that he would not be another A. F. Campbell.

(2333)

Q.—Anything besides that? A.—No, not in that connection. Well, I swear that he told me in talking of his change of allegiance that he had said, he told me he had said repeatedly on the platform during his campaign that he would support the Government in power. I don't know that he said that.

Q.—You are merely relating what he said to you? A.—Yes.

Q.—Witnesses here have said that Gamey was very vigorous in his denunciations of the Government during his campaign? A.—Yes, I have always heard that.

Q.—Did you believe it? A.—Yes. I think so.

Q.—Did you say anything to Gamey about that at all, about his taking an inconsistent position, reporting to you that he had said on the platform certain things, when in fact you knew he had said other things? A.—I did not know that he had said them.

Q.—You knew he was reported to have said them? A.—Exactly.

Q.—You did not draw his attention to any such inaccuracies as that? A.—No, I did not.

Q.—Now, with my learned friend you would not positively fix a date between the 7th and the 27th of January as I understood it? A.—Yes, that is right.

Q.—You claim to have had some conversation with him in reference to the bye-elections in the three norths? A.—Yes.

Q.—Was that between the 7th and 12th, or the 7th and 27th? A.—I would not say.

(2334)

Q.—You won't pledge your oath to that one way or the other? A.—No, I will not.

Q.—Tell me what you say took place between you and Gamey in reference to his having been in North Perth? A.—Well, he told me about having been in

Toronto on his way back from Perth; about Mr. Stratton having sent for him, rather taking him to task about what he had done in going on the platform, on the stump as he called it, in North Perth, and he said that his reply to Mr. Stratton was, "Do you think I changed any votes in North Perth?" and Mr. Stratton's reply to him was, "Evidently not."

Q.—Where did he say that conversation took place between him and Mr. Stratton? A.—In Mr. Stratton's office, he said.

Q.—Did he say who was present or anything about it? A.—No, he did not.

Q.—Did not give you any details about that? A.—No.

Q.—But he did say that Stratton thought that Gamey had not changed any votes? A.—Yes.

Q.—Why did Stratton take him to task in his office? A.—I don't know.

Q.—Were you not surprised to hear that Stratton would take Gamey to task in his office for being in North Perth? A.—No, not specially.

Q.—You did not think that was a thing that should occasion you any surprise at all? A.—No, sir.

Q.—Did you know what the relations were between Gamey and Stratton at that time? A.—I did not.

Q.—Not from Gamey or Stratton or anybody else? A.—No, I knew that he had told me on more than one occasion of his intention to support the Government.

(2335)

Q.—You did not know of the relations between Gamey and Stratton, however? A.—No, nothing about it.

Q.—And it did not occasion you any surprise that Stratton should take Gamey to task for having been up in North Perth? A.—No.

Q.—Did he say to you that Stratton had been very sharp with him about it? A.—Well, I would not swear the words. What is the difference between being sharp with him and taking him to task?

Q.—I want to know what he said? A.—Well, I would not swear to the positive words, only I swear positively to what he said Mr. Stratton's reply was.

Q.—That has fixed itself in your memory? A.—Yes, that did.

Q.—What impression did it make upon your mind to hear that Stratton had spoken sharply to him and been annoyed with him for taking part in North Perth? A.—Well, I think it was something of that kind, either annoyed or surprised.

Q.—That is the impression he gave you, that it occasioned Stratton surprise or annoyance about his being up there? A.—Yes.

Q.—Did Gamey say where he had been in North Perth during the campaign there? A.—Yes, he did tell me several places, but I am not familiar with the county, and I don't remember them.

Q.—Did he tell you when he went to North Perth? A.—No, he did not.

Q.—You told my learned friend something about Gamey having left Toronto in a hurry to get to the Island? A.—Yes.

Q.—What was that about? Just tell me again about that? A.—Well, he told me that he had had letters from the Island, and that there was trouble brewing up there amongst his constituents, and that he was in a hurry to get up there and pacify things. I inferred from what he told me that he wanted to get home before there was any storm, while the roads were good, so that he could drive out around the country and see his country constituents.

Q.—When did he tell you that? A.—He told me that here in Toronto.

Q.—When in Toronto? A.—I don't know, either the 13th or 14th of January, either the one or the other.

Q.—Do you know how long Gamey had been here then? A.—No, I do not.

Q.—If he had been here a week would you still think he was in a hurry on the 13th to get home? A.—Well, if said he was he would be in a hurry, would he not?

Q.—Would you think it would be a strong reason for his going home. To placate his friends in Manitoulin after it had been publicly announced he had been speaking for the Conservatives in North Perth, is that another reason? A.—Not at all; still he told me he had letters from the Island.

Q.—I want to appeal to your intelligence? A.—I am here to state facts.

Q.—I want to know if that will shake your confidence in your memory. A.—No, it won't.

Q.—You knew that Gamey had been up in North Perth speaking for the Conservative candidate? A.—Yes.

Q.—And that the bye-elections took place on the 7th of January? A.—Yes.

(2337)

Q.—And still you say that on the 13th of January Gamey was in a big hurry, after all this publication about his having been working for the Conservatives in North Perth, that he was in a big hurry to get back and settle

with his Conservative friends in Manitoulin? A.—I won't say he said his Conservative friends. He said his constituents.

Q.—He would not have trouble with the Liberals in Manitoulin? A.—Well I swear positively he told me that.

Q.—Wasn't he speaking of professional politicians in town? A.—Yes, he did.

Q.—What town was he speaking of? A.—He didn't say any special town. He said the town.

Q.—Gore Bay? A.—Probably Gore Bay.

Q.—Is that what you understood he meant? A.—No, not one more than the other. Any of the towns in his district in contra-distinction to the country.

Q.—The very places that would be informed through the newspapers of his having been in North Perth speaking for the Conservatives? A.—Yes.

Q.—Did you think that if there had been, did it not occur to you as a reason why he should not be in a hurry to go home to do that? A.—No, it did not.

Q.—Doesn't that shake your confidence in your memory of what you are stating here to-day? A.—No, not at all.

Q.—Do you say he showed you any paper on that occasion? A.—Yes, he took a paper out of his pocket; I did not see the contents of it at all.

Q.—Did he make any remark about the paper? A.—He said this was something he was going to drive out around the country constituents and get them to sign this, endorsing his position.

(2338)

Q.—I state, and I stated here publicly, that I am instructed—and people in the Manitoulin Island will know what I am stating is true or not, that Gamey said that not only did no man sign a petition for him, and he never asked anybody to sign a petition? A.—I don't say he did.

Q.—Does that shake your confidence in your memory? A.—Not at all, not the slightest.

Q.—You still adhere to your story? A.—I swear positively that he told me that was his purpose.

Q.—And that was his reason for wanting to hurry home to get the signature? A.—He wanted to hurry home and do it while the roads were good, he said.

Q.—Do you know Mr. Marter? A.—Well—

Q.—Do you or not? A.—Yes, I know him by sight.

Q.—You know him to talk to, too?
A.—I spoke to him to-day. I came down on the train with the gentleman last night.

Q.—How is it you hesitate so about acknowledging your acquaintance with him?

Mr. Riddell: He did not hesitate.

A.—I wanted to be sure.

Mr. McPherson: Did you converse with Mr. Marter on this subject? A.—No.

Q.—Did you have any conversation with Marter at all about Gamey? A.—No.

Q.—Never mentioned his name to Marter? A.—Mr. Marter spoke something in the room about it.

Q.—I want to know whether Mr. Gamey's name was discussed between you and Mr. Marter last night or to-day? A.—It was not last night, certainly.

(2339)

Q.—Was it to-day? A.—I think Mr. Marter mentioned something casually about it; there was no discussion.

Q.—Did you mention anything about Gamey to Mr. Marter? A.—I won't swear positively whether I did or not. Possibly I made some reply. There was some casual reply; I think he said it was a bad business, and I said, "Yes, it seemed to me that Gamey had made a mistake."

Q.—And there was a union of opinion between you that it was a bad piece of business? A.—There was no further discussion.

Q.—Is that all that was said? A.—Yes, I actually was never introduced to Mr. Marter. He said, "I saw you on the train last night coming down," and I said, "Yes, I had seen him." Of course I knew Mr. Marter. I don't think Mr. Marter knows who I am.

The Chief Justice: I did not hear what you said that he said in reply. A.—He said, "This was a bad business," and I said, "Yes, it seems to me that Gamey has made a mistake." I think that is what I said. That is my recollection of it.

Mr. McPherson: Did Gamey ever tell you that Mr. Stratton had sent for him? A.—Yes.

Q.—When did he tell you that? A.—He told me that at this conversation, that I won't place so absolutely definitely in January; he told me that after he had returned to Toronto from North Perth that Mr. Stratton had sent for him; that was the time.

Q.—Did he say he had sent for him to-day or yesterday, or what about that? A.—Oh, no; it would be some days previously; I don't know when.

(2340)

Q.—Then he told you either on the 13th or 14th of January that Stratton had sent for him some days previously; is that it? A.—Yes; he did not say when. He said on his return to Toronto from North Perth, that Mr. Stratton had sent for him; that is what he told me.

Q.—Did you think there was anything odd about that? A.—No, I did not.

Q.—What did you think was the relationship between the two men that entitled Mr. Stratton to send for Mr. Gamey? A.—I did not know anything about it.

Q.—To scold him about North Perth? A.—For a man who had expressed his intention of supporting the Government as Gamey had to me, to go up in North Perth and appear on the platform for the Opposition seemed rather inconsistent, and I supposed it appeared equally inconsistent to Mr. Stratton.

Q.—You know Mr. Stratton, of course? A.—Very little.

Q.—You have conversed with him? A.—I have.

Q.—And before to-day? A.—Oh, yes.

Q.—Tell me when you last had a conversation with Mr. Stratton before to-day? A.—On either, I think, the 14th of January. I would not swear positively, but it was one of those dates.

Q.—Where did the conversation take place? A.—In his office.

Q.—Mr. Stratton's office? A.—Yes.

Q.—In the Parliament buildings? A.—Yes.

Q.—Who was present? A.—Dr. Bryce and Dr. Chamberlain at different times.

(2341)

Q.—Anybody else? A.—Well, the stenographer.

Q.—That is his private secretary? A.—Yes, I suppose.

Q.—This young gentleman that was here to-day, is that the man you mean? A.—Yes, that is the man I mean.

Q.—Anybody else? A.—No, I don't remember anybody else.

Q.—Were you at Mr. Stratton's office by appointment on that occasion? A.—I was.

Q.—Was Gamey's name mentioned? A.—No, I don't think it was. I have no recollection of Gamey's name being mentioned.

Q.—Was Manitoulin mentioned? A.—No, I am not familiar with Manitoulin.

Q.—Mr. Stratton knows you are from Sudbury, and knew before then? A.—I think so.

Q.—Did he know you were acquainted with Gamey? A.—I don't know whether he did or did not.

Q.—You don't know that? A.—No, I do not.

Q.—Was there anything political discussed in Mr. Stratton's office that day? A.—Nothing whatever.

Q.—Not while you were there? A.—Not with me, no.

Q.—How long were you there? A.—Oh, I was there more than half an hour, I think.

Q.—What were you doing there? A.—I had business with the Department.

Q.—What were you doing there? A.—I was trying to get some old smallpox accounts straightened out.

Q.—Anything else besides that? A.—Nothing whatever.

Q.—And politics were not mentioned at all? A.—No.

Q.—Did you say Mr. Brodey was there? A.—Not with me. He had been there; he told me the day before; I was not there with Brodey.

(2342)

Q.—Did Brodey tell you he had been there? A.—Yes.

Q.—Did Mr. Stratton mention Mr. Brodey having been there? A.—I have no recollection of him having done so. I would not say he did or did not.

Q.—You can not recall that he did or did not? A.—No.

Q.—Did you have any conversation with Mr. Stratton alone that day when no person else was present? A.—I don't remember of any.

Q.—Who was there when you arrived? A.—I would not say there was anybody there. I think as soon as I came in I had seen him; my recollection is the day before, and made this appointment.

Q.—Seen Mr. Stratton at his office? A.—Yes, I think so, and he was a little late, as soon as I came in he rang the bell and sent for Dr. Bryce; that is my recollection. The private secretary ushered me in, and Dr. Bryce appeared very soon.

Q.—You were at the Parliament buildings on the 13th of January, were you not? A.—Yes.

Q.—How long were you there that day? A.—I was there quite a lot.

Q.—A good deal through the day? A.—Yes.

Q.—In Mr. Stratton's company? A.—No. Only just the once I saw

him, my recollection is; made this one appointment for the next day.

Q.—What time the next day was the appointment for? A.—It was for 11 o'clock.

Q.—And were these other gentlemen to be there? A.—Well, he said he would have Dr. Bryce there, and he was not there when I went in, but he rang the bell and Dr. Bryce was called.

(2343)

Q.—Now, when before that had you seen Mr. Stratton—when before the 13th, to converse with him? A.—Oh, I could not tell you. A long while. I have not been to Toronto. Possibly I may have seen him about the 30th or 31st of October. I won't say that I did.

Q.—Of 1902? A.—Yes.

Q.—Where? A.—If I did see him it would be at the buildings. I was in the city at that time.

Q.—Have you no memory of having seen Mr. Stratton about that time? You have carried your memory back to the 3rd of July very strongly; cannot you remember October? A.—I remember distinctly that I was in the city.

Mr. Riddell: Did you see Mr. Stratton, he wants to know.

Mr. McPherson: He has told me he did.

A.—I won't swear that I saw Mr. Stratton. I am of opinion that I did, but I would not swear.

Q.—At his office in the Parliament buildings? A.—If I did see him that is where it would be.

Q.—Who else was present? A.—I do not know.

Q.—What took place? A.—I would not swear to that, because I cannot swear that I saw him.

Q.—Was Gamey's name mentioned? A.—No. I have never had any conversation with Mr. Stratton about Gamey; I am sure of that.

Q.—Or about the political prospects? A.—Oh, I would not say that.

Q.—If it was the 28th or 30th of October, Gamey's petition had been

(2344)

dismissed at that time, had it not? A.—Well, I did not know. I only know it from having read Gamey's evidence, that is all.

Q.—Didn't you know at the time when it was reported in the newspapers that Gamey's petition had been dismissed? A.—Oh, not just to a day or two.

Q.—And that he was out of his troubles over his petition? A.—I did not know to a day or two. I remem-

ber shortly after that it was dismissed, Gamey telling me so in conversation with him.

Q.—You saw accounts of it in the newspapers at the time? A.—I would not say I did. I might or might not.

Q.—Will you pledge your oath that on the occasion about the end of October, that there was no conversation between you and Mr. Stratton regarding Gamey? A.—Yes.

Q.—None about the state of the party? A.—I won't pledge my oath that I saw Mr. Stratton about the end of October.

Q.—But you will pledge your oath that you were in Toronto then? A.—Yes.

Q.—Can you pledge your oath where you were in Toronto? A.—Yes. I was a good many places. I came down here and brought my wife with me to buy furniture and things of that kind. No doubt I was at the Parliament buildings.

Q.—You cannot swear that you were in Mr. Stratton's office? A.—I have no recollection of it.

Q.—It has gone from your memory? A.—No, I have really no recollection of having seen Mr. Stratton at that time. If Mr. Stratton would say I did see him I would say yes, but I don't really remember.

(2345)

Q.—Do you know the Sullivans? A.—Yes, I know the father. I know the son very little. I know the father very well.

Q.—You knew them both—you know the son? A.—Very little.

Q.—When have you had any conversation with either of the Sullivans? A.—I had a conversation with the captain this forenoon.

Q.—Where? A.—Here in the room.

Q.—In reference to this investigation? A.—No, I don't think so.

Q.—In reference to the evidence you were to give to-day? A.—Nothing whatever.

Q.—When before that had you a conversation with Captain John Sullivan? A.—On the Thursday preceding Good Friday.

Q.—That would be the 6th of April? A.—It was the Thursday before Good Friday.

Q.—Where was that? A.—Sudbury.

Q.—Both he and his son were in Sudbury then? A.—They were.

Q.—Do you know on what business? A.—I could not say.

Q.—They were at your office? A.—Yes.

Q.—Is that where the son was summoned as a witness to this investigation? A.—No.

Q.—Was he not in your office when he was subpoenaed to come here? A.—He was not.

Q.—Had he been subpoenaed at the time he came to your office? A.—No, he had not.

Q.—Did you know of his being subpoenaed later in the same day? A.—Yes.

(2346)

Q.—At Sudbury? A.—I heard that he was.

Q.—Did you have any conversation with him about this? A.—Oh, yes, I think we did.

Q.—What was it? A.—Oh, I don't know. I couldn't say. He told me some things about it. I didn't want to know very much about it. I was careful not to—

Q.—Tell me what he told you. A.—Well, he told me there was nothing in it. He told me there was no truth in it at all. I remember that.

Q.—And that was a thing you did not want to know? A.—I did not want to go into details. I asked no questions.

Q.—He told you some things that you did not want to know, and that was one of them? A.—I did not say that. I didn't want to know much about it, and I did not ask any great questions to lead into it.

Q.—Tell me what Frank Sullivan told you. You have not forgotten it? A.—I say that he told me there was nothing in this story, for one thing; that there was no truth in this.

Q.—Now, you told me a minute ago that he told you something that you did not want to know? A.—No, I didn't tell you that at all. I said I did not want to know, and I did not ask him any questions; I did not try to lead him into conversation on this subject.

Q.—He was in your office a good while? A.—He was in it twice each day.

Q.—He was in it a good while each time? A.—He was in once in a long time—the first time.

(2347)

Q.—How long? A.—About half an hour.

Q.—I am instructed he was in two hours.

Mr. Johnston: We do not desire to interfere, my Lords, but surely this is not relevant.

The Chancellor: Mr. McPherson things he is being checked by the court. We will let him have full latitude. Go on.

Mr. McPherson : I do not think I am being checked unfairly. I should be very sorry to have such a feeling. I have no such feeling at all.

The Chancellor : Proceed.

Mr. McPherson : How long was he there ? A.—I did not hold my watch on the gentleman at all.

Q.—Who else was there when he was there ? A.—Dr. Struthers was there when he first came in.

Q.—Anybody else ? A.—I think there was, but I have just forgotten. I know I sat down and talked with him a little while. It was early in the forenoon ; I could not stay in the office, and I got up and went out.

Q.—Was he there on professional business ? A.—No.

Q.—Political business ? A.—Well, it was just this way, I saw Frank Sullivan in town, and I was quite surprised to see him, a man I knew very little, but I knew him when I saw him. I spoke to him. I happened to be going down the street when he was standing in front of the Balmoral. I said, "Hulloa, surprised to see you here now."

Q.—Did he tell you anything about the efforts that had been made to serve him with a subpoena up to that time ?

(2348)

Mr. Riddell : Have we anything to do with that ? A.—No, I don't think he told me of any efforts at all. He told me he had been at home somewhere a few miles out of Toronto ; I don't know where ; he did not say where.

Mr. McPherson : At Newmarket—how long had he been there ? A.—He said he had been out there two or three days.

Q.—Two or three weeks, was it ? A.—No, I don't think so.

Q.—Did he say he had been out at Newmarket for two or three weeks ? A.—No.

Q.—You are confident it was two or three days ? A.—Yes.

Q.—Did he tell you when he left Newmarket ? A.—No. I don't think he did. I inferred, though that he came from Newmarket, or wherever this place was, directly to Sudbury.

Q.—And that is from what he said ? A.—Yes, I inferred that.

Q.—Was his father there at that time ? A.—No, not then.

Q.—His father came later ? A.—His father arrived on the noon train.

Q.—And they both came to your office ? A.—I think they were both in once in the afternoon.

Q.—Was the father there on professional business ? A.—On professional business ?

Q.—Yes, come to consult you professionally ? A.—No, no, he did not.

Q.—Both there in the afternoon on political business ? A.—No, I did not say that.

Q.—In connection with this investigation, was it ? A.—No. The captain came in, I suppose, to see me, because he had known me a long while ; the captain would not come to Sudbury, I don't think, but what he would come into the office to see me.

(2349)

Q.—Did either of those men know at that time that you were going to be a witness on this investigation ? A.—They would know later. I was summoned that day by Mr. Gamey, or Mr. McPherson. That same day I was summoned.

Q.—That was all they knew at the time they were there, that you had been summoned ? A.—The captain was in the office when I was summoned.

Q.—Was Frank summoned at the same time ? A.—No, I don't know when he was summoned. He was not summoned at the office at all.

Q.—Did you tell either of those men anything that you have told in the witness-box to-day ? A.—I have no recollection of having told them any of this. I said I did not know why it was that that side had subpoenaed me.

Q.—Do you know how counsel have been informed of what you were going to say in the witness-box to-day ? A.—I don't know, but it would not be through that channel, that is sure.

Q.—You don't know how they became informed ? A.—I have an idea.

Q.—How ? A.—I think possibly Dr. Struthers told them. I have that opinion. I do not know it as a fact.

Q.—Since he came down to be a witness ? A.—If he told them he would have to tell them when he was here.

Q.—When Dr. Struthers came down to be a witness here himself, you think he told the counsel here the information you had ? A.—That is my opinion ; I do not know it.

Q.—When did you yourself give instructions as to what you would say in the witness-box ? A.—To-day.

Q.—This morning ? A.—Yes.

(2350)

Q.—After the Commission sat here this morning until you came into the witness-box ? A.—Yes.

Q.—And is that the first that was known of what you would say in the

witness-box apart from Dr. Struthers ?
A.—Yes.

Q.—Had you any conversation with Captain Sullivan about Gamey prior to this occasion—the day when you were summoned ? A.—I think so. I have some recollection—I would not state the date—when the captain was in Sudbury ; I think it was some time in August, and Gamey was mentioned between us.

Q.—What was said ? A.—I think he said that Gamey was going to support the Government.

Q.—He said then Gamey was going to support the Government ? A.—Yes, and I said so also.

Q.—You did not tell me that you ever told Captain Sullivan about it when I was asking you who you told about the conversation of the 3rd of July ? A.—Well, I did not remember it then, but I am of opinion that we did converse some time in August.

Q.—About it ? A.—About Gamey, yes.

Q.—Had Cap. Sullivan recently seen Gamey at that time, do you know ? A.—No, I could not say that I know that he had or had not, only from reading the evidence of this trial. It struck me then that the date fitted with the time he was there.

Q.—Was it in the forepart or latter part of August that you saw Captain Sullivan in Sudbury ? A.—I think it was the latter part.

Q.—And he told you then Gamey was going to support the Government ?

(2351)

A.—He did.

Q.—Had Cap. Sullivan just come from Gore Bay, or was he on his way to Gore Bay ? A.—I could not tell you.

Q.—Did he tell you ? A.—I have no recollection whether he was in Sudbury on both going and coming here. I only saw him the once.

Q.—Did you see him both coming and going ? A.—No, I only saw him the once, and I don't know whether it was going or coming.

Q.—Do you know whether Gamey was in town the day you saw Sullivan in Sudbury ? A.—No, I don't remember that he was. I think likely he was not.

Q.—You don't remember seeing him that day ? A.—No.

Q.—Would that be after the 20th of August ? A.—I would say it would be thereabouts.

Q.—Did Sullivan tell you he had been over to see Gamey ? A.—No, he did not.

Q.—He did not say anything about that ? A.—No.

Q.—Did he say how he knew that Gamey was going to support the Government ? A.—He did not.

Q.—Did you ask him ? A.—I did not.

Q.—Did you doubt his word ? A.—I had no occasion to.

Q.—He merely made the remark that Gamey was going to support the Government ? A.—Yes.

Q.—Did he say what inducement was being offered to him, or anything of that kind ? A.—He did not.

Q.—Was patronage discussed ? A.—No.

Q.—Did you hear the patronage of the constituency of Manitoulin discussed at all in relation to Gamey ? A.—No, I have no recollection of that.

(2352)

Q.—Will you say you did not, up to, say, the 1st of January, this year ? A.—Well, I have no recollection of having heard it discussed, unless it would be what would be discussed between Gamey and me. I was aware that Gamey was exercising a certain amount of the patronage. I had heard it, and he had told me so himself.

Q.—What part of the patronage did you hear that he was exercising ? A.—The major part of it. I understood that he mostly had the patronage over there.

Q.—And you heard it from other sources besides himself ? A.—Yes, I think I had heard so.

Q.—It was pretty well known ? A.—I think so, yes.

Q.—It was an understood thing up there in the northern country that Gamey had the patronage for Manitoulin ? A.—I would not say that. It was generally known in that same way that it was generally supposed or known that he was going to support the Government.

Q.—It was known among the heads of the Liberal party up there ? A.—No, not where I come from.

Q.—Brodey knew ? A.—I could not say Brodey knew.

Q.—Don't you know from what Brodey told you that he knew ? A.—No, I did not.

Mr. Riddell : I object to that. Surely it is not evidence what Brodey has told him.

The Chancellor : The doctor has said that Brodey did not say it, so that he has answered the question.

Mr. McPherson : The heads of the Liberal party understood that Gamey had the patronage for Manitoulin prior to the 1st of January ? A.—I could not say what the heads knew. I only knew what he had told me. He told me cer-

(2353)

tain things he had got done, and certain things he had failed to get done. He was not able to get his license board to his liking. I remember him telling me that when I was down here in January.

Re-examined by Mr. Riddell :—

Q.—Just one question : Was that company that you and Dr. Struthers and Mr. Gamey were concerned in the Crossin Piano Company ? A.—No, it was not.

Q.—I do not care about the name if it was not that. A.—No, it was not that.

The Chancellor : You can return to Sudbury, doctor, if you want to get back. That finishes your evidence. We will adjourn to ten o'clock on Monday.

(Adjourned at 10 a.m. on Monday the 4th day of May.)

(2354)

SEVENTH DAY.

May 4th, 1903, 10 a.m.

(John Galbraith called, but not present.)

Mr. Riddell : Mr. Galbraith has been subpoenaed and paid his conduct money. I will ask your Lordships for a warrant.

The Chief Justice : You will have to give formal proof of service, and so on.

The Chancellor : Yes. Call him three times. Where does he live ?

Mr. Riddell : Manitoulin. He has been here.

The Chief Justice : Call him three times.

John Galbraith called three times, but not present.

The Chancellor : Put in your affidavit, and Mr. Grant will issue a bench warrant.

Mr. Riddell : Then call John Hilliar.

The Chancellor : Has this man been drawing his pay every day—John Galbraith ?

Mr. Riddell : He has been called nearly every day.

The Chancellor : But has Mr. Galbraith been paid ?

Mr. McEvoy : No, he has not.

The Chancellor : Nor Hilliar ?

Mr. McEvoy : No. They have both gone away, as we understand, without leave.

The Chancellor : You will put in the same material, and there will be the same order.

(2355)

John Francis Guigan, affirmed. Examined by Mr. McEvoy :—

Q.—You are a minister of the Gospel, living at Long Bay, in Manitoulin Island ? A.—Yes.

Q.—And I understand that you had a conversation with Mr. Gamey about the first week in February ? A.—I saw Mr. Gamey at his home after the interview in The Globe came out.

Q.—And before ? A.—And before the convention held in Gore Bay by the Conservative party.

Q.—Now just relate to their Lordships, what occurred there on that occasion ? A.—I would not attempt to detail our conversation.

Q.—That is to give the exact words ? A.—Not to give the exact words.

Q.—Give your best recollection of what the import of the conversation was ? A.—Well, we talked on church affairs for some time, and also talked on building matters. Mr. Gamey said he was intending to build a house in the village of Gore Bay.

Q.—And I believe you discussed different plans, and he partially chose a plan ? A.—Yes.

Q.—Pass over that to the point where he chose the plan. What next after that ? A.—He said he intended to build in Gore Bay, providing circumstances allowed him, or provided things went satisfactory to him at the coming convention.

Q.—Why ? What was the matter with the convention ?

The Chancellor : Tell us what he said, not what you know otherwise, if he told you anything about it.

Witness : I do not recollect any real statement made by Mr. Gamey concerning the convention.

(2356)

Mr. McEvoy : What I was trying to get at was, any statement in reference to why he was not going to stay, or might not stay in Gore Bay.

Mr. Blake : He did not say he was not going to stay.

The Chancellor : If you can go on, witness, and tell us what the conversation was, that will be the shortest way. Tell us shortly what the talk was.

Witness : Well, he talked over the building of a house, and Mr. Gamey, to the best of my recollection, told me that the reports concerning him being bought over to the Government were not right ; that he had only purposed supporting the Government in such measures as he felt would be a benefit to the Island, and satisfactory to his people, and he also told me in the conversation that as far as his principles

were concerned on political matters, that he was still a Conservative in politics; in fact, if I do not greatly mistake he made the assertion he was as good a Conservative as he ever was; he said something to that effect, anyhow. I remembered of discussing that with my wife after we came home. He told me the Government had not bought him; that he had not been bought over, and he also said that the statement in *The Globe* appeared to make his promise stronger in support of the Government than he had intended.

Q.—Did he say anything else as to his political proclivities? A.—Not that I can remember.

Q.—Say anything in reference to Manitoulin Island? A.—Well, he said that he was supporting the Government, or taking the stand he did for the good of the Island—for the good of the people of the Island.

(2357)

Q.—That was the ground he put it on? A.—That was the way I understood it.

Cross-examined by Mr. Ritchie:—

Q.—Where do you live? A.—I live at Long Bay, Manitoulin Island.

Q.—And how long have you been residing in that locality? A.—One year.

Q.—Then you were living there at the time of the last general election for the local? A.—Yes, sir.

Q.—Did you attend any of the political meetings held by either party? A.—I did not.

Q.—And I suppose you saw the reports of the meetings from time to time? A.—I did not to my recollection.

Q.—Did you know as a matter of fact who were running on the Liberal and Conservative tickets respectively? A.—I knew the Liberal man by name; I did not know him by sight.

Q.—And did you know Mr. Gamey was the Conservative candidate? A.—Yes, sir.

Q.—Did you know that he had been taking a strong stand against the Ross Government? A.—I understand so.

Q.—That he had been denouncing their policy? A.—I understood so.

Q.—And charging them with corrupt acts. Then up to the time you had this interview with Mr. Gamey, had you any reason to doubt he was not an out-and-out Conservative? A.—Not further than what I heard, that he had turned over.

(2358)

Q.—Up to the time of *The Globe* interview? A.—No, I had no idea to think different.

Q.—Then you say after *The Globe* interview, and before the convention, you had some talk with him? A.—Yes.

Q.—Where was that? A.—In his own house.

Q.—You happened to be there, I suppose? A.—I visited there.

Q.—And this talk about politics was merely incidental? A.—Yes.

Q.—Had nothing to do with the purpose of your visit there? A.—No.

Q.—And now did you pay much attention to what he said? A.—Not anything special.

Q.—I suppose *The Globe* interview was referred to? A.—It was spoken of.

Q.—And he told you then that, notwithstanding what appeared there, he was just as good a Conservative as ever? A.—That was what I understood to be his assertion.

Q.—He did say something about some of the expressions there going farther than he had intended? A.—He did not deny signing the interview, but he claimed it looked stronger than he had really thought it would, something to that effect.

Q.—Then did he also say at that time that the stand he took was that he would support any good measures that the Ross Government might propose, which were beneficial to his constituency? A.—That is what I understood.

(2359)

Q.—That was the whole purport of his statement?

A.—Yes, that was the principal thing.

Q.—Did he say anything at that interview that would lead you to believe that he would support bad or corrupt measures if proposed by the Ross Government? A.—Oh, no.

Mr. Riddell: A politician never wags that.

Mr. Ritchie: He led you to believe that he would support good measures proposed by that Government?

A.—That was the understanding.

Q.—So long as they were beneficial to his constituency?

A.—Yes.

Q.—He denied that he had been bought over?

A.—He denied being bought over.

Q.—And claimed he was just as good a Conservative as ever? Did you have conversations with him after the convention? A.—Yes, I saw him after the convention, just met Mr. Gamey on the road.

Q.—Did he take any different stand after the convention than he had before in his conversations with you? A.—No, I could not say he did.

Q.—Talked just the same way before as after the convention?

The Chancellor: He has not said he talked. He may have talked with him. He said he saw Mr. Gamey.

Mr. Ritchie: Had you any talk with him? A.—Yes, sir, we talked.

Q.—And his talk was just the same? A.—Along the same line. There was one thing. I met Mr. Gamey on the road, and, as near as I can recollect, I

(2360)

asked him if they asked him to resign at the convention, and he said no, not at present, not for the present anyhow, and one thing he said, there will be something more, there will be something more later on, I remembered that, for it seemed a rather strange expression.

Q.—How many conversations did you have with him after the convention; more than you can recollect of? A.—Just the one that there was anything spoken of.

Q.—When you were speaking of the convention you refer to the Executive meeting of the 16th February? A.—The meeting that the Conservative party called.

Q.—A meeting of the Executive? It was not a convention? I did not use the proper word. That is what you refer to at all events? A.—That is what I refer to.

The Chief Justice: Did you take any interest in politics yourself? A.—No, sir. I did not.

Q.—No particular political view? What particular church are you pastor of? A.—Meneite Brethern in Christ.

Mr. McEvoy: You are asked about good measures. Was your understanding—

Mr. Ritchie: That is not a proper question.

The Chancellor: We have not heard the question.

Mr. Ritchie: It seemed to be drifting strongly in that direction—

The Chief Justice: The trouble is, the witness answers, and then it is too late.

Mr. McEvoy: In what sense did you understand the word "measures" was spoken of?

The Chancellor: I do not know that you can ask that. You can ask what was said, with reference to good measures.

(2361)

Mr. McEvoy: He was not asked what he said by my learned friend.

The Chancellor: You can ask him now what he said with reference to good measures.

Mr. McEvoy: I would like to know any words that you remember in reference to good measures, what the words were? This is the first I have heard anything from you of good measures or any words like that being used.

Witness: I could could not detail that part of it, but he said his idea was for to benefit Manitoulin Island.

The Chancellor: That is what he practically said before, I suppose. He would support such measures as would be good measures for the Island.

Witness: The sentiment of what he said to me in that line was just in line with what was in The Globe interview, that Manitoulin was what he was working for, his main starting point.

Mr. McEvoy: Manitoulin was what he was working for. Was that put in any concise phrase, do you remember? A.—I would not be positive, but I think, Mr. Gamey said that Manitoulin was his politics.

Q.—That is what I understood you said before? A.—I would not say that those words were really used.

Mr. Johnston: I put in letter February 10th, 1903, already referred to as the Bellwood letter.

(Marked as Exhibit No. 74.)

It is written by Mr. Gamey to Mr. Bellwood.

The Chief Justice: Who is Bellwood?

(2362)

Mr. Johnston: The editor of a newspaper in Gore Bay.

The Chancellor: That is, The Expositor?

Mr. Johnston: The Expositor. It is a letter that Mr. Gamey—

Mr. Ritchie: We did not hear anything about that.

Mr. Johnston: I will show what Mr. Gamey knew about it. When I read to him certain extracts he said this was the Bellwood letter. He knew what I was reading from. Therefore I put in the whole letter.

The Chancellor: It is signed by him.

Mr. Johnston: Oh, yes. If there is any doubt about the signature I will prove it.

The Chancellor: Mr. Ritchie can say whether it is his signature.

Mr. Johnston: That is the letter, Mr. Ritchie? (Shown to Mr. Ritchie.) I merely want to know if it is his writing.

The Chancellor: If it is his signature.

The Chief Justice: It is not necessary to read it all through.

Mr. Gamey: I want to see if there is any writing changed.

Mr. Johnston: No accusation of that kind need be made.

Mr. Gamey: My signature might be on something Mr. Johnston wrote or Mr. McEvoy.

The Chancellor: Do you say it is his signature?

Mr. Ritchie: Yes, he says so, I understand.

(2363.)

Mr. Ritchie: Yes, he says so, I understand.

Mr. Johnston: It is all in the same handwriting, so that neither Mr. Johnston or Mr. McEvoy has made any change.

The Chancellor: Put it in, E and O. E. Mr. Gamey seems to think it has been tampered with.

(Letter read by Mr. Johnston and marked Exhibit 74.)

Walter J. Boland, sworn. Examined by Mr. Johnston:—

Q.—You are a practicing barrister and solicitor in the City of Toronto? A.—Yes, sir.

Q.—And as such you are solicitor for one or two companies—perhaps more? A.—Yes, sir.

Q.—You and your partner, Macdonald & Boland? A.—Yes, sir.

Q.—Have you had business connection with Mr. Stratton and Mr. Stratton's enterprises, or enterprises in which he is concerned in any way? A.—Yes.

Q.—Your firm are solicitors for the Dominion Loan Company? A.—Dominion Permanent Loan Company.

Q.—And you are also interested with him in a railway matter? A.—Yes, sir.

Q.—Name? A.—Nova Scotia and Eastern.

Q.—During last summer and autumn was there much business in connection with that railway matter? A.—A good deal, from the time I returned to the city. I was away for a few days in August. Starting out with the early part of September. There was a good deal. But, I was away a good deal in July.

Q.—In connection with that same matter? A.—Yes.

Q.—What connection did Mr. Stratton have with that company? A.—He was the president of the company.

(2364)

Q.—And the railway was for what purpose? Where does it run? A.—It runs from Dartmouth across the harbor, from Halifax to the Straits of Canso.

Q.—About how long? A.—220 miles, and from New Glasgow to Country Harbor.

Q.—Had you and Mr. Stratton been down there upon more than one occasion? A.—Oh, yes, a number of times. Three times.

Q.—And the railway involves a large amount of money? A.—Yes, several millions.

Q.—Just before I get to the interview. What shape is the railway in? How far has it got on? A.—They are just locating the line now. Surveyors are in the field.

Q.—This last summer you were interested in getting the line into shape? A.—Well, last summer we had not completed our contract with the Government for a subsidy, we were at that time practically in an organization state. We had not arranged for our subsidy.

The Chief Justice: Which Government?

A.—The Nova Scotia Government at that time, and also the Dominion Government later.

Mr. Johnston: Do you remember about what time you came back to Toronto? A.—I came back on the 26th of August or 27th.

Q.—Do you remember an interview that you had some time in September? A.—I do. The 10th of September.

Q.—With whom was the interview? A.—Mr. Stratton.

Q.—And do you remember how you fixed the date? A.—I wrote him a letter on the 9th, and it was the morning afterwards that I got a telephone message to go up to the buildings.

(2365)

Q.—A telephone message from whom? A.—From Mr. Burrows, I thought.

Q.—He was then the private secretary? A.—Yes.

Q.—Did you go up on the morning of the 10th of September? A.—Yes, I did.

Q.—About what time did you go up? A.—I tried to get there by 11 o'clock, but I was a few minutes late.

Q.—You had an appointment with some other people that day? A.—I had.

Q.—Whom? A.—Father Crinon of Dunnville and J. A. Murphy of Cayuga.

Q.—It was one of the weeks of the Exhibition? A.—Yes, sir. We had had some correspondence about the date.

Q.—You went up there on the morning of the 10th? A.—Yes, sir.

Q.—And what time do you say you got there? A.—It could not have been more than five minutes after eleven. I am not certain to the minute.

Q.—Did you see Mr. Burrows? A.—I saw Mr. Burrows.

Q.—And how long after you were there before you saw Mr. Stratton? A.—I went in right away. There was not anybody with him.

Q.—Then you had a conversation which I need not go into, arising out of your letter of the 9th, which had to do with some other matter? A.—Yes, sir.

Q.—What was that? A.—It was relating to a company matter, in which Mr. Stratton was interested.

(2366)

Q.—And you were advising him? Were you his legal adviser? A.—He had discussed it with me. I presume I was.

Q.—Were you yourself interested in it? A.—No, I was not interested, except that some of the men who had gone into the company had practically gone in on the strength of my statements to them.

Q.—Now, did you discuss Mr. Gamey at all that day? A.—After I had been there for some little time, Mr. Stratton said that Mr. Gamey had been in to see him on the day before.

Mr. Ritchie: That is not evidence.

Witness: On the day before, I understood.

Mr. Blake: How can that be evidence?

Mr. Johnston: The position taken by Mr. Gamey, that I am leading up to now, and by my learned friend, is that Mr. Stratton, on the 10th day of September, of his own motion, wrote a letter intending Mr. Gamey to sign it, and that it was done with an improper motive. Now, evidence of the writing of that letter, and how it came to be written, if known at the time, speak of facts that occurred at that time, and would be evidence of motive, or intention. Just as in cases of fraud, where a transaction is attacked on the ground of fraud. Honest intention may be shown, for instance, by the fact that a man went and took the advice of a lawyer.

The Chancellor: Do you say anything was done at this time with reference to the letter?

Mr. Johnston: Yes, my Lord.

(2367)

Mr. Blake: That would open the door to manufacturing evidence in a way that founds the reason for preventing that evidence being received.

The Chief Justice: It is very much on the same plane, Mr. Johnston, as our refusal to admit the evidence of

Gamey's declaration of what he was going to do.

Mr. Blake: Yes, my Lord.

Mr. Johnston: No, my Lord, because it is connected with the writing of the letter. Your Lordships have admitted, and it is upon that ground I seek the admission of this evidence—your Lordships have admitted evidence with regard to Mr. Gamey's actions at the time.

The Chancellor: I understood you to assent to my question. I ask if anything was done—any act done with reference to this letter at that time.

Mr. Johnston: Yes, my Lord. In Mr. Boland's presence.

The Chancellor: Then what was the act done? Ask Mr. Boland that, and we will see how that goes.

Mr. Johnston: You know about a letter of the 10th September? A.—I do.

Q.—Which has been discussed here. Now, will you just tell the Court, please, what was done with reference to that letter? A.—The letter was dictated in my presence to Mr. Myers.

The Chief Justice: That is, of course, a fact.

The Chancellor: Dictated by whom? A.—Mr. Stratton.

Mr. Johnston: Anything more done? A.—Well, he told me what he was—

Mr. Blake: That we object to.

Mr. Johnston: I am not asking him anything.

Witness: Mr. Myers, of course, went out and wrote the letter, and brought it back in again.

(2368)

Mr. Johnston: Was there any change made in the letter? A.—Yes; Mr. Stratton changed a few words in it when it came back, and sent Mr. Myers back to write them in, or rewrite the letter.

Mr. Johnston: Now, then, I propose to ask a question, subject to your Lordships' ruling.

Q.—Do you know at whose suggestion the letter was written?

Mr. Blake: That I entirely object to. Supposing a case of fraudulent conveyance, and the statement is made in the solicitor's office, I am going to do that for this purpose, that purpose, or the other.

The Chief Justice: As far as Mr. Johnston's question goes now, he may know it from something that took place while Mr. Gamey was present. I do not know whether he means that or not.

Mr. Blake: My learned friend's question is now confined to this period before we have Mr. Gamey there at all.

Mr. Johnston : No, Mr. Gamey had been there the day before.

Mr. Blake : But not pre-ent at the conversation.

Mr. Johnston : Mr. Gamey was not present at that time.

The Chancellor : Is your question with reference to what Mr. Stratton said, or with reference to the name of anyone being mentioned ?

Mr. Johnston : The name of anyone being mentioned.

The Chancellor : I myself think you can ask if the name of anyone was mentioned other than Gamey in connection with the letter.

Mr. Johnston : Was the name of any other person mentioned in connection with this letter of the 10th September, other than Mr. Gamey's name ? A.—Yes.

(2369)

Q.—Whose name was mentioned ? A.—Mr. Aylesworth's.

Q.—Was this before or after the letter was dictated ? A.—Before. We discussed it for a minute or two.

The Chancellor : I think that is as far as you can go.

Mr. Johnston : Yes, my Lord.

Q.—Did you subsequently see that letter published as part of these proceedings ? A.—I read it afterwards in the newspaper.

Q.—We will show it to you here. (Referring to exhibit No. 3.) Now, look at exhibit 3 of the 10th September. Now, reading that, is that the same interview—in the same terms, as the one you heard dictated on that occasion ? A.—I think so—yes, except that there was no date to it, and it was not addressed to anybody. It was simply a blank letter.

Q.—Were you shown the letter at the time ? A.—I saw it in Mr. Stratton's hand.

The Chancellor : You heard it dictated ? A.—I heard it dictated.

Q.—You saw it after it was written ? A.—Yes.

Mr. Johnston : Now, do you know as a fact where Mr. Stratton went to on that day ? A.—I do ; yes.

Q.—Where did he go ? I left him at the door of the east entrance. He was getting into a carriage to drive to Osgoode Hall.

Q.—Had you heard him telephone before this ? A.—I had.

Q.—During that interview ? A.—I had—yes.

(2370)

Q.—And do you know whose office he called ? A.—He called Barwick, Aylesworth & Company.

Mr. Ritchie : Were you with him ? A.—Yes.

Mr. Johnston : You were there ? A.—Yes.

Q.—That was done in his own office ? A.—In his own office.

Q.—And what time did Mr. Stratton leave the office or leave the east door of the Parliament Buildings ? A.—It must have been about half-past twelve.

The Chancellor : Where to go, did he say ?

Mr. Johnston : Barwick & Aylesworth's office.

The Chief Justice : About half-past twelve you left him ? A.—Getting into the carriage.

Mr. Johnston : And were you with him from a little after 11 until about half-past 12 ? A.—I was—yes.

The Chancellor : Mr. Gamey was not there during that time ? A.—No.

Mr. Johnston : Was anybody else there in the room excepting you and Stratton ? A.—Excepting Mr. Myers, when he dictated the letter.

Q.—And you were asked to drive down with him ? A.—Yes.

Q.—But you had some business at the Crown Lands, and went there ? A.—Yes, and he asked me to go back and see him again the next day, on my way down town.

The Chancellor : You drove off with Mr. Stratton ? A.—No, my Lord, I went to the Crown Lands Department.

Mr. Johnston : And he came down. Now, on the following day were you at the Crown Lands Department ? A.—I was there about 10 o'clock in the morning of the 11th. I was not able

(2371)

to call on my way down.

The Chancellor : At the Crown Lands Office about 10.

Mr. Johnston : That was the following day, on the 11th. You were there in connection with what ?

A.—A company I was acting for who were acquiring some mining property. They were buying the property owned by the Ontario Silver Antimony Company. I was acting for some Buffalo people, who were the International Gold & Copper Company.

Q.—Then you got through at the Crown Lands ? A.—Yes, sir.

Q.—And where did you go then ? A.—I went up to Mr. Stratton's office.

Q.—For what purpose ? A.—To keep the appointment I had made.

The Chancellor : About what time ? A.—It was a few minutes after 10.

Mr. Johnston : And had you any information then about an appointment with the Premier of Nova Scotia, Mr. Murray ? A.—Yes, sir, we had an appointment made then in response to a telegram we had sent.

Q.—Then, how long did you remain there with Mr. Stratton discussing matters? A.—I was with him at the buildings for probably 10 or 15 minutes.

Q.—Was Mr. Gamey there or Mr. Sullivan, or any of these people? A.—I did not see Mr. Gamey. Of course, I did not know him.

Q.—But was he with Mr. Stratton on that day? A.—There was nobody with Mr. Stratton when I went there. I met him at the door. He had his hat on and was just coming out.

The Chief Justice: What time did you say that was? A.—A few minutes after 10.

(2372)

Mr. Johnston: And then did you go back into his office? A.—I went back into his office with him a few minutes, and he said he would walk down town with me.

Q.—Did he go down? A.—Yes.

Q.—And you went where? A.—To the Trusts Company's office.

Q.—That is on King street west? A.—Yes, sir.

Q.—Near the corner of Yonge? A.—Yes, sir.

Q.—Did you leave him at the Trust Company's office? A.—I left him there about 11 o'clock.

Mr. Ritchie: The Trust & Guarantee Company? A.—Yes.

The Chancellor: About 11? A.—Yes.

Mr. Johnston: Do you know what you were going down to the Trust Company for? A.—Yes, we were going down in connection with that company matter I mentioned—the Nova Scotia Eastern Railway.

Q.—And is Mr. Coffee interested, too? A.—He is the Secretary of the company.

Q.—And Mr. Coffee's office is at the Trust Company? A.—Yes, he is the Manager of the Trust & Guarantee Company.

Q.—Then you left him, you say, at the Trust Company door? A.—Yes, sir.

Q.—Now, had anybody seen him excepting in your presence during that period? A.—No, nobody had seen him at all. He was with me all the time.

Q.—And you walked down, you say, and where did you go to from there? A.—I left him and said I would be back in a few minutes, as I was expecting some people in my office.

Q.—A gentleman named? A.—Erdman.

(2373)

Q.—From? A.—Buffalo.

The Chancellor: You left him at the Trust Company office? A.—Yes.

Mr. Johnston: Then you went to your own office? A.—Yes, sir.

Q.—And do you remember calling on anyone else on that day? A.—I did. I went over to Messrs. Johnston & Falconbridge's office before I went back to the Trust Company again in connection with a suit Mr. Blake was interested in.

Q.—And you made an appointment, you say, for that day? A.—I did.

Q.—In connection with that matter? A.—Yes, sir.

Q.—Now, did you go back to the Trust Company's office? A.—Yes, I did.

Q.—And you were there for how long? A.—I was there probably 10 or 15 minutes when my office called me, that Erdman was in the office, and I had to go back again.

Q.—Your office is not far? A.—About four minutes.

Q.—From the Trust Company. Was Mr. Stratton in the Trust Company office when you got there? A.—Mr. Stratton and Mr. Coffee were in the Manager's office.

Q.—Discussing what, do you know? A.—They were discussing Nova Scotia Eastern.

Q.—Then, how long did you remain at your office about? A.—While I was with Mr. Erdman, probably 20 minutes, and I returned back to the Trust Company's office.

Q.—And you remained there for how long? A.—I remained there until about 1 o'clock. Mr. Stratton was there when I left.

(2374)

Q.—And was he there all the time you were there? A.—All the time I was there.

Q.—Then you went out, I believe, to luncheon? A.—I went across to keep an appointment I had for luncheon.

Q.—And left him about 11 o'clock or a little after at the Trust Company? A.—Yes.

Q.—How long would you be away before you came back. A.—Well, I went to the office, talked to two people for about five minutes, called a number on the telephone, went over to your office, and was there for four or five minutes, whilst we talked to Mr. Thomas and made an appointment at your office for 3.30 in the afternoon, and then left you and went over to the Trust Company. I could not have been more than twenty minutes. I might have been a little longer.

The Chancellor: You said that before.

Mr. Johnston: Had Mr. Stratton time to go to the Parliament buildings and back again in that time? A.—No.

Cross-examined by Mr. Ritchie:—

Q.—You are a company promoter?
A.—I do not think so.

Q.—Didn't you know that you had that reputation, at all events, and a very successful one, with both Governments? A.—I was not aware of it.

Q.—Well, I suppose you will concede that you are interested in a great many companies that have been promoted. A.—Only as solicitor.

Q.—Have you not an interest in some of them also? A.—None of these companies.

Q.—Are you not interested in the Nova Scotia Eastern? A.—No.

Q.—Not interested as solicitor? A.—I have no stock in it.

Q.—Perhaps the solicitor's remuneration out of that is greater than the stock. What other companies have you been connected with? A.—I could not tell you.

Q.—Kettle River Railway? A.—I happen to know something about it, yes.

Q.—You assisted in promoting that, I believe? At all events you have been interested in a great many companies? A.—Yes.

(2375)

Q.—Assisting in promoting them?
A.—Yes, sir.

Q.—Frequent visitor to Ottawa and to the Parliament buildings in Toronto in connection with these matters? A.—Yes. Very little at Toronto, though. I never had anything at Toronto. Never had any matters up here except—

Q.—These are Crown Land matters you have had at Toronto. You told us about the Silver Antimony Company. However, Ottawa is probably a more profitable field. Then you are also license commissioner, are you not, for the city of Toronto? A.—Yes, I am.

Q.—And you are solicitor for several of the companies with which Mr. Stratton is interested? A.—Yes, my firm is. I believe my partner is.

Q.—We will assume that you take some little interest in the firm. Then you are solicitor for the Dominion Permanent? A.—Yes.

Q.—Are you also solicitor for the Trust and Guarantee Company? A.—Yes, we are.

Q.—Is Mr. Stratton President of both of these companies? A.—He is.

Q.—And he is also President of the Nova Scotia Eastern? A.—He is President of the Nova Scotia Eastern Railway Company.

Q.—Now we have heard something about a Rivuduloup Pulp Company? A.—Yes, sir.

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Q.—Tell us what you know about that, because we are a little anxious to find out something more about it than we already know. A.—I am solicitor for it.

Q.—That was the cheque we were inquiring into the other day, the \$3,000 cheque, my Lord. Is that cheque here—the \$3,000 cheque? I asked Mr. Coffee to leave it here.

(2376)

Mr. Riddell: Both the cheque and the draft were ordered to be left here. I thought they were here.

The Chief Justice: They were identified in Mr. Coffee's evidence.

Mr. Ritchie: I said I would go and identify the others at his office. I have not done so yet.

Mr. Grant: It was not given to me.

Mr. Ritchie: He has overlooked it.

Q.—At all events, I know enough about it to examine you without having it here, if you will get it later on.

Mr. Johnston: Ask them to send it up.

Mr. Ritchie: You are solicitor for the company? A.—I am.

Q.—Where is the head office of the company? A.—In Toronto.

Q.—Where? What building? A.—It has a nominal office in the board-room of the Trust Company.

Q.—Its nominal office is in the board-room of the Trust and Guarantee Company. And what connection has Mr. Stratton with that company? A.—I think he is a stockholder in it.

Q.—Does he hold any office as President or Vice-President? A.—I think he is President. I am not sure of that.

Q.—Where does that company operate or carry on its business? A.—Fraserville.

Q.—In the Province of Quebec? A.—Yes, sir.

Q.—And what is the capital stock of the company? How much? A.—I think it is \$500,000.

(2377)

Q.—Is there any issue of bonds? A.—There is.

Q.—To what extent? A.—I think \$150,000.

Q.—Who is the manager of that company? A.—Kenneth L. Warren.

Q.—Where does he live? A.—Fraserville, Quebec.

Q.—Now, who was it floated, that bond issue of \$150,000—what company floated it? A.—I think the company themselves did it.

Q.—Was it floated by any other company? A.—I do not know whether the Trust and Guarantee did or not.

Q.—That is what I want to ascertain from you? A.—They acted as trustees for the bondholders.

Q.—And where are their limits? A.—They are about twenty or thirty miles back of Fraserville station, on the line of the Temisquada Railway, and on the line of the river they call Duloup. It is in the Province of Quebec.

Q.—Then do you know anything about a cheque of \$3,000 that was referred to here the other day, that was given by the Trust and Guarantee Company, said to be in discharge or some draft drawn upon it? A.—I know Warren was making drafts in connection with the matter—in connection with the putting through of that bond issue.

Q.—Was there anything else? Do you know if the President was entitled to a large commission in connection with some of these matters—Mr. Stratton? A.—I knew he did not get a cent.

Q.—Do you know that? A.—I do.

Q.—I have been instructed there was some arrangement under which, by reason of his services to the company, he was to get a commission? A.—If he gets a commission is it in the future.

(2378)

Q.—You say he has not got it yet? A.—No.

Q.—That is, so far as you know? A.—I think I know.

Q.—Simply as being solicitor of the company? A.—I have been really looking after the company.

Q.—Are you interested in that company yourself? A.—I am a director now.

Q.—You are a director now. And, of course, you are naturally a stockholder? A.—I think I hold—

Q.—Who are the others? Is Mr. Coffee a director? A.—I do not think he is.

Q.—Do you know who the other directors are? A.—Well, Captain Hutt of Liverpool, and then we had some difficulty with the three last directors. I do not know who succeeded them. That is, Riult, St. Pierre and Pineault. We could not get them to attend any meetings at Toronto, and I think we replaced them at the last meeting. I took one of their places.

Q.—The only Toronto directors are yourself and Mr. Stratton? A.—That is all. I think Mr. Cloepfer of Guelph is a director.

Q.—Are you a director of the Trust and Guarantee Company, or Dominion Permanent? A.—No.

Q.—Are you a stockholder? A.—I am, in both.

Q1

Q.—And your firm act as solicitors? Now, there is also another company that was mentioned to us by Mr. Coffee. Perhaps you know something about it. The Republic and

(2379)

Grand Forks Railway Company? A.—You spoke about that before. You mentioned Kettle River. That is the same thing.

Q.—That is in British Columbia? A.—British Columbia and Washington State.

Q.—Then the name had been changed? A.—No. The Republic and Kettle River is the corporate name, and the Kettle River Valley line is the name in Canada, but they operate under the name of the Kettle Valley line.

Q.—It was given to me by Mr. Coffee, as I recollect, as the Republic and Grand Fork Railway Company? A.—There was a company of that name originally.

Q.—And was that amalgamated with the Kettle River, or absorbed, or how?

A.—That was originally the name of a company incorporated in British Columbia that afterwards got a Dominion charter, and it was called the Kettle River Valley line, or Kettle River Valley Railway, I think—I may be wrong about one word.

Q.—Are you interested in that company? A.—No.

Q.—Is Mr. Stratton a director of the company? A.—I do not know whether he is now or not.

Q.—He was a director? A.—Yes.

Q.—Does he occupy the position of President? A.—He did at one time.

Q.—You don't know whether he is now or not? A.—No.

Q.—You at all events are not a director? A.—No.

Q.—Who are the other Toronto directors in that company? A.—I do not know.

Q.—Do you know anything about the dealings as between the Trust & Guarantee Company and that Kettle River Valley Company? A.—I do not.

(2380)

Q.—So that you cannot tell us why they would be drawing drafts of \$5,000 from time to time? A.—No.

Q.—And is there any connection between that company and the Dominion Permanent Company that you know of? A.—None that I know of.

Q.—Or any connection between the Dominion Permanent Company and the Pulp Company that was spoken of? A.—None that I know of.

Q.—So that you cannot give us any information about their dealings, or re-

lationship between the different companies? A.—I do not think there is any—none that I know of.

Q.—There are some, because drafts have passed between them for considerable amounts.

Mr. McEvoy: Drafts pass between every bank in the country.

Witness: That is easy enough explained.

Mr. Ritchie: Then, Mr. Coffee, who is the manager of the Trust Company, is Vice-President of the Dominion Permanent Company? A.—I really do not know whether he is or not. I do not know who the Vice-President is. Mr. Cloepier, or Mr. Karn, or Mr. Coffee—I do not know which.

Q.—At all events, the offices of these two companies, the Dominion Permanent and the Trusts & Guarantee Company adjoin? A.—Yes, sir.

Q.—With doors of communication between the two? A.—Yes.

Q.—And many of the directors are common to both companies? A.—Well, the Dominion Permanent have only about four or five directors—Mr. Stratton, Mr. Cloepier, Mr. Coffee, Mr. D. W. Karn and Mr. R. R. Ball.

(2381)

Q.—And all these are on the board of the Trusts & Guarantee Company? A.—I do not know that.

Q.—You know that Mr. Cloepier is? A.—Yes, sir.

Q.—And Mr. Stratton is? A.—And Mr. Karn is.

Q.—And Mr. Coffee is the General Manager? A.—Yes, sir.

Q.—And do you know as to the other directors whose names you mention? A.—I do not know whether Mr. Ball is or not.

Q.—Then when was it that your attention was first directed to this Gamey matter? A.—In Mr. Stratton's office.

Q.—Had you anything to direct your attention to it from that time up to the time that you saw The Globe interview? A.—Oh, yes.

Q.—What? A.—A conversation with him walking down town on the 11th.

Q.—But apart from your conversation with him at that time, had you anything? A.—Nothing excepting the letter and the conversation.

Q.—Now, then, after the 11th—you say you had a conversation with Mr. Stratton on the 11th? A.—Yes, sir.

Q.—Now, after that date, was there anything to call it to your attention, until you saw The Globe interview? A.—We had a short talk on the way to Halifax.

Q.—When was that? A.—It would be—I do not know the exact date—I left Toronto either the 3rd or 4th of October—Saturday night. It was a Saturday night, anyway, and I met Mr. Stratton in Montreal at the Windsor, and then we went down to Rividuloup, and then from there to Halifax.

Q.—You had a short talk going down on that trip. That would be somewhere in the early part of October? A.—Yes, sir.

(2382)

Q.—When next did you have your attention directed to the matter. A.—Nothing more about it until I heard about his statement in the house in March.

Q.—Then you did not see The Globe interview? A.—Oh, yes; I saw that.

Q.—You saw The Globe interview? A.—Yes.

Q.—But you had no conversation about the matter? A.—No.

Q.—And I suppose at the time that you had your conversation with Mr. Stratton you never thought that this matter would become public, that there would be any public discussion about it? You never expected to charge your mind with it? A.—No.

Q.—Just something that you had seen done there. You heard Mr. Stratton dictate a letter to Mr. Meyers, and Mr. Meyers come in with the letter? A.—Yes.

Q.—Now let me have exhibit No. 3, Mr. Grant. Now, what can you tell us about the contents of that letter? A.—What I can tell you about it?

Q.—Yes. A.—I have not seen the letter since the day I saw it on the 10th of September, until this morning.

Q.—Nor a copy of it? A.—No. I hurriedly read over the letter in The Globe when it was produced, and it sounded to me the same.

Q.—Then you did not go there for the purpose of discussing this matter with Mr. Stratton? A.—No, I did not.

Q.—You went there to discuss with him a matter of business? A.—Yes, sir.

Q.—Connected with the Nova Scotia Eastern? A.—No.

(2383)

Q.—In connection with which? A.—Sapphire Corundum Company, that was what I went up for.

Q.—I did not note that before, if that is what you told us. A.—I do not think I was asked what the name was.

Q.—Sapphire what? A.—Corundum Company.

Q.—That is the first I recollect of hearing of that. A.—I do not think I

was asked what the company matter was we were discussing.

Q.—Then, I ask you now, why was it that you went to his office on the 10th? A.—I went there in response to a telephone request from, I thought, Mr. Burrows, in reference, I thought, to a letter I had written him on the 9th.

Q.—In connection with what company? Have you got that letter, or a copy of it? A.—I have a copy of it somewhere in my letter book.

(2384)

Mr. Johnston: Here is the letter.

Mr. Ritchie: Re Sapphire Corundum Company. Do you swear it was in connection with that letter he telephoned you? A.—I understood so—yes.

Q.—Was that the first thing you discussed when you went up there to see him? A.—Yes, that is what we practically discussed all through.

Q.—And what relation did you bear towards that Company? A.—Well, I do not know that there was any relationship existing at all, excepting what I had told Mr. Johnston, that I had been the means of making statements to at least one of the Directors which had influenced him to go on the Board.

Q.—But were you acting as solicitor? A.—No, I was not.

Q.—Were you acting as a Director? A.—No. Taylor McVittie of Ottawa, I think, is the solicitor.

Q.—Had you any interest in the Company? A.—No.

Q.—Or a stockholder? A.—No, nothing.

Q.—You were a promoter of the Company? A.—No.

Q.—You were a Director of the Company? A.—No.

Q.—You had induced some one to take stock? A.—I had no financial interest.

Q.—But you did induce some one to take stock? A.—No, I did not.

Q.—Did some people take stock upon the faith of statements made by you? A.—No. What I said was I had been the means of making a statement to a director to get him to go on the Board.

Q.—Had you induced the Director to go on the Board by your statement? A.—I am not sure that I did. He said I did. I believe he felt that way.

(2385)

Q.—And you went there to discuss this matter and nothing else? A.—Yes.

Q.—And how long were you discussing that matter? A.—Oh, I was in his office nearly an hour and a half altogether.

Q.—Where are your books? Your books will contain entries, I suppose, of your business there? A.—There is a memorandum—.

Q.—Have you any entry in your book? A.—No, I have no entry in my book at all, excepting a short memorandum in a diary which would show it.

Q.—Did you make no charge in connection with these matters? A.—I did not.

Q.—Are your dockets here? A.—No. There is no entry in my docket.

Q.—You pledge your oath you made no entry in your docket in connection with any of these visits? A.—I had no client to charge it to.

Q.—Then, the next day did you make any entries? A.—I did not.

Q.—Had you any client the next day? A.—No.

Q.—Then this was all work that you were doing on these days for nothing? A.—Practically speaking, yes.

Q.—You made no entries in your day-book or docket? A.—I have no day-book. My entries are all dictated to a stenographer, and go direct into the books.

Q.—Have you looked at your docket to see whether you have made any charge for any of these matters? A.—No, but I know I did not.

(2386)

Q.—Will you swear you did not? A.—Yes, sir. They were not matters I would charge. I did not have to charge it against any individual. I had no individual accounts. They were really personal matters that I had to charge to Mr. Stratton if I charged to anybody.

Q.—Now, what interest did Mr. Stratton have in the Sapphire Corundum Company? A.—He had not any interest at all, as I understand it. The situation as I understand it was this. That he had been asked to go on the board as a director, the company being intended to operate some property in his district. Q.—Who asked him to go on the board? A.—In understood it was Mr. Kelly of Ottawa, probably someone else, but I do not know who the other man was. I was not there, so I do not know. A certain director here had agreed to go on, and at the time I went up on the 9th September or the 10th September, they had issued a prospectus in London, and had sent it out to the public without the knowledge or the consent of any of these directors. The company had been capitalized for an immense amount.

Q.—Over-capitalized? A.—Well, I do not know. I would say so, yes. I do not want to hurt the company, but—

Q.—But at all events that was the claim by those in England? A.—No, that was the claim the directors made here, as soon as they saw it.

Q.—Then Mr. Stratton must have got stock? A.—I do not believe he got any stock at all.

Q.—How did he qualify as director? A.—I do not think any of them qualified.

(2387)

Q.—At all events he did allow his name to be used as a director? A.—I do not think he did.

Q.—Was his name used? A.—His named was used, as I thought without his authority or consent, improperly.

Q.—Now, are you quite sure? I see in this letter that you speak of having been communicating with Mr. Brodeur, and he is firmly of the opinion that no good purpose can be served by remaining on the board, and is ready to resign at any time. However, as he stated before, he does not wish to do anything that will prejudice you or Mr. Warren. Isn't it manifest from that, that Mr. Stratton must have been on the Board at that time? His name must have appeared there? A.—The company was organized. Their names were used in connection with it, and as I understand it they never qualified, they never attended a meeting, and never had been consulted.

Q.—Do these remarks apply to Mr. Brodeur? A.—Yes, it applies to every one, but it was thought that probably they could get the Company together and put it in shape and reduce this capitalization and fix it up as it should be.

Mr. Johnston: The lands were in the County of Peterborough? A.—Yes, it was in Mr. Stratton's riding or adjoining the riding; I do not know which.

Mr. Ritchie: Where was this company incorporated? In Ontario? A.—No. I think it was incorporated in London, England.

Q.—Was there no incorporation here in Canada? A.—Not that I am aware of.

Q.—Let me call your attention to this clause in the letter and see if you are not mistaken as to his being on the Board.

(2388)

This is the letter written by you to Mr. Stratton dated the 9th, by which you say you fix the date. You say Morrison was talking to me, and so on. He told me he gave you a written statement in reference to the Corundum Company, and that he handed it to you on the train between

Peterborough and Toronto and asked you to treat it as confidential. He says instead of doing so, when you attended the meeting of the board at Ottawa, you put the statement before them and told them it had been handed to you by Morrison? A.—Yes.

Q.—And as a result of that Morrison was dismissed. Is it not evident from that letter that Mr. Stratton was acting as a director of that company? A.—Mr. Stratton went down to Ottawa in the latter end of August to the first meeting of the board that was called to get some information and find out just really what had been done, and that is the only meeting he ever attended, and I was discussing that with him when I was in his office on the 10th September.

Q.—This letter states apparently that he had attended a meeting of the board at Ottawa, and that as a result of his attendance there and some statement he made, Mr. Morrison was dismissed? A.—I knew a statement of that kind had been made. I am repeating in that letter what I was told.

(2389)

Q.—I am only calling your attention to this, that it is not apparently abundantly clear that his name was first used without his consent, because he did attend one meeting of the directors? A.—I know his name was used without his consent.

Q.—However, the statements in that letter are correct? A.—The statements are the ones I made to him, and the result of what I was told.

Q.—But did he ever deny to you that he attended a meeting of the board? A.—No, we discussed that, I told you.

Q.—Then the only interest, you tell us, that you had in that was the fact that you had made some statement upon the faith of which a gentleman claimed he became a director? A.—Yes, that is all the interest I had in it then.

Q.—Then, did you take considerable trouble about the matter? A.—Well, I did a lot of work in connection with it for which I did not get paid.

Q.—That is all. Made no charges, though? A.—I made no charges.

Q.—In any place? A.—I do not think I did.

Q.—Made no charges in any place? A.—I do not think I did.

Q.—Now, what is it that fixes in your mind that it was 10 o'clock on the morning of the 10th when you were up there? A.—On the morning of the 10th?

Q.—Yes. A.—I did not say that.

Q.—What morning was it you were there? A.—It was after 11 o'clock when I was there on the morning of the 10th.

(2390)

Q.—How do you fix it as being after eleven? A.—I had an appointment in my office which had been made by correspondence with two people who were coming into town.

Q.—When did you go and look that up, the fact of that appointment? A.—I never had occasion to look it up. It has been always in my mind.

Q.—Then it is a matter of independent recollection now, that on the 10th day of September, at 11 o'clock, you went to Mr. Stratton's office? A.—I can remember quite distinctly going up there a few minutes after eleven on the 10th September.

Q.—That is a matter of independent recollection? A.—Yes.

Q.—Your memory is not aided by any entry in any of your books? A.—It had been aided by the entry in the books.

Q.—When did you look that up? A.—I looked it up to be sure I was right.

Q.—But, apart from that you had an independent recollection? A.—I had, yes.

Q.—Of what happened on the 10th September last. What else did you do on that day? A.—On the 10th.

Q.—Yes. A.—Do you want to know what I did all day?

Q.—You have looked it up, you can probably tell me. A.—I have a pretty fair recollection of it. I was in his office until about 12.30. I came down and went into the Crown Lands Department.

Q.—Did you come down to Mr. Aylesworth's office? A.—No.

Q.—Then you do not know as a matter of fact whether he went to Mr. Aylesworth's office that day or not? A.—I did not say he went to Mr. Aylesworth's.

(2391)

Q.—I understood you to say he was going there? A.—He called up his office.

Q.—He telephoned Mr. Aylesworth's office? A.—Yes.

Q.—Then what did you do after you left him at the eastern entrance? A.—I went into the Crown Lands Department, and waited to see Mr. White.

Q.—In connection with what company? A.—In connection with the International Gold and Copper Company.

Q.—And how long did your interview last? A.—I did not see him.

Q.—How long did you stay there? A.—Not more than five minutes.

Q.—Where did you go then? A.—To my office.

Q.—And remained there how long? A.—I met some people there and we talked for a few minutes, and then I went to lunch.

Q.—What did you do after that? Did you go up to the Crown lands again? A.—No, sat in the back room at the National Club for about 25 minutes.

Q.—What did you do during the rest of the afternoon? A.—The rest of the afternoon I went back to my office.

Q.—What work did you do there? A.—I did not do any work at all during the afternoon—not office work.

Q.—Did you make any charges in your books in connection with the visit to the Crown Lands Department re International Company? A.—None.

Q.—You were working for love on that day? A.—I did not do anything.

(2392)

Q.—Now, have you any entry in your books of anything you did on that day? A.—I have, yes, of what I did that I could charge to anybody. As a matter of fact I did very little office work on the 10th.

Q.—If you have got the books here you can tell us, can you? A.—Yes.

Q.—I would like to know. What did you do on the 11th you charged to anybody? A.—On the morning of the 11th I was busy—I was busy on the 11th with several matters. I was in Mr. Johnston's office. I was busy with a suit of Brown v. Banks and G. T. R. v. McGann, and with the International Gold and Copper Company. I saw Herdman and saw Brown.

Q.—And these entries will all appear in your books? A.—Yes.

Q.—And you can produce them? A.—There is no trouble about that, if I did anything I could charge to anybody.

Q.—Can you tell us what you did on the 15th day of September? A.—No, I do not think I could. I might look it up, though.

Q.—Can you tell us what you did on the 16th? A.—No, but I might look it up and tell you.

Q.—But you say you remember this, you had an independent recollection of this? A.—I had.

Q.—Tell us of anything you did on any other day in September, if you can fix the date? A.—I could look it up and tell you.

Q.—But apart from looking it up? You told us a little while ago you had an independent recollection of this? A.—Yes, sir.

(2393)

Q.—Apart altogether from reference to the books? A.—Yes, sir.

Q.—Give me an independent recollection of anything you did on the 15th or 16th or 17th September? A.—I could not tell you without looking it up.

Q.—Then it was unique, that in this particular case you could tell us by an effort of memory where you were on the 10th or 11th? A.—There was no trouble about that at all.

Q.—What did you do upon the 10th day of this month? A.—I could not tell you. I could look it up.

Q.—Or the 11th or the 15th? A.—I could.

The Chancellor: He cannot forecast that. This month has only gone as far as the 4th.

Mr. Ritchie: Then we will say March. What did you do on the 15th of March? A.—I could not tell you without looking it up in my books. I can give you particular days. Some days I remember and I can tell you where I was.

Q.—When you were out of town. You have a lively recollection of the Halifax trip with Mr. Stratton? A.—I remember the 10th, because I had a little correspondence with Father Crinon over whether the 10th September was a Wednesday or a Thursday, and he and Murphy were in my office on the 10th and 11th and this occurrence in Mr. Stratton's office was a thing that does not happen every day.

Q.—You overlooked the question I asked, if you had a present recollection of being there upon the 10th and 11th apart from your investigation. You said you had? A.—I remember the 10th September distinctly.

Q.—That is apart altogether from your investigation? A.—Yes, the investigation only confirmed that.

Q.—The investigation confirmed the impression you had formed when you were asked about the 10th and 11th? A.—Yes.

(2394)

Q.—Then I am asking about the 10th and 11th of the next month? A.—I was in Halifax.

Q.—Then what about the 10th and 11th November? A.—I cannot tell you that, but I can tell you the 4th November. I was in Chicago.

Q.—Guy Fawkes Day. You can recollect when you are out of town? A.—So far as some events stamp themselves on my memory.

Q.—Put I am asking you of something you did in Toronto upon any of these days I have mentioned. Take March for instance, 10th, 11th, 15th or 20th March. Have you an independent recollection of anything you may

have done upon these days? A.—No, but I can easily look up and find out.

Q.—Then you would not venture to pledge your oath to what you have done on any day in town between September and the present time? A.—I would not without looking up. I can tell from my diary very easily.

Q.—But you were able to tell the other without the confirmation at all? A.—Yes.

Q.—Did you go back to the Parliamentary buildings upon the 10th? A.—No. I was busy all afternoon with my visitors.

Q.—You take quite an interest in political work, do you not? A.—I take some interest.

Q.—And you are pretty well in the confidence of the Reform party? A.—I would not think so.

Q.—You would not think so? A.—No.

Q.—I thought they had a great deal of confidence in you. They appointed you License Commissioner. You seem to be quite confidential with Mr. Stratton, and the other Ministers? A.—No, I do not think so.

(2395)

Q.—We have observed the query in the papers for some time past "Where did this money come from?" Perhaps you can enlighten us on that? A.—I do not know anything about it.

Q.—You do not know anything about it? A.—No.

Q.—Do you know anything about the fund that was got together—the campaign fund before the elections—the Reform campaign fund? A.—No, I know nothing about it.

Mr. Johnston: That is objectionable.

Mr. Ritchie: You know nothing about it? A.—No.

Q.—Have you assisted in getting contributions to that fund? A.—I know nothing about any fund.

Q.—Do you know anything about contributions to any fund? A.—I know nothing about contributions except some small contribution to a fund in Toronto about the election here.

Q.—We do not want small matters, unless you know something about the larger fund? A.—That is all I know.

Q.—Then you pledge your oath you have no knowledge of any fund or contribution to any fund? A.—I have no knowledge of any fund, or any contribution to any fund.

Q.—Nor if there is a fund, who is the man who can cheque on that fund? A.—No, I have not the faintest idea.

Q.—Then of course I will take your statement, Mr. Boland. Then, to go back to the 10th? A.—You were not

back at the Parliament Buildings that day? A.—On the 10th September?

Q.—Yes? A.—No. I left there a few minutes after I saw Mr. Stratton and came down to my office.

Q.—Saw nothing more of him? A.—No.

Q.—And you did not see Mr. Gamey there? A.—I did not know Mr. Gamey.

(2396)

Q.—You never saw him before? A.—I never saw Mr. Gamey until last Wednesday night.

Q.—Until after the commencement of this investigation? A.—No.

Q.—Then the next morning you say you were there? A.—I did.

Q.—And how did you fix the time that you went there? A.—I left Mr. Stratton on the 10th, he asked me to come in on my way down in the morning and I said I would, but I had been out of my office all the afternoon of the 10th and I telephoned him, after I got up, and got down to breakfast, and told him I could not, but that I would see him early in the morning, as I had to go up to the Crown Lands Department. I know I went up to the Crown Lands Department early in the morning.

Q.—And you had of course an independent recollection of all this, the telephoning, and everything of that kind? A.—I remember the occurrence and all, but I knew it was the day after this day on which Father Crinon and Murphy—

Q.—But the fact of Father Crinon and Murphy being there would not aid you in saying there was any telephone communication? A.—I remember the telephoning.

Q.—That was a matter of independent recollection? A.—Yes.

Q.—As to his having asked you the day before to call on your way down in the morning you had an independent recollection that you were busy and telephoned and could not get there early, but would go there after you went to the Crown Lands Department? A.—Yes.

(2397)

Q.—And how long did you stay with him? A.—He had his hat on, and when I was going in he was just about coming out. He went back into his office and I was there with him probably 10 to 15 minutes.

Q.—And then what did you go back to discuss with him. A.—Well, we were at that time discussing Nova Scotia Eastern Railway and some matters of policy in connection with that.

Q.—Had you been to the Crown Lands Department on the 11th before you went there? A.—Yes, sir.

Q.—How long were you there? A.—I was not there very long, because Mr. Whyte and Mr. Gibson had practically agreed to do what I wanted, on an interview with someone else the night before.

Q.—You went there, he was coming out, and went back and sat down 5 or 10 minutes and discussed Nova Scotia Eastern? A.—Yes, sir.

Q.—And you went out together? A.—Yes, sir.

Q.—You went into his room on that occasion. A.—Yes, sir.

Q.—Stayed 5 or 10 minutes and discussed matters? A.—I was there fully 10 minutes I think.

Q.—Because if I am not mistaken in my impression, Mr. Myers said you did not go in at all, that he was just coming out, you stayed in the outer room, and apparently he was expecting you, and he was apparently coming down town, and you walked down together? A.—Well, we went back into his office.

Q.—If he said that he is mistaken? A.—I do not know that. That may be his recollection.

(2398)

Q.—Your recollection is different from his? A.—Yes, sir.

Q.—And you were there ten minutes before you went down. Had you an appointment the previous day that you were to go down on the 11th? A.—Yes. We had not any appointment to go down town. I had an appointment at the Buildings with him.

Q.—But had you any arrangement on the 10th that you were to go down town on the 11th? A.—No.

Q.—So that the determination to go down on the 11th was arrived at on that day? A.—Yes.

Q.—And you were to go down to the Trust Company's office? A.—Yes.

Q.—For what purpose? A.—Well, he wanted to talk the matter over with Mr. Coffee. Mr. Coffee was Secretary of the Company.

Q.—And then you went in and out? You have told us you were possibly five minutes there? A.—I was not in with him the first time. I left him at the door and went over to my own office.

Q.—What time did you get down in the morning together? A.—It would be in the neighborhood of 11 o'clock.

Q.—Did you drive down or walk down? A.—Walked down.

Q.—You did not take the street cars? A.—No.

Q.—And you left him at the door? A.—At the door of the Trust Company.

Q.—Which way did you go down? Go down Yonge street? A.—No, down the main entrance, and down the Park and along the avenue and along Queen and down Bay.

Q.—So that you passed his office on the way to your own? A.—Passed the Trust Company's office.

(2399)

Q.—You did not go in? A.—I did not go in.

Q.—How long before you got back? A.—I would judge it would be about twenty minutes—it may be a little bit longer; it was in that neighborhood.

Q.—And what was the next thing? A.—I was there with him for probably ten or fifteen minutes when the office called men and told me Mr. Erdman was there and wanted to see me. So I had to go back and see Mr. Erdman. I was with Mr. Erdman, probably twenty minutes or probably a little longer, and then I came back again, and I was there until 1 o'clock with Mr. Stratton and Mr. Coffee.

Q.—I thought in the meantime you had go to Mr. Johnston's office? A.—That was the first time, not the second.

Q.—Then, how many visits did you pay to the Trust Company on that day in the morning? A.—Two.

Q.—Besides the time? A.—Besides the time I left him at the door.

Q.—And you have stated the intervals that elapsed between your different visits? A.—Yes.

Q.—And on the last visit you left there you say at about 1 o'clock? A.—About 1 o'clock.

Q.—What fixes 1 o'clock? A.—I had an appointment for luncheon at 1 o'clock.

Q.—Did Mr. Stratton go to lunch with you that day? A.—No.

Q.—Then these intervals that you have spoken of to me are from independent recollection of what happened that day? A.—From recollection, and looking it up.

Q.—But your books would not afford you any information as to the length of time you were in any one place? A.—No.

Q.—And they would not fix the hours of the day? A.—No.

(2400)

Q.—So that what you are giving us now is from independent recollection? A.—And from the books.

Q.—But the books would not assist you in saying how long you were at any one place, and how long at another? A.—I recollect the occasion

when I was there, and whether it was in the morning, or the afternoon, or how long.

Q.—But your books do not give any information as to the hours? A.—No.

Q.—You are speaking simply from memory? Did you see Mr. Stratton again on the afternoon of the 11th? A.—No.

Q.—And you had no discussion in regard to the matter with him until your trip to Halifax? A.—We discussed it on the way down town.

Q.—But I am speaking of after the 11th? A.—No.

Q.—And then the matter was referred to you say? A.—On the way to Halifax, yes.

Q.—How long were you in Halifax? A.—I think I got back on the morning of the 11th October.

Q.—When you telephoned to Mr. Stratton, where did you telephone from? A.—My house.

Q.—From your house. That is before you left to go to the office. Would you in going from your office to your home pass the Parliament Buildings? A.—I live away out Bloor west. I go on the Bloor and McCaul car.

Q.—If you are walking down you would not be going out of your way? A.—It was too far to walk. I live about 4 or 5 miles away.

Q.—Where did you get Mr. Stratton over the 'phone? A.—I called him at the breakfast room.

(2401)

Q.—What time in the morning would that be? A.—It would be between 8 and 8.20 or 8.25.

Q.—You called him at the breakfast room? A.—In the Parliament Buildings.

Q.—Now, did Mr. Stratton come and speak to you on that morning? A.—Yes.

Q.—In what Department is that telephone? A.—I think it is the Speaker's telephone, North 414, I think.

Q.—Do you recollect whether it was the Speaker's telephone you call him on? A.—I think it is the Speaker's. It is under the Speaker's name.

Q.—You swear the telephone is under the Speaker's name? A.—That is my recollection. I can tell you if you give me the telephone book.

Mr. McEvoy: Do you wish to examine on those cheques and drafts?

Mr. Ritchie: I do not want to examine him just now about them, but I wanted them here in the meantime.

Mr. Johnston: Now, let me have that letter.

The Chancellor: That is not in. Are you going to put it in?

Mr. Johnston: Yes, my Lord. It is the letter of the 9th September. Is that the letter you are referring to as the one in consequence of which you saw Mr. Stratton? A.—Yes, sir, that is the letter. (Marked Exhibit No. 75.)

Re-examined by Mr. Johnston.

Q.—Now, you were asked about the Directors of some of these companies, Mr. Kloefer, Mr. Karn, Mr. Coffee. None of those are of Mr. Stratton's political faith? A.—No, I be-

(2402)

lieve not. Mr. Coffee and Mr. Kloefer and Mr. Karn are all well-known Conservatives.

Q.—Kloefer was the Conservative Member for South Wellington for one term? A.—Yes.

Q.—Then, the Mr. Warren you refer to was Mr. Warren, the bank man? A.—They asked me who the Manager of the Riviere du Loup Pulp Company was and I said Kenneth Warren of Fraserville.

Q.—But you spoke of certain directors resigning in the Sapphire Corundum Company? A.—Yes.

Q.—You know that of course from the Directors themselves. Were you present at the meeting or anything of that sort? A.—No, I was not present.

Q.—Then, you were asked about going down town on the 11th? A.—Yes.

Q.—Why did you go to town? A.—Do you mean why did we go down to the Trust & Guarantee Company?

Q.—Yes? A.—Mr. Coffee was a director of the Nova Scotia Eastern and he was also the Secretary and we wanted to discuss the matters with him.

Q.—And the papers? A.—The papers were all down there in Mr. Coffee's office.

Q.—Then, on the 11th, who was it that you went to lunch with? A.—Father Crenon, J. A. Murphy, and the Hon. Mr. Latchford. It was an appointment—a specially made appointment for 1 o'clock.

(Mr. Johnston asked Mr. Boland to get his books from the next room. The witness did as requested.)

Mr. Johnston: What is the date of that draft or cheque, Mr. Ritchie?

(2403)

Mr. McPherson: 27th August.

Mr. Blake: My Lords, I may say that we are continuing to get a large number of anonymous communications, some of them giving little, vague hints as to this source and that source, and the other, but, my Lords, most of them are so vague

that it is impossible for us to follow them up. Others of them seem to be very unlikely. The only reason I make this statement is this: I do not want hereafter that people should be able to say, there were these sources of investigation which you did not choose to pursue. I wanted it to be publicly known that if these gentlemen have got any matter that really they conceive to be of importance, that they must bring it to Mr. McPherson, the solicitor, because we cannot be paying attention to these hourly letters, or this vague information. If there is anything behind their charge they must come forward and make it in the usual way. I do not want, my Lords, that it should be hereafter stated that we wrote you this, that and the other. It must be understood that we cannot pursue this very vague, uncertain and anonymous correspondence.

The Chancellor: You have taken every precaution and pains, Mr. Blake, to make it known to the public in every way. I do not know in what other way the persons interested can know. But, so far as we are concerned, my brother and myself invite persons who have any knowledge of this matter to make their communications in such a way that they can be dealt with as evidence in this commission. Of course these vague rumors and suggestions

(2404)

merely occupy time and throw away money in following shadows, and things of that kind. The object of the Commission is not for that purpose. If anything tangible can be furnished by any person, now is the time to do it, and we are ready to receive it. Your suggestion is very timely in that way. That has been stated before.

Mr. Blake: Yes, my Lord. They have continued, so that I thought I had better re-mention it, as we seemed to be drawing towards a close, so that afterwards we might not be blamed for not letting it be known.

Mr. Johnston: They are writing to both sides, anonymous letters, and all sorts of things.

Mr. Blake: I think the observation I am making should be as much for one side as the other.

Mr. Johnston: Oh, yes.

The Chancellor: Then your next witness?

Mr. Johnston: Mr. Stratton. Mr. Boland is here with his letter book.

Mr. Ritchie : I would like to look at it in the meantime.

Mr. Johnston : The letter of September 9th, 1902, referred to by Mr. Boland in his evidence is copied in the regular order in his letter book. That had better be noted. The book is produced.

(2405)

Honorable James Robert Stratton, sworn. Examined by Mr. Johnston :—

Q.—You are the Provincial Secretary ? A.—I am.

Q.—And member of the Executive Council for the Province of Ontario ? A.—I am.

Q.—And you have occupied that position for how long ? A.—Since October, '99.

Q.—And previous to that time you were ? A.—Member for West Peterborough.

Q.—Member of the House only ? A.—For West Peterborough.

Q.—And still the member for the same district ? A.—I am.

Q.—And you ran at the last general election in May, 1902 ? and you were elected ? A.—I was.

Q.—Something was said with reference to the relative position of the parties in the House at the close of the election. Do you know how matters stood at all ? A.—The contest was a close one. The majority of the Government at that time was about two or three.

Q.—And then did you have any vacant constituencies shortly afterwards ? A.—The member for North Renfrew died, leaving that constituency vacant, and it is vacant still.

Q.—He was ? A.—A supporter of the Government.

Q.—Then later on a number of protests were entered on both sides. I understand ? A.—I understand so.

Q.—Numbering in all, do you know about how many ? A.—I really forget. Perhaps fifteen or twenty on each side.

The Chancellor : Mr. Grant gave the figures exactly.

Mr. Johnston : Yes, Mr. R. A. Grant.

(2406)

The Chancellor : Seventeen I think he said.

Mr. Johnston : Seventeen he was interested in, but I think there were five or six more.

The Chief Justice : Filed by the local people.

The Chancellor : Mr. Stratton does not know exactly ?

Mr. Johnston : No.

Q.—Then, were you at that time treating the matter as a crisis in the Government at all, so far as you were concerned ? A.—No.

Q.—You had had some experience in previous elections as to the results, where the Government had been sustained ? A.—Yes.

Q.—Barely sustained ? A.—Barely sustained.

Q.—Would you tell me what the vote was in 1898—the result ? A.—The result at that time was, as reported immediately after the election 46 Liberals and 45 Conservatives, and two not heard from, and one election not held, which was the County of Russell.

Q.—That was the prior election ? A.—That was the contest in which Mr. Hardy was Premier.

Q.—Then you had a number of protests following that general election ? A.—I believe there were.

Q.—With the result that the Government eventually had a majority of what in the House, about ? A.—I think six on the first vote.

Q.—So that at any rate whether it goes for much or little, you had the past experience of the previous general election, and the general experience, I suppose, in all elections where the Government is sustained, the bye-elections invariably sustain

(2407)

the Government ? A.—It would be a very unusual thing for the Government to be defeated in the bye-elections.

Q.—Now, let me just see what position the Government was taking at that time. The elections were held at the end of May ? A.—29th May.

Q.—Where was the Premier after the elections ? A.—A week or ten days or perhaps two weeks—within two weeks after the elections the Premier left for the coronation.

Q.—He did not return until when ? A.—The last week in August.

Q.—The Attorney-General, where was he ? A.—The Attorney-General left either a day or two before, or after the Premier.

Q.—And did not return ? A.—Until a day or two before, or after the Premier again. I just forget. I think the Premier returned before the Attorney-General, perhaps a day or two.

Q.—So that the Premier and the Attorney-General were away from the country for three months immediately succeeding the elections ? A.—They were.

Q.—Then the Commissioner of Crown Lands, was he there ? A.—Part of the time.

Q.—Mr. Latchford ? A.—Part of the time.

Q.—The Minister of Education ? A.—Most of the time.

Q.—And yourself? A.—Nearly all the time.

Q.—And Mr. Stratton? A.—Part of the time.

Q.—So that that was the attitude at any rate of the Government—the action of the Government for say three months after the elections? A.—Yes, sir. I was there all the time,

(2408)

with the exception of perhaps a day.

Q.—Now, just to deal with a few general matters before I come to the question of facts and details. Had you anything to do with the protests, as to who should or should not be protested? A.—When the Premier left for the coronation he left the matter of protests in my hands. I met representatives of the Opposition.

Q.—Who were they, do you remember? A.—Mr. Foy, Mr. Bristol and Mr. Nesbitt.

Q.—That is Beatty Nesbitt? A.—He was and is member for North Toronto.

Q.—And you met these gentlemen, did you? A.—The first time I met them myself, as all my colleagues were out of the city. The second time I met them with Mr. Latchford and I think the third time with Mr. Harcourt.

The Chancellor: Mr. Grant was there? A.—Mr. Grant was there, with the exception of the first morning, which was a very few minutes.

Mr. Johnston: Was anything whatever definite arranged between the respective representatives? A.—Yes, sir.

Q.—What was the position with regard to the protest as agreed upon then, if anything was agreed? A.—Well, it was understood that no protest would be entered against Mr. Whitney, Mr. Foy, Mr. Beatty Nesbitt nor against the Premier, myself nor Mr. Latchford.

Q.—That is as far as the party was concerned. Of course you could not prevent the individual from entering the protest if he desired? A.—No.

Q.—The majority in all these cases was pretty large? A.—My recollection is that the majority of Mr. Whitney was somewhere about 400.

(2409)

Q.—They were all large—pretty large? A.—Yes. Mr. Foy had a reasonably good majority, and mine was about 1,000, or nearly 1,200.

Q.—At these various meetings was there anything definite arranged excepting that? A.—Yes, at a subsequent meeting there were quite a number of constituencies placed against each other, practically agreed to.

Q.—So far as you could? A.—So far as we could agree, that no protest would be entered in these constituencies. I just forget the number. I had some document leading up to it, but I did not keep that afterwards. I think there were about 20 or 30 on each side.

Q.—And was that all the outcome of these meetings that you had? A.—Yes.

Q.—Then as to the protests that were actually entered, had you anything to do with that? A.—The protests actually entered?

Q.—Yes, against the members.

The Chancellor: That is the election petitions filed, do you mean?

Mr. Johnston: Yes. A.—Yes, with regard to some of them.

Q.—Had you anything to do with the Manitoulin protest? A.—Nothing whatever.

Q.—Did you know, as a matter of fact, what position that matter was in at the beginning of the protest? A.—Well, after the third meeting I declined to have anything further to do with the protests.

(2410)

Q.—When would that third meeting be? A.—That would be perhaps a week or ten days after the General Elections, or perhaps two weeks afterwards. Well, wait a minute. It would be early in June.

Q.—I do not care anything about the date particularly? A.—It was early in June.

Q.—Then you declined to have anything more to do with them? A.—I said to Mr. Grant he had better take charge of them himself.

Q.—Mr. Grant was representing whom at that time? A.—Mr. Grant was representing the Liberal Association. We had a little dispute as to the course that should be pursued.

Q.—There was some little friction took place, and you simply stepped out? A.—I said Mr. Grant had better look after the balance of them on behalf of the Liberal Association.

Q.—When did you first know about the Manitoulin protest? A.—I saw it in the papers.

Q.—About what time? A.—I could not say definitely.

Q.—I mean was it along in the summer or autumn, do you recollect? A.—Oh, I would know, as a matter of fact, that it would be some time in July that the protest would be entered—late in July or beginning of August.

Q.—You would see it in the papers? A.—Yes.

Q.—Did you know anything of the settlement of that protest or any arrangement of it? A.—Nothing whatever.

Q.—Until when? A.—I saw in the papers that it had been transferred to Toronto.

(2411)

Q.—About what time? A.—The application had been made to transfer it to Toronto.

Q.—And that meant to you as a politician, of course? A.—That some arrangement had been arrived at.

Q.—That the proceedings were not going on? A.—No evidence forthcoming.

Q.—You knew about that for the first time about what time? A.—My recollection is it was in October.

Q.—Your recollection is it was in October. At any rate, it was long after the petition had been filed? A.—Yes.

Q.—Now, during all this period, from the time this little friction occurred in June, until you saw this notice in the papers which indicated to you that the petition was likely to be dropped, no evidence offered, had you any consultation with Mr. Grant at all with reference to the protests? A.—None whatever.

Q.—Had you anything to do with them yourself in any way as to whether they should go on or stop, not only the Manitoulin, but take, for instance, Algoma? A.—Nothing with regard to their going on or discontinuing; only with regard to their not being entered.

Q.—And that, you say, came from both sides of the House? A.—Both sides of the House; supposed to represent the two parties.

(2412)

Q.—Did you ever employ anyone to see Mr. Gamey with reference to protests, or any other matter? A.—I did not.

Q.—Did you ever employ Jones, Frank Sullivan or John Sullivan to see Mr. Gamey, or to approach him, or his friends, in any way? A.—I did not.

Q.—Did you ever talk to any of these men, or to anybody else with reference to Mr. Gamey being seen, or approached, either as regards protests, patronage, or otherwise? A.—I did not; in no manner, shape or form.

Q.—You heard something of Mr. Gamey, I suppose, before this, as to his position? A.—I had.

Q.—You knew that he had been elected as a Conservative? A.—Well, I saw that he was classed with the Conservatives. I had not heard any of his speeches, or read any of them.

Q.—Had you known him before the

date in September when it is admitted you saw him? A.—I never saw him before?

Q.—How did he come to see you, do you know? A.—I do not know.

Q.—Did it come at your suggestion in any way? A.—No, it did not.

Q.—Had you any knowledge of anybody having seen him, or spoken to him in any way in connection with the Government? A.—Not the slightest.

Q.—And had you any reason up to the time in September when he called at your Department to trust him or mistrust him, one way or the other? A.—Nothing particularly. I had heard common rumour.

Q.—Rumour as to what? As to his position politically I am speaking about? A.—I had understood that he had said he was going to support the Government.

(2413)

Q.—And that was from? A.—Various sources.

Q.—Was that the extent of your information when he came to see you on the 9th day of September? A.—Absolutely.

Q.—Did you know on the 9th day of September, or previous thereto, that he was coming to see you? A.—I did not.

Q.—Now, your Department is a very large Department? A.—Yes.

Q.—It embraces many heads? A.—Yes.

Q.—That is the jails? A.—My Department embraces the License branch, the Board of Health, all of the public institutions of the Province, all the outlying jails and institutions, lock-ups, and things of that kind, issuers of marriage licenses, registration of births, deaths and marriages. We occupy about a quarter of the building.

Q.—Incorporation of companies? A.—Yes.

Q.—Which is a large matter? A.—A very large matter.

The Chief Justice: Did you say you occupy about a quarter of the space? A.—About a quarter of the space. I mean a quarter of the office space.

Mr. Johnston, resuming:

Q.—Justices of the Peace are not within your jurisdiction? A.—They are appointed on the recommendation of the Attorney-General.

Q.—Returning officers, are they in your Department? A.—No.

Q.—How are they appointed? A.—Since Mr. Ross has been Premier, he has conferred with his colleagues with regard to that. At least, the returning officers are appointed by Act of

(2414)

Parliament. That is, Sheriffs and Registrars act as returning officers.

Q.—Then, as to a plebiscite, or special vote? A.—There was no provision in the Act made for returning officers?

The Chancellor: That is, in the referendum? A.—Yes, my Lord.

Mr. Johnston: And who determined that? A.—It was determined in Council.

Q.—That is the Government? A.—Yes.

Q.—No one Department? A.—No one Department.

Q.—But not on the recommendation of any one Department? A.—No, it was generally discussed before Council, and in Council.

Q.—The recommendation made by Mr. Gamey included, according to his story, lock-up keepers, marriage licenses, the license branch, and so on. These belong to your Department? A.—They do.

Q.—And in regard to those, was anyone appointed by you whom he recommended? A.—No one whatever.

Q.—At any time, from the time he was elected a member, until the present time? A.—Until the present time.

Q.—And you would be the only one upon whose recommendation any one of these classes of officials could be appointed to office? A.—The only one.

Q.—Then, a Justice of the Peace was appointed? A.—I believe so.

Q.—That you had nothing to do with? A.—Nothing to do with, further than to transfer certain correspondence to the Attorney-General. That is the petition of the lumbermen,

(2415)

and Mr. Gamey's letter, and some other correspondence relating thereto.

Q.—And the returning officer. You have told us about that A.—Yes, sir.

Q.—So that of all the patronage which we have heard about, not one of the applications made to your office was acceded to? A.—None whatever.

Q.—And only two in which Mr. Gamey's name was mentioned, the Justice of the Peace, and the returning officer for the referendum were appointed, one you say upon the recommendation of the lumber company, and the referendum officer by what, or how? A.—Do you wish me to explain?

Q.—Yes, I should like to have you do so. I will dispose of this patronage question now. A.—Quite a num-

ber of the members were writing the various ministers, desiring to have other officers appointed—.

Mr. Blake: I should like to see these, my Lord, if we are to act upon them.

The Chancellor: Yes, you are entitled to see them. You can refer to them now and produce them afterwards.

Mr. Johnston: Yes.

Witness: With regard to the appointment of returning officers?

The Chancellor: The returning officer of the referendum?

Witness: Yes.

Mr. Blake: Do I understand that this was in Council that this was decided?

The Chancellor: The council had the control of these appointments, he says.

(2416)

Mr. Blake: I am presuming therefore it was in Council that this was done.

Mr. Johnston: Was it done in Council? Was it decided by the Government generally? A.—I do not know that it was in Council, but it was discussed generally by the Government.

Q.—With the result? A.—With the result that it was decided that the Registrars and Sheriffs would be appointed where at all possible to get them to act.

Q.—Then why was Sheriff Jackson appointed? A.—I do not know.

Q.—Why? A.—Because it was decided he should act.

The Chancellor: He was one of the class. A.—One of the class entitled.

Q.—He was one of the class that it had been resolved upon to appoint.

Mr. Johnston: Yes, my Lord.

The Chancellor: You do not know anything more than that? A.—I was absent when he was appointed, my Lord.

Mr. Johnston: You were in? A.—I was in Nova Scotia.

Q.—And you had nothing to do with his appointment one way or the other? A.—Nothing further than the letter I wrote, which is in evidence here.

Q.—Did you ever speak to the gentleman known as Captain Sullivan, John Sullivan, in your life, before this matter arose? A.—Oh, yes, I have spoken to Captain Sullivan.

Q.—Did you ever speak to him with reference to Mr. Gamey in any way? A.—Never.

(2417)

Q.—Did you know Captain Sullivan well previous to the month of Sep-

tember, 1902? A.—Well, not what you would call well. I met Captain Sullivan at the "Sault" some years ago on my way back from the coast. I stopped off at the Sault over Sunday.

Q.—That was before you were a Minister? A.—Oh, years ago. I happened to be at the same hotel where Captain Sullivan was stopping. He was then in the employ of the Government, I understood, in some connection with the forest ranging branch. I would not say definitely, but that is my impression now. I met him there.

Q.—Then subsequent to that time what was your intercourse with him? A.—None whatever; and none whatever since.

Q.—None whatever since? Then, Frank Sullivan—what was his personal relation there? A.—I met him on the same occasion. They were at an adjoining table, the father and the two sons. I met them casually while at the hotel, that was all.

Q.—Now, as far as your Department is concerned, was either of them ever employed? A.—Not since I have had charge of the department. I do not think at any time, but certainly not since I had charge of the department.

Q.—Was Frank Sullivan ever in your office until the occasion in September, which his referred to? A.—Not to my knowledge.

Q.—I mean in your room, so far as you know? A.—Not to my knowledge.

Q.—Never while you were there? A.—Never there while I was there.

Q.—Do you know whether he had relations up about the Island, and

(2418)

along the north shore? A.—I do not know anything about that.

Q.—Now, the first that you heard apparently of Mr. Gamey was on an introduction by Frank Sullivan? A.—By Frank Sullivan.

Q.—And that was made on what day? A.—On the 9th September—Tuesday morning, the 9th September.

Q.—Do you know where you had been previous to that? A.—Yes.

Q.—Where? A.—I had been at Peterborough on Monday.

Q.—That was the second week of the Exhibition? A.—The second week of the Exhibition. I went up to my cottage on Stony Lake on Saturday. I remained there over Sunday, and came down on Monday afternoon, came to Toronto Tuesday morning, and went up to my office about 10 o'clock, or a few minutes afterwards, and was there perhaps a few minutes when Mr. Gamey and Mr. Sullivan were shown into the room.

Q.—Who showed them in, do you recollect? A.—Mr. Costello.

Q.—Had they ever been there before, just in order that I may close it out, either individually or jointly? A.—Never.

Q.—Just before the introduction, was anything said to you? A.—Just before the introduction?

Q.—Yes. What was said? How did you come to see Mr. Gamey? A.—Mr. Sullivan came in, was shown in in advance of Mr. Gamey, and said that Mr. Gamey was here, he would like to see me, would I see him? I told him I would. I asked him what he wanted. He said he would explain himself.

Q.—Then did he bring him in? A.—He brought him in.

(2419)

Q.—Introduced him as what? A.—As Mr. Gamey, Member for Manitoulin.

Q.—Then, did you have any conversation leading up to matters of more particularity? A.—Yes, he took a chair, and so did Mr. Sullivan. They sat down together. They seemed to be friends. We spoke for a few minutes with regard to Manitoulin, with regard to the development that was going on in that country, with regard to the crops for the year, general conversation, for perhaps three or four minutes.

Q.—Did you speak about any railway on that occasion? A.—Yes, we spoke about the Algoma Central, and the Manitoulin & North Shore, and Mr. Gamey seemed satisfied with the outlook for Manitoulin, and the condition of the people, how they were getting along.

Q.—Anything at that time said with reference to the policy of the Government at all? A.—Yes, he said that the policy of the Government was satisfactory to the people, the fault to be found was not with the policy of the Government, but rather with the administration of that policy by some of the officials.

Q.—Then, do you remember, what next was said, coming to the question of appointments? A.—Yes, he asked me why the Government did not appoint Mr. Flesher as a Justice of the Peace. I said to him that I did not know anything about it, it was a matter that belonged to the Attorney-General's Department, that he had better see him, or communicate with him. Then he advanced some reasons why he should be appointed, and left me with the understanding that he would

(2420)

write the Attorney-General with regard to that. Q.—Instead of that apparently? A.—He wrote me.

Q.—Instead of that, apparently? A.—He wrote me.

Q.—He wrote to you the letter of what date? A.—I do not remember the date. You have it.

Q.—29th September, Exhibit 7. "Enclosed find petition of Lumber Companies on Aird Island to have Thomas Fleisher Customs Collector at that port appointed a J. P., as the present J. P. is leaving. I know the necessity of this appointment, and I am well acquainted with Mr. Thomas Fleisher, and know that he will make a good J. P. His P.O. address is Spanish River Mills. Would you kindly make this appointment for me. I am writing you, while I know the appointment is in the other department, but I desire just now to do business with you. Would you be kind enough to ask the Minister of Public Works to let Mr. J. F. Boyd, Government Road Inspector in my district, know in a quiet way that he might consult me. Would it be possible to get railway passes before the House meets? I suppose hardly. Everything is looking favorable here. Kindly have the above appointment made at once, if possible, as the official is needed. Yours truly, R. R. Gamey." A.—Yes.

Q.—Was that the first letter that you received from him? A.—The first letter I received from him.

Q.—That is on the 9th September, my Lord, Exhibit 7. Well, having talked about that, and mentioned that, what next took place between you? A.—He said that he had been thinking over the political situation, and he had come to the conclusion that he would be best serving his constituency by giving his support to the Government, that he had been conferring with

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many of his constituents, and they had endorsed the course that he had made up his mind he was going to pursue, that his contest had been conducted in such a way as to enable him to take this position in the House, and that he was going to do so. He said there would no doubt be some fault found by half a dozen, who thought they were the Conservative Party in Manitoulin, but that the rank and file of the people on both sides would be pleased to know that that was the course he was going to pursue. He brought in the expression that "Manitoulin was his politics," and he was

going to do as Mr. Beattie of Parry Sound had done.

Q.—And did you make and reply to that? A.—Yes, I asked him if he had fully considered the matter, and he said he had, and he said that he had not only said so on the platform, but he had said to many of his Conservative friends who had voted for him, that he was going to take this course, and they all—the great majority of them—had endorsed it. I do not pretend to give his exact words, you know.

Q.—Oh, no. That is the substance. That is the line which he was taking? A.—Yes.

Q.—The Government, he, supposed, and you supposed, apparently being returned to power? A.—Returned to power. He said he had no doubt that the Government would be sustained, that the bye-elections always went with the Government, and that he had no doubt the Government would in this case carry the bye-elections as well. He spoke very highly of Mr. Ross as a leader, and was not so complimentary of the Opposition leader.

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Q.—Were the mining laws discussed at all? A.—Yes, he said that the Algoma Central Railway, and the Manitoulin Railway, when constructed, would be of great importance to the constituency. He complained generally of the administration of the mining law, and of some amendments to the mining law that were desired, but of the Mining Act as a whole he approved.

Q.—By the administration, you mean the carrying out of the law? A.—Yes, by some of the officials.

Q.—Now, without going into details, my learned friend may ask you about those. I merely want to get generally what led up to the important matter of that conversation. You talked for some minutes? A.—Oh, I suppose he was in the office a half an hour, or it may have been a little longer.

Q.—Did he speak about any other officer at that conversation?

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A.—Yes. He first of all spoke about his protest after that. He said, now that I am a supporter of the Government and have decided to take this course, what stand will the Government take with regard to the protest? I said the Government had not anything to do with the protests, that they were being conducted by Mr. Grant and Mr. Aylesworth. He intimated that under the circumstances his pro-

test should be made easy, or that it should be dropped, or that something should be done. He did not say as plainly as he implied. I said to him that he should see Mr. Grant. He said he did not care to see Mr. Grant. I said, well, see Mr. Aylesworth. Well, he had no objection to seeing Mr. Aylesworth. I said they have charge of the protests, and whatever you desire to have done you will have to have done through them; I have nothing to do with them.

Q.—And was that all that took place with respect to the protest? A.—No, he made an appointment, wanted to know if he could see Mr. Aylesworth to-morrow, that would be the following day.

Q.—The 10th? A.—The 10th.

Q.—Did you call up Mr. Aylesworth's office? A.—No, the following morning I called up—I met Mr. Aylesworth in the corridor—

Q.—We are getting too far away. I am speaking of the conversation that took place on the morning of the day of the 9th September? A.—He said he would go and see Mr. Aylesworth.

Q.—Did he say anything about the time he would go? A.—Yes, he said he would go the following day about 1 o'clock, he was going to be busy in the morning at the piano factory.

(2424)

Q.—And did you make any undertaking about Mr. Aylesworth? A.—Yes; I said I would see Mr. Aylesworth.

Q.—About the appointment? A.—I would speak to him about it.

Q.—Was there any officer mentioned upon that occasion—any other officer? A.—Yes, he asked—he objected to either the Sheriff or the registrar being appointed as returning officers. He thought that the remuneration that they were receiving was sufficient for them, and that some other persons should be appointed, and I said to him that the matter had not been considered by the Government and I did not know what the policy of the Government would be with regard to the matter. He asked me if I would communicate with him before anything was done, desired to have something to say with regard to it. I told him if I thought of it I would.

Q.—You did subsequently communicate with him on that point? A.—I did.

Q.—Now, was there anything said about the patronage of the riding? A.—At that time?

Q.—Yes. A.—Yes. He said—he asked if he would be considered in connection with the patronage, that he now might be classed as a supporter of the Government, and I said to him

that when he was a supporter of the Government I had no doubt that the Government would give him the same consideration that they would give to any other Government supporter.

Q.—Was that all that was said? A.—That was all that was said. He seemed satisfied with what was said.

Q.—Any discussion about the License Commissioners? A.—Not at that time.

(2425)

Q.—That was on the 9th September? A.—On Tuesday morning, the 9th September.

Q.—How do you fix the date? A.—The morning I came up from Peterborough, having closed my cottage on Stoney Lake on Monday. I came up in the morning.

Q.—You closed it for the season? A.—Yes.

Q.—You live there during the summer? A.—When I can.

Q.—When you get away. Then, did you see Mr. Aylesworth? A.—I met Mr. Aylesworth that afternoon in the corridor accidentally—purely accidentally.

Q.—That was on the 9th? A.—Yes, and I said to Mr. Aylesworth, Mr. Gamey was going to see him to-morrow if it would be convenient for him to see him, that he had been in my office in the morning and he said he was going to give his support to the Government, and he wanted to see him with regard to his protest. Mr. Aylesworth asked me what evidence I had of that. I said I have nothing more than what he said. He said, don't you think you had better get it from him in writing, and intimated that it would be desirable to have a letter from him. I did not think anything more about it just then. I thought that it would. The next forenoon, while Mr. Boland was in my office, I thought of this matter—

Q.—I will come to that in a moment, Mr. Stratton. In the meantime had you spoken to any of the members of the Government—any of your colleagues about Mr. Gamey about his position? A.—On the 9th?

Q.—The position he had taken on the 9th? A.—Yes.

(2426)

Q.—Was it more than in a casual way? A.—Just in a casual way. I said Mr. Gamey had been in and said he was going to support the Government.

Mr. Blake: Whom did he say this to?

Mr. Johnston: To some of his colleagues, he said it was discussed in that casual way.

Q.—Then the following morning had you received a letter from Mr. Boland? A.—I had.

Q.—Now this is Exhibit 75, 9th September, 1902, the letter was written? A.—Yes.

Q.—And you got that when? A.—On Tuesday morning, the 10th.

Q.—When? A.—On Wednesday morning, the 10th.

Q.—In consequence of that letter, what did you do? A.—I asked Mr. Burrows to make an appointment with Mr. Boland if he could for that morning to come up as soon as he could. He came up. He made the appointment for 11 o'clock. He was there thereabouts.

Q.—Now, was this an important matter, so far as you were concerned, re Sapphire Corundum Company? A.—Yes, it was.

Q.—Give me in what respect? A.—I had been asked by, I thought, Mr. Boland's partner, and Mr. Coffee, and Mr. Kelly, to accept a directorship in this company, that was about to be formed on account of the mine being in my own county, and they came to the building one afternoon to see me and I consented, with the distinct understanding that nothing was to be done without the directors in Canada knowing all about it.

Q.—Will you tell me what sized company it was? A.—Well, just before I come to that let me say this. I gave my consent to act as a Canadian director, and without any consultation whatever with the Canadian board, the company was incorporated for a a million pounds

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sterling, five millions of dollars, and when we learned that we became astonished and surprised that a company of that magnitude should be floated upon the property, as I knew it, Mr. Warren and I of Toronto were both induced to accept directorships. We conferred together with regard to the matter and we had decided prior to this that we would attend a meeting that had been called at Ottawa with a view to learning as much as possible of the working and operation of the company.

Q.—That is Mr. Warren of the Metropolitan Railway here? A.—Mr. C. D. Warren of the Metropolitan Railway. We went to Ottawa distinctly with the understanding that we would see and learn all we could learn of the company before retiring. When we saw the course that the company were proposing to pursue we came back and we discussed the matter as to what course we would pursue, and

we decided to resign, which we did.

Q.—Then who was Mr. Morrison? A.—Mr. Morrison—I do not know whether he is a mining engineer—.

Q.—But who was he in connection with the Sapphire Corundum Company? A.—He was the man who had been employed by the company prior to incorporation.

Q.—He is described here as the engineer of the company? A.—Manager and engineer. I had met him on the train coming to Toronto, and he gave me a statement with regard to the misrepresentations that had been made, which I considered very serious.

Q.—And which you laid before the meeting? A.—Which he represented he gave to me confidentially, but I did not consider it as such, and placed it before the board.

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Q.—At any rate matters at that time were in a critical condition so far as your relations with the company were concerned? A.—As far as we were concerned we desired to withdraw and get away from the company.

Q.—Then in what way was Mr. Boland concerned with the Sapphire Corundum Company? A.—Well, Mr. Boland had introduced or spoken to several gentlemen, prominent gentlemen, Senator Brodeur, D. W. Karn, and several other persons with regard to becoming incorporators on the board. These gentlemen had not attended the meeting, and I thought they should be communicated with, and the facts presented to them just as they were.

Q.—And that was the reason why you wanted to see Mr. Boland? A.—We were discussing and deciding as to who should do that.

Q.—It was a matter you considered of great importance, the position of that company, and the names in connection with it? A.—Yes.

Q.—And you wanted Mr. Boland, who had been acting in that way, to have an interview with you? A.—Yes.

Q.—Then he got up to your office about what time on the 10th? A.—About 11 o'clock or a few minutes thereafter.

Q.—While he was there did anything take place with regard to the letter of the 10th? A.—Yes, I dictated the letter to Mr. Myers while he was there.

Q.—Will you just tell us how you came to dictate this letter? A.—I dictated it at the instance of Mr. Aylesworth, who thought we should have a letter—that he should have a letter

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from Mr. Gamey as evidence that he was going to pursue the course he stated.

Q.—How did you get at the contents of the letter? How did you get the subject matter put in that way? A.—Just the pith of what Mr. Gamey had said to me the day previous.

Q.—That is about the political situation? A.—Yes, sir. At Mr. Aylesworth's suggestion the letter was drafted containing the pith of his conversation, which was this. It was merely a tentative letter submitted to Mr. Aylesworth as counsel for the Liberal party, at his own suggestion.

Q.—Was it in any way a matter that you were taking to bind Mr. Gamey in any way so far as you were concerned? A.—Not so far as I was concerned. It was not even addressed to any person by me. It was merely given to Mr. Aylesworth as an outline of a conversation that he had had with me, and Mr. Aylesworth was to use his own judgment and discretion as to what he should do with it.

The Chancellor: To be given to Mr. Aylesworth, you say? A.—Yes.

Mr. Johnston: Then up to that time had you any knowledge whatever of the position of the Manitoulin protest? A.—None whatever.

Q.—Or of the evidence? A.—Or of the evidence.

Q.—Now, Mr. Boland remained with you until what time? A.—He walked down to the Victoria with me.

Q.—The Victoria we have shown was at 12.25 at the building? A.—Yes, I called up Mr. Aylesworth's office. I was going to send it down to him. He was not in. I was going to speak

(2430)

to him over the 'phone. He was not in his office. Then I thought I had better perhaps go down myself, seeing that he had suggested it, and see if it was along the line of his idea.

Q.—Where did you find out he was?

A.—They told me he was at Osgoode Hall.

Q.—Did they tell you where? A.—In the Court of Appeal, I think it was.

Q.—Now, to come back to the buildings for a moment. Would that time as shown by the cabman be about right? A.—That would be about right.

Q.—Was Mr. Boland with you from a little while after 11 until 12.25 or thereabouts? A.—Until I walked down to the outer door.

Q.—The east wing of the buildings? A.—Yes, sir. We talked for a minute

or two on the steps before I got into the Victoria.

Q.—Then Mr. Boland had to go somewhere? A.—He said he had some business in the Crown Lands Department. I asked him if he would ride down with me. I drove to Osgoode Hall.

Q.—Whom did you see there? A.—I saw Mr. Aylesworth.

Q.—Do you remember the case that was on? A.—Yes, the case was the breach of promise case—the Sarnia breach of promise case.

Q.—It was a case in which my learned friend, Mr. Riddell, was in? A.—Mr. Riddell and Mr. Aylesworth were both in the case.

Q.—Against the doctor? A.—Middleton and Wilkinson.

Mr. Blake: Interesting, my Lord, but it does not throw much light upon the point.

(2431)

Mr. Johnston: Just because it enables my learned friend to contradict this witness if he is not right as to the day.

Mr. Blake: Mr. Aylesworth gave us the date. We are not doubting his word.

Mr. Johnston: Then you saw Mr. Aylesworth at the Hall? A.—I saw him at the Hall.

Q.—At what hour? A.—When the Court arose at 1 o'clock.

Q.—And you gave him the draft? A.—I said here is a letter along the line of Mr. Gamey's conversation. He put it in his pocket. He said he was going down to the office.

Q.—Did you tell him who was to meet him there? A.—He knew the evening before.

Q.—Now, during the time Mr. Boland was there you say you dictated the letter. Was any change made in it after it was printed? A.—Yes.

Q.—What change? A.—“Considered by me as a vote.”

Q.—That was put in? A.—After it was read over it was put in.

Q.—Put in by yourself? A.—Yes.

Q.—Or at least by your stenographer at your dictation? A.—Yes.

Q.—That was the only correction you made? A.—That was the only correction that was made.

Q.—Was it intended to be anything more than a guide to Mr. Aylesworth? A.—That is all.

Mr. Blake: I think this is going a little too far in leading the witness, the more so, as we have had Mr. Aylesworth's account of it.

(2432)

Mr. Johnston: He has already told us what it was intended for.

The Chancellor : He drafted it and gave it to Mr. Aylesworth.

Mr. Johnston : Then I ask if it was intended for any other purpose than that.

The Chancellor : What was communicated to Mr. Aylesworth I think is evidence.

Mr. Johnston : The intention is what is attacked.

The Chief Justice : I think he has already said that, has he not?

Mr. Johnston : Very well, my Lord.

Q.—Then did you give Mr. Aylesworth any instructions whatever? A.—None whatever.

Q.—Then you went back to the Buildings—went back to lunch, I believe? A.—Went back to lunch.

Q.—And did you have a Council that afternoon, do you recollect? A.—Yes, we had a Council meeting that afternoon.

Q.—Where else were you on the afternoon of that day? A.—I drove Mrs. Stratton out to the Exhibition.

Q.—And in the evening you went? A.—Out to dinner.

Q.—To a friend's house. A.—Mr. Larkin's.

Q.—And spent the evening there. Now, on the 10th day of September, was Mr. Gamey in your office? A.—He was not to my knowledge.

Q.—Was he in your room? A.—He was not while I was there.

Q.—Was Mr. Sullivan there on the 10th? A.—He was not.

Q.—Now you remember something that happened on the 10th—something that occurred in Toronto—a meeting?

(2433)

A.—On the 10th September.

Q.—Yes? A.—Yes.

Q.—What was it? A.—A meeting with Mr. Boland.

Q.—I am speaking about a general meeting, or rather a party meeting?

A.—That was the caucus of the Conservative party.

Q.—Yes? A.—Yes, I saw about that.

Q.—Do you know what day that was on? A.—On the afternoon of the 10th.

Q.—When did you first become aware of that meeting? A.—Oh, I think I saw it advertised.

Q.—But when did you first become aware of the meeting having been held? A.—I saw it the following morning in the papers, in The Mail, Globe and World.

Q.—Did you notice anything in that report that called your attention to it particularly? A.—Yes, I saw that Mr. Gamey had been there.

Q.—And had spoken? A.—Had spoken at the meeting.

Q.—Supporting? A.—Supporting Mr. Whitney and his policy.

Q.—At that time did you know what had occurred between him and Mr. Aylesworth at all? A.—Nothing whatever. I had not heard from Mr. Aylesworth.

Q.—When did you first learn of what took place between Mr. Gamey and Mr. Aylesworth at the meeting in Mr. Aylesworth's office on the 10th? A.—When he came to my office later on and asked about a copy of this letter.

The Chancellor : When who came?

Mr. Johnston : Gamey. That would be when? A.—He says the 23rd or 24th of October.

(2434)

Q.—You think that is about the time? A.—Some time about the latter end of October.

Q.—Had you known what had taken place in Mr. Aylesworth's office before that time? A.—I had not.

The Chancellor : You did not know before the 23rd of October what had occurred in Mr. Aylesworth's office? A.—No. I supposed nothing had occurred.

Mr. Johnston : Had you any control or were you exercising any control whatever in these matters? A.—None whatever.

Q.—That Mr. Aylesworth was dealing with? A.—That was with Mr. Aylesworth and Mr. Grant.

Q.—Then, having seen that, of course you knew at that time the position Mr. Gamey was evidently taking? A.—Yes.

Q.—With you on the 9th, the Conservative caucus on the 10th? A.—Yes, sir, when I get up in the morning I usually read the papers before breakfast.

Q.—But you knew early on that day the position he was taking? A.—I knew before breakfast that he had been at the Conservative caucus. I could not understand why he had been there in view of his statement to me on the 9th. I mentioned it to my colleagues at breakfast.

Q.—However, I need not go into that. It is a matter talked of. And were you at that time relying still upon Mr. Gamey's support? A.—No.

Q.—Did you at any time? A.—No.

Q.—Either before or after the 9th September? A.—No, never had any confidence in him.

Q.—Then Mr. Boland came in as he says on the 11th? A.—Yes.

(2435)

Q.—Do you remember about what time? A.—Mr. Boland 'phoned me before breakfast and we made an ap-

pointment. I wanted him to come down on his way to breakfast, or I should say to the office rather, and he said he had an appointment, he would be up about 10 o'clock.

Q.—Did he come? A.—Yes, about 10 o'clock, or a few minutes afterwards.

Q.—What was it that you were discussing? What did you want to see him about on the 11th? A.—The Nova Scotia Eastern Railway.

Q.—That was a large undertaking? A.—Yes, sir, Mr. Boland had been solicitor for the company.

Q.—Were you financially interested in that railway? A.—I was and am.

Q.—To a very large extent? A.—To a considerable extent. A railway is to be constructed, about 220 miles long. We had an appointment to go to Nova Scotia on the 22nd.

Q.—Which you did? A.—No. The Premier of Nova Scotia had just returned from the Coronation. We did not go on the 22nd. He came to Toronto two or three days afterwards.

Q.—I am speaking of the 11th September. It was important enough at any rate later on, to go to Halifax? A.—Yes, it was very important.

Q.—Both you and Mr. Boland went? A.—Mr. Boland, myself and some other gentleman connected with the company.

Q.—Now, were you discussing this matter that morning—this railway? A.—Yes.

Q.—And did you remain to discuss it at the buildings? A.—No, I thought we should confer with Mr. Coffee.

(2436)

Q.—Being what? A.—Mr. Coffee being connected with the company, and it was with a view of having a definite, distinct proposition and an alternative proposition placed before the Government of Nova Scotia, for a subsidy for the construction of the road from Dartmouth to the Straits of Canso, and from Country Harbour to New Glasgow.

Q.—How much was involved altogether in this matter? A.—Between five and six million dollars.

Q.—What position did you hold in regard to the Company? A.—I occupied the position of President of the company.

Q.—And Mr. Boland? A.—Mr. Boland was solicitor.

Q.—And Mr. Coffee? A.—He is a director of the company.

Q.—And any other gentleman in Toronto connected with this railway? A.—Mr. McCormack, Mr. McLeod—the late Mr. McLeod, and Mr. Kloefer, and several Nova Scotians.

Q.—I am not troubling about these men, but most of these colleagues of yours seem to have been Conservatives? A.—Nearly all. I think perhaps absolutely all. Wait until I see—

Q.—And so far as the Toronto men are concerned, there would be yourself, Mr. Boland and Mr. Coffee? A.—Yes, sir.

Q.—Then, did you discuss it at the Buildings in your room? A.—We commenced to discuss it, but we could not do it satisfactorily; we had not all the correspondence there. I had some correspondence and had received a telegram from a gentleman in Nova Scotia with regard to the matter, and I thought we had better go down.

Q.—So you went down? A.—So I went down.

Q.—Can you tell me about what time you left on that day? A.—A few minutes after 10.

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Q.—Then you walked down and got to the Trust Company about what time? A.—I think it was a little before 11, because we left a few minutes after 10, and it usually takes 20 or 25 minutes to walk leisurely down. We were there before Mr. Coffee had his correspondence opened and answered.

Q.—It is not an unusual thing for you to walk down? A.—It depends upon how busy I am. I frequently walk down.

Q.—It is not once a year? A.—Oh, no.

Q.—And was Mr. Boland with you? A.—He was.

Q.—Now, was Mr. Gamey, or Mr. Sullivan in your office, one or both, on the 11th September? A.—He was not in my office while I was there on the 10th or 11th September.

Q.—Did you see him again after the 9th September until you saw him in October? A.—No.

Q.—Was he ever there in the fall of 1902 for two consecutive days? A.—Never.

Q.—Was he there twice in September on any days? A.—No.

Q.—To see you I mean? A.—No. He may have been in the Buildings, but not in my office.

The Chancellor: Only saw him once on one day in September. A.—One day in September.

Mr. Johnston: Had you anything to see him about? A.—Nothing whatever.

Q.—Then you are now down at the Trust Company and you remained from about 11 o'clock or so until what hour? A.—I remained with Mr. Coffee until about 1 o'clock, and Mr. Boland—Mr. Boland was out—I left Mr.

Boland at the door and went into the Trust Company. I went in and shook

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hands with Mr. Holland, who had just returned from a trip for the Dominion Permanent, spoke to him for a minute, came back and had a talk with Mr. Coffee. Mr. Boland was away fifteen or twenty minutes. It did not seem long. Perhaps he was away twenty minutes. I was not out of that building until 1 o'clock or after 1 o'clock. When Mr. Coffee left for lunch about 1 o'clock I signed some documents, and went into the back room and signed some documents. I left there at half-past 1 o'clock, as far as I can recollect, and I went over to Mr. Guinane's and bought a pair of shoes, I put them on and wore them up.

Q.—From whom did you buy them?
A.—From Mr. John Guinane personally. I left him the other pair, told him to give them to some person.

Mr. Blake: They were paid for?

Mr. Johnston: Oh, yes.

(2439)

Mr. Johnston: Oh, yes.

Witness: I left the other pair there. I got back to the buildings about two o'clock and had my lunch, and went back to my office about half-past two.

Q.—And finished your work? A.—Dictated some letters; closed the correspondence for the day.

Q.—Now, let me just put the matter perfectly straight, Mr. Stratton. Did you upon the 9th, 10th or 11th September pay Mr. Gamey any money? A.—I did not.

Q.—Did you pay any other person money for him? A.—I did not.

Q.—Did you give Frank Sullivan \$3,000 to divide between him and Gamey? A.—No, nor three cents.

Q.—Did you send a man with a package or parcel to the smoking-room, with instructions as to what should be done? A.—I did not.

The Chancellor: Well, at that time, you had not, as I understand you, this letter which you had given to Mr. Aylesworth? A.—I had not heard of it after I gave it to Mr. Aylesworth. I did not know what was done with it until later on.

Mr. Johnston: Now, I will take the book, and I will take this man's statement, and see what he says.

The Chancellor: Who are you reading from now?

Mr. Johnston: Volume 1, Mr. Gamey's evidence.

Q.—Did you know anything at that time, or at any time about any talk between Mr. Gamey, if such talk existed, or took place—between Mr. Gamey and anybody else with reference to the Algomias? A.—No, none whatever.

Q.—Did you know anything about D. A. Jones? A.—No, I have not had

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a conversation with D. A. Jones in two years, nor a memorandum from him nor a letter from him of any kind whatever.

Q.—Had he or Frank Sullivan, or Captain Sullivan any authority directly or indirectly, expressly or impliedly from you? A.—None whatever.

Q.—In any shape or form? A.—None whatever.

Q.—In regard to any business of any kind? A.—On any business of any kind.

Q.—And if letters were written by Mr. Jones, or by Mr. Sullivan, did you know about any such letters being written? A.—I did not.

Q.—Or ever know of them until this matter came up? A.—Until this statement was made in the House.

Q.—Did you ever see any agreement or any proposal of any kind about Mr. Gamey really intending to support the Government, excepting the letter that you sent to Mr. Aylesworth? A.—Nothing whatever.

Q.—And you never saw that signed until you say the meeting in October? A.—Until October when he called to—.

Q.—Do you know whether yourself or any member of the Government was seen with reference to being convinced that Gamey would support the Government? A.—Not to my knowledge.

Q.—Were you ever seen? A.—Never.

Q.—Anything shown to you to convince you, or to try to convince you? A.—Nothing.

The Chancellor: No document produced by Frank Sullivan or Sullivan? A.—None whatever, my Lord. I never heard of it until I heard it in the House.

Mr. Johnston: Now, Mr. Gamey says, page 69, volume 1: "He. Strat-

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ton, said he understood I was talking of supporting the Government, and that I should get the patronage, the election petition would be withdrawn, and he spoke about consideration." Is that true? A.—Who says that?

Q.—Mr. Gamey said that is what was said. A.—It is not true.

Q.—There was not any money mentioned between us that day, but there was to be something of value given, some arrangement was to be carried out, of consideration of some kind. A.—The word "consideration" was not used in any form other than that he asked to have the same consideration given to him that was given to any other Government supporter.

The Chancellor: We have had that.

Mr. Johnston: And you told him? A.—I told him no doubt he would.

Q.—You have told me what you stated? A.—Yes, sir.

Q.—He says you were not ready on the 10th to carry out this arrangement that he and Sullivan had talked over, about consideration, and that you spoke about wondering who would handle the parcel. A.—Mr. Gamey never directly or indirectly mentioned any money, or consideration to me in his life.

Q.—Anything said about handling a parcel one way or the other? A.—Nothing whatever.

Q.—Was Vance's name mentioned? A.—Never.

Q.—That you were wondering if Vance was in the city, spoke as if Vance would be a good person to handle the parcel, if he was there, although he did not say so in those words, any such thing? A.—No such thing took place.

(2442)

Q.—Nothing that he could draw any such inference from? A.—No.

Q.—Then at page 71 he says, "There was some discussion in regard to the license board on that occasion. I spoke as if we would have a new license board for the riding." A.—On what occasion?

Q.—On the 10th? A.—No, there was not. He spoke something about, if the constituencies were changed, if there would be inspectors or commissioners for the various ridings.

Q.—But nothing was said about appointments? A.—Nothing said about appointments.

Q.—That was on the 9th September you were speaking about the conversation? A.—Yes.

Q.—I am speaking about the 10th. Was there any such conversation with Mr. Gamey on the 10th? A.—I had no conversation on the 10th.

Q.—Then take it as the 9th. He says he was to sign a letter agreeing to support the Government, and one was prepared? A.—Not at that time.

Q.—Was there any such arrangement made that he was to sign a let-

ter agreeing to support the Government? A.—There was no such arrangement made with me, or with Mr. Gamey, or anyone with regard to Mr. Gamey giving his support to the Government. The letter was purely as I dictated it at Mr. Aylesworth's suggestion.

Q.—Now he says that you told him no matter what day it was, the 9th or the 10th—that you told him that he might make some appointments up there to satisfy his friends,

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because it would be necessary to do something for them, that they would not be satisfied with my turning over to support the Government, unless they were arranged for in some way or another. Did that take place? A.—That is a pure invention. He never mentioned it.

The Chancellor: What page is that? Mr. Johnston: 71, my Lord.

Q.—Then at page 73, he says you were not ready to carry out the full extent of the deal on that day, whatever day it was, and that he (Gamey) would have to sign that letter sometime, that you were not quite ready to pay over the payment that he expected to get, and that the payment and the signing of the letter were part of the deal that he was to sign the letter, and it was another part of the deal that he was to receive the payment when he signed it? A.—That is all untrue.

Q.—At page 74 he says he saw the letter in your place first. Is that true? A.—He did nothing of the kind. He did not do so.

Q.—Page 77, line 22, he says, that by arrangement with Frank Sullivan, he called at your office on the forenoon of the 11th, the day, at any rate, after the letter was signed, "We went into Mr. Stratton's office, Frank Sullivan and I, and he was not in." That was the day after the 11th, you will remember. "We waited there for sometime, and after quite a time he came into his office, he said everything was ready and arranged for, and seemed to be in quite a hurry for me to get through." A.—That is untrue.

Q.—He said, "Now, you and Sullivan go down to the smoking-room,

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and wait there, and this parcel will be brought down, he took an envelope out of his pocket, laid it down on the table in his office on his desk rather, and said this parcel will be brought down." A.—It is absolutely a manufactured statement; absolutely false.

Q.—And it would be left in the smoking-room for him, and that you told him anything you want in regard

to appointments up in your riding, write and let me know at any time, and I will attend to it for you, come and see me at any time you come down, and make all the arrangements necessary. Is that so? A.—That is not true.

Q.—As a matter of fact, did you ever make a single appointment that he recommended? A.—I never made a single appointment he ever recommended. I never asked him to come to my office. He never came there except at his own instance.

Q.—That never happened, you say, whether you fix the date as the 9th, the 10th or the 11th, or any other day? A.—He was not in my office when I was there at any day in September, except the 9th.

Q.—Now a good deal has been said with reference to the money, \$3,000. I suppose if you wanted to get \$3,000, there was no trouble about getting it? A.—Yes, or \$30,000.

Q.—Or \$30,000, if you wanted it? A.—No trouble on that score.

Q.—Of your own moneys, so far as that is concerned? A.—Of my own moneys.

Q.—Then did Frank Sullivan see you at all after the time that you spoke of on the 9th day of September? A.—Yes, he saw me the day before the House opened.

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Q.—I do not want to go to that. I mean up to the time of the opening of the House, or about that time, had he seen you during all these intervening months? A.—No, he had not. He had not spoken to me.

Q.—That is what I mean, because the letters indicate a very intimate knowledge? A.—He had not spoken to me, or written to me.

Q.—His letters indicate a rather intimate relationship with the Minister? A.—I saw that, but that never existed.

Q.—And that instead of his doing what you told him, you were doing what Frank Sullivan said. Did that relationship ever exist? A.—Never.

Q.—In the slightest degree? A.—In the slightest degree.

(Adjournment 1 p.m. until 2 p.m.)

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AFTERNOON SESSION.

Monday, May 4th, 1903.

Examination of Mr. Stratton continued:

Mr. Johnston: Now, on the 9th, 10th and 11th of September, who were employed in your office? A.—Mr. Costello as messenger, Mr. Burrows, Mr. Myers, and occasionally Miss Durkin.

Q.—Were those all the employees? A.—Those were all the employees, that is in my private office.

Q.—Of course, I am not speaking about the Department at all. Then, what was the next time you saw Mr. Gamey, assuming his date to be correct, about the 23rd or 24th of October? A.—At that time.

The Chancellor: Do you say the 23rd or 24th, you do not fix it more definitely? A.—No, my Lord.

Mr. Johnston: How did he come to see you at that time? A.—I don't know. I suppose he came of his own accord.

Q.—He came at no suggestion of yours? A.—None whatever.

Q.—Then, when did you see him on that day, whatever day it was? A.—In the morning.

Q.—Early? A.—He usually came between 9 and 10 o'clock, around about that time.

Q.—Were you alone that morning when he came in? A.—Was I alone in my office?

Q.—Yes, in your room? A.—I could not say definitely and distinctly as to that. I think one of the deputies—

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Q.—No, I am speaking of outsiders. A.—Oh, I was alone.

Q.—No outsiders there? A.—No, certainly not.

Q.—Then, when he came in, what was the conversation between you? A.—He came in and shook hands, and spoke in a general way for a moment, and he said I would like to get the letter that I sent to the Premier, that he had, after the conversation that he had with me on the 9th, he had signed the letter in Mr Aylesworth's office on the 10th.

The Chancellor: You found this out, do you say? A.—Yes.

Mr. Johnston: No, he told him that.

The Chancellor: He told you? A.—Yes, he told me. And he had gone to the Conservative Caucus that afternoon because he had been urged to go by some of his Conservative friends that had gone to the Walker House for him, and he had gone there much against his own wishes and desires, but he desired now to withdraw that letter and send the Premier one at a subsequent date, and suggested that he would be home on the 27th or thereabouts, and to have the letter dated not the date of the 10th September, but about the 27th, when he would be at home.

Q.—What did you say as to that? A.—I said I did not have the letter; that I had not seen it since I handed

it to Mr. Aylesworth. He urged very strongly that he would like to get the letter, as it placed him in a very embarrassing position to have a letter in the Premier's hands dated the 10th of September, the day upon which he attended the Conservative caucus. He

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He said he had his mind made up very firmly on the 9th of September to support the Government, but after the speeches he had heard at that meeting that afternoon, he was more firmly convinced than ever that Mr. Whitney could never lead the opposition to victory in this Province. I said to him that I would endeavor to get him a copy of the letter, that I did not have it, and mail it or give it to him. He left after a general conversation, in which he stated that he was going to mail the Premier this letter, a copy of this letter from Gore Bay, and that he was going to call a meeting of his constituents and announce the course he proposed to pursue. I said to him, I thought that was the correct course for him to pursue. He said he had not any doubt whatever that his constituents would endorse him in giving his support to the Government.

Q.—Was there anything said about appointments on that day? A.—No, nothing particularly. The getting of the letter from the Premier, and to get a new one sent there instead seemed to be the main thing that he was after.

Q.—Anything discussed about the Crown Lands on that day? A.—Yes, he desired to get a position for his brother. He did not want, he said, to have him in the inside service, because the Conservatives during the Session would find out that he was in the inside service, and it would be embarrassing to him, and he preferred having him in the outside service, where, perhaps, it would not be known.

Q.—What did you say to that? A.—I told him he would have to see the

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Commissioner of Crown Lands, that it was a matter which belonged to his Department.

Q.—Do you as a matter of fact interfere with the appointments belonging to other departments? A.—No, I think if you ask my colleagues, they will tell you that they have no trouble from any interference on my part with regard to their departments.

Q.—Then, that interview was a short one, apparently? A.—Well, 15 or 20 minutes.

Q.—Anything said on that occasion about money consideration, or patron-

age, or anything else? A.—Nothing whatever.

Q.—The next time you saw him was when? A.—The 23rd of October—I did not see him then until January.

Q.—He gives the date as the 13th, would that be about right? A.—I would assume so. It was after the bye-elections, at any rate.

Q.—How did he come to see you after the bye-elections? A.—I don't know.

Q.—He says that you wanted to see him, is that correct? A.—I did not send for him. I expressed no desire to see him, to anyone.

Q.—Did you ask to see him? A.—No.

Q.—Directly or indirectly? A.—Directly nor indirectly.

Q.—Did you know he was coming? A.—Not until he arrived.

Q.—Who came in with him, or at the same time practically, from your office? A.—I think that is the occasion that he and Mr. Vance were there, and both cards were brought in to me at the same time by Mr. Costello.

Q.—Well, at any rate, Mr. Gamey came in and saw you? A.—After Mr. Vance.

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Q.—Did anybody come in with him? A.—No.

Q.—Anybody come in immediately after? A.—Mr. Myers. Mr. Costello showed him in on that occasion. Mr. Myers came in with him when Mr. Gamey was coming in. Previously to receiving the card, I had sent them, rang, squeezed the button for Mr. Myers, and Mr. Myers came in, following Mr. Gamey, and brought in the letters.

Q.—What discussion took place between you and him on the 13th? A.—He first of all spoke about the lock-up keeper, he complained that the lock-up keeper at Little Current was the hotel keeper, and he thought that it was a very inconsistent position for a man to occupy to be lock-up keeper and hotel keeper. "Fill them full, lock them up and let them out," was the expression he used, or to that effect. I quite agreed with him. I immediately sent for Dr. Chamberlain.

Q.—How did you send for him? A.—I pressed the button.

Q.—You have connection with that office? A.—We have connection with all the heads of the department.

Q.—Did Dr. Chamberlain come in? A.—Dr. Chamberlain came in immediately.

Q.—Was Mr. Myers still there? A.—Mr. Myers was still there.

Q.—Then did you discuss the matter with him in the presence of Dr.

Chamberlain about the lock-up? A.—I did.

Q.—Anything further discussed on that occasion? A.—Well, he thought that the lock-up keeper should be removed, and the lock-up improved, rebuilt, something done, at any rate, to improve its condition. I said to Dr. Chamberlain that he had better look

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into the matter, and make a report to me. Mr. Gamey desired to have the appointment of a lock-up keeper. I think he mentioned the name of Mr. McEachren, that he desired to have appointed. I said to Dr. Chamberlain that he had better make a report to me on the matter, inquire into it, and see if the facts were as reported, and make a report.

Q.—Then was there anything else discussed between you? A.—Yes, he discussed as to what they proposed to do with regard to a License Inspector, and License Commissioners. I listened to him, and he gave his ideas as to what he thought ought to be done.

Q.—And you told him when these appointments would be made, did you? A.—I said nothing would be done with regard to the making of the appointments until after the session of the House, until, I mean, after the opening of the session.

Q.—What were you going to do with reference to these appointments, if anything? A.—Well, at the opening of each session of the Legislature, we have visits from numbers of the most influential and prominent men, Liberals and Conservatives, in the district, the various outlying districts, that come down wanting almost everything under the sun for their various districts, and we have an opportunity then of conferring with them with regard to matters pertaining to the outlying districts. At this time, or prior to this, an Order in Council had been passed arranging for the appointment of License Inspector and Commissioners for the various ridings of this district that had hitherto been one, I think it was one constituency. It was divided in-

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to three. I said to him that the appointments would have to be made, would not be made, until the opening of the session. Mr. Gamey said, "Why don't you do something for my brother?" I told him he would have to again see the Commissioner of Crown Lands with regard to that. He said that I might get that done for him. I told him I did not interfere in the department, that if he desired to see the Commissioner of Crown Lands he could see him himself.

Q.—Then did his political situation come up in any way? A.—Yes; I said to him when I said that we would have to confer with our friends, our political friends, with regard to these appointments. He said, "Then you don't consider me a supporter of the Government?" "Well," I said, "you take a very peculiar way of showing your support and appreciation of the Government. You came to me early in September and you stated that you were going to support the Government, give the Government your hearty support; you sent a letter to the Premier verifying what you said to me, you at the same time attended a convention of the Conservative party of Ontario, and denounced the Government, then you came back in October and desired to withdraw the letter sent to the Premier and substitute another letter of a later date, therefore showing the inconsistent position you occupied on the 10th, and now you have just returned from North Perth, where you have taken part in the bye-elections, and you desire to show your appreciation of the Government in this way and your hearty support. We propose to consult our friends with regard to these appoint-

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ments, as we do. Had you been?"—he did not seem to like the tone of the conversation very much.

Q.—Did you state to him what he should do in any way? A.—I said to him that if he had his mind made up, he emphasized the fact that he had again been induced to go to North Perth, that they told him about the campaign they were going to put up, and the defeat of the Government was sure, they were going to win the bye-elections, and he thought he had better go, he knew he could not do any harm or any particular good. I said to him, "Evidently you did not do very much harm." Then I said to him, "Now you told me you were going to call a public meeting, and announce your position to your constituents; you did not do that. The only way for you to pursue, the only course for you to pursue, is for you to either call your meeting, write a letter to the press, or publish an interview stating the course you intend to pursue; the only frank and square way to do is to announce it in that way."

Q.—What did he say to that? A.—Well, he said he had spoken to a great many of his constituents, and they had endorsed that course, endorsed the course he was pursuing. Then he said, "I think the best way to place myself before the people is by an interview." I said, "Then why don't you do it, you said you were going to do it, if you are going to an-

nounce yourself, I think you should say so frankly and squarely to the press, and give your reasons."

Q.—Well, he agreed to that, did he?
A.—He agreed to that.

Q.—What did he say about the interview, just let us get the general character of the conversation, as to how the

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interview was to be got up? A.—He asked me if I would prepare one for him. I said, "No, he had better prepare it himself." He said he did not know just how to do that. I said that it was not a difficult matter, that if he desired to be interviewed, any of the newspapers would publish his interview, but he suggested that he would rather give it to them in a definite and distinct shape so that there could be no misconception placed upon his attitude, and urged me to prepare it for him.

Q.—What did you say? A.—I took down some notes of what he said, and while I was taking down the notes, he said, well, I think I had better confer with my friends a little more fully with regard to this, and I will come down later on and I will announce it then.

Q.—Did you take down what he said to you as nearly as you could? A.—Yes.

Q.—In pencil? A.—In pencil.

Q.—Then was that all that practically took place on that interview of the 13th of January? A.—As far as I can recollect just now.

Q.—Now on the 23rd of October interview, did you know at that time whether his protest had been disposed of, or when it was to be disposed of? A.—I did not.

Q.—Whether it was the 5th of October or 25th, you did not know? A.—I did not.

Q.—He says the reason given was a suggestion of yours to have this letter post-dated after the disposition of his protest. A.—There was no suggestion from me. His statement was absolutely and distinctly that he desired to withdraw that letter so as to change the date on it on account of his having a Conservative caucus.

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The Chancellor: Did you know where the letter was? A.—Not at that time.

Q.—Apart from his own statement? A.—No.

Mr. Johnston: Then your next interview, I understand, was, according to

Mr. Gamey, on the 28th day of January? Do you recollect that? A.—No interview. I recollect his telephoning me on the 28th of January.

The Chancellor: Telephoned you from the city did he? A.—Yes, my Lord, on the 28th of January. I was in my office in the forenoon, and Mr. Myers, I think it was, said that Mr. Gamey desired to speak to me. I connected my 'phone, made the usual connection and spoke over the 'phone. He said Mr. Gamey is speaking. I said yes. He said, I would like to see you to-day. I told him that I could not see him to-day, that I had the annual meeting of the Trust and Guarantee Company on that afternoon, and my time was fully occupied, but that I would seem him to-morrow. He said what time. Well, I said, say to-morrow afternoon about 2 o'clock. He asked me if I had the interview ready; I told him no, but I would have it ready for him by that time. He switched off, said that would do, and that was the end of it on the 28th.

Mr. Johnston: Did he see you on the 29th? A.—Yes, he did.

Q.—About what time did he see you on the 29th? A.—After I came back from lunch he was, I think, there waiting for me.

Q.—And in the meantime what had you done with reference to the so-call-

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ed Globe interview? A.—I rang the button, Mr. Yokome came in, he was doing some work for me in the outer office. I dictated to him the interview practically as it appeared, and practically as it is on file in court. I said to him after he had extended, he writes longhand, after he had it extended, to give it to Mr. Myers, and have Mr. Myers make a duplicate copy of it. Mr. Myers made a duplicate copy of it, and it was on my desk when I returned in the afternoon between 4 and 5 o'clock from the annual meeting of the Trust Company.

Q.—Then you saw Mr. Gamey later on, did you, on the 29th?

The Chancellor: That is next day? This is the 28th? A.—The 28th.

Q.—It was placed on your desk on the 28th?

Mr. Johnston: I am speaking now of the 29th. A.—Yes, he came in to see me on the 29th about 2 o'clock.

Q.—Who is Mr. Yokome? A.—Mr. Yokome is in my employ at Peterborough, and I frequently have him come to Toronto to do special work for me, newspaper work sometimes.

Q.—Is he a newspaper man? A.—Yes.

Q.—And in the afternoon of the 29th you saw Mr. Gamey? A.—I did.

Q.—About what hour? A.—About lunch. Perhaps 2 or 2.15.

Q.—Did you have any conversation with him on that first meeting? A.—In the afternoon, yes.

Q.—What happened? A.—He came in and asked me if I had the interview ready, I said I had. I gave it to him, and he thought it was a little too strong, he thought it was perhaps going a little further in his support to

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the Government than he would care to announce. He said that he would take it away and make some alterations in it and let me see it during the afternoon. I told him that we had a council meeting in the afternoon, and that I could not see him until after council. We usually at that time of the year do not get out of council until between 5, or sometimes 6 o'clock, or sometimes afterwards. He took away the copy with him.

Q.—Did you see him again that day? A.—I did, about a quarter to six, or about six o'clock.

Q.—Did he bring back the interview? A.—He brought back the interview.

Q.—What condition was it in? A.—It was changed and altered.

Q.—In the condition in which it appears here? A.—In the condition in which it appears here.

Q.—Have you seen it here? A.—No, I have not seen it since it was put into court.

Q.—This is it? A.—Oh, as far as I can tell, these changes were made, and that was made, the writing was all made. I suppose that was made. I could not say. I remember distinctly the writing was made.

Q.—When he brought it in, was anything said between you? A.—No, he said he had moderated it.

Q.—Did you look at it? A.—I did.

Q.—Did you express any approval or disapproval? A.—I did not express any approval or disapproval.

Q.—Then what was done? A.—He went out and gave it to Mr. Hammond.

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Q.—That is as far as you know? A.—As far as I know.

Q.—Did you see him again? A.—That evening?

Q.—Yes. A.—No.

Q.—Was Mr. Frank Sullivan there that evening? A.—Not to my knowledge. I did not see him.

Q.—Did you have any parcel, or money, or bills of any kind that you gave to Mr. Sullivan on that evening? A.—I had not.

Q.—An envelope? A.—No.

Q.—Did Gamey? A.—No.

Q.—Or anybody? A.—None whatever.

Q.—Then, so far as the interview is concerned, there was no money passed, directly or indirectly? A.—Directly or indirectly, between Mr. Gamey, Mr. Sullivan or myself.

Q.—When did you next see Mr. Gamey? A.—I saw him in the Legislature.

Q.—That was the only time you saw him? A.—That was the only time I saw him.

Q.—Did you see Frank Sullivan before you saw Gamey in the Legislature? A.—I saw Frank Sullivan the day before the House opened.

Q.—Where did you see him? A.—I am pretty certain it was the day before the House opened. I saw him in the corridor.

Q.—That would be the 9th of March? A.—Yes.

Q.—The House opened on the 10th? A.—Yes.

Q.—Did he speak to you? A.—Yes, I was going to the Premier's office and he motioned to me and I stopped for a moment. He said "I don't believe that fellow Gamey is going to support the Government." I said I did not care whether he did or not, I never expected that he would.

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Q.—You passed on? A.—I passed on and left him.

Q.—Tell us what took place before I go into Mr. Gamey's statement for a moment, what took place with reference to that letter of September 10th, with regard to the copy I mean, where did you get the letter? A.—I went to the Premier's office to see the Premier. He said that the Premier had the letter. The Premier was out.

Q.—This would be about the 23rd of October? A.—About that time, I cannot fix the date. He fixes it the 23rd or 24th.

Q.—You do not contradict him as to that? A.—No, I don't know anything about the date.

Q.—Did Mr. Gamey say anything about how the Premier got the letter? A.—He left the impression upon my mind that he had sent it to the Premier.

Q.—At any rate, you knew nothing of it? A.—I knew nothing of it.

Q.—Then you went to the Premier's office? A.—The Premier was out.

Q.—Did you get the letter? A.—I did, I went to the Premier's private secretary and I asked him if he had a letter from Mr. Gamey.

Q.—What did you do with it, I do not care what took place between you and the secretary? A.—I had a copy of the letter made and gave it to Mr. Myers to mail to Mr. Gamey.

Q.—Who made the copy? A.—Mr. Ford.

Q.—Will you tell me how Mr. Ford came to make the copy? A.—I met Mr. Ford as I came out of the Premier's private office, at least where his officers work, his private officers, the ante-room, and I met Mr. Ford there, and I asked Mr. Ford if he would make a copy of this for me, that my secretary was busy.

Q.—Was that the fact that he was busy? A.—That was the fact.

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Q.—Did you say anything more to Mr. Ford than that? A.—I did not say anything more to him. I said to him to date it the 27th, that Mr. Gamey wanted it dated the 27th.

Q.—Then shortly afterwards you got the letter or the copy? A.—It was on my desk when I came back.

The Chancellor: What was on your desk when you came back? A.—The original and the copy of the letter of the 10th of September.

Mr. Johnston: Was there any other reason for getting Mr. Ford to make this copy, excepting what you have told us? A.—Nothing whatever.

Q.—Any significance in it whatever? A.—Nothing whatever. Mr. Ford had done a great deal of work for me during the summer, while the Premier and the Attorney-General were in England. The secretaries of the various departments performed the work that had to be done by the different departments, no matter what Minister transacted that business.

Q.—They would not have very much to do? A.—No, they did not have very much to do, but I had a good deal of work to do with Mr. Ford, and he and I became pretty—

Q.—I know that, but when the Ministers were away their private secretaries had very little to do? A.—Oh, very little to do, except it was given to them by the Ministers.

Q.—Then what did you do with the copy of the letter you got? A.—I gave that to Mr. Myers.

Q.—With instructions? A.—To send it if it could reach the Walker

House to-day to send it to the Walker House, and if it did not reach the Walker House to send it to Gore Bay, as he expected to leave the Walker House that night.

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Q.—And the original? I sent back to the Premier's office.

Q.—And then you never saw it until when? A.—Until it appeared here.

Q.—Did you know or hear of anything in connection with timber deals, mining concessions or anything of that sort as regards the Sullivans, Gamey or Jones, or any of these people? A.—I heard nothing about them whatever.

Q.—They do not belong to your department? A.—They do not belong to my department.

Q.—I will tell you what Mr. Gamey says with regard to the 29th of January. Page 126, "I went back after 6 o'clock," and he showed you the interview and you said that that would do, you guessed, and that you told him, "now you take it out to the other office and give it to The Globe reporter, and that money question will be arranged, I will fix up the money." Is that true? A.—It is not true. Absolutely untrue.

Q.—"He said to me we would get a payment, a cash payment with that of \$1,000 if I signed that interview. That is what Sullivan said, so that he understood what Mr. Stratton meant by the money." "When I was talking to The Globe reporter Mr. Frank Sullivan came into that office, that is the outer office of Mr. Stratton, and he said, "Well, I am ready now," so I got up and started out with him, and Mr. Sullivan went out into the hall ahead of me. Mr. Stratton and I spoke a moment or two in the vestibule between the two offices." Is that correct? A.—I did not.

Q.—"And Mr. Stratton said I have given Frank Sullivan so many fifties, twenties, tens and fives, making \$1,000." Is that true? A.—It is not true. It is purely an invention.

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Q.—Had you given that to Frank Sullivan? A.—I had not in any manner, shape or form.

Q.—Is it true that you told Frank Sullivan you had \$750 in your own office and got \$250 out of the Attorney-General's Department? A.—It is untrue.

Q.—Had they money in the Attorney-General's Department? A.—I tried

once to get a five-dollar bill changed in the Building, and could not get it done.

Q.—In that Department? A.—Yes.

Q.—There is no money-producing branch in the Attorney-General's Department? A.—Not to my knowledge.

Q.—Then, he says that in the afternoon he had spoken of writing a letter to Mr. Whitney, that he agreed to write a letter that night to Mr. Whitney, telling him of his taking an independent stand? A.—He never mentioned Mr. Whitney's name to me on that occasion.

Q.—And that you said Mr. Whitney should know something about it? A.—I was not troubling myself about Mr. Whitney. I never said anything of the kind.

Q.—Then he says at page 140, "Mr. Stratton told me I would have the patronage of the riding and I sent a list of road grants that would be required for the riding." A.—And I transferred them to the Department of Public Works that has charge of Colonization Roads. I promised him no patronage, none whatever. The most I said to him was what I stated a few moments ago.

Q.—He says that at that same interview, on the 29th of January that occurred, and "I furnished the names of the License Board on his return and also a lock-up keeper at Little Current? A.—It is not true. I told

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him that no appointments would be made until after the opening of the House. We had not had any report from Dr. Chamberlain with regard to the matter.

Q.—Now, after the 10th day of September, or the 9th day of September, the first letter that I find is one of September the 29th from Gamey to you about the petition of the lumber company to have Thomas Flesher appointed a J. P. Is that the first correspondence that you had? A.—That is the first correspondence that I had with him. (Exhibit 7.)

Q.—And what did you do with that? A.—I transferred it to the Attorney-General's branch.

Q.—By a letter dated October the 2nd? A.—I suppose so, if that is the date of it.

Q.—See if this is the letter? A.—Yes.

Q.—October the 2nd, that is Exhibit 7. A.—That is the letter and the petition.

Q.—Then, the petition was forwarded you say at the same time. Now, your next correspondence with

him was, you wrote on the 2nd of October to Mr. Gamey? A.—I did, twice.

Q.—Acknowledging his letter re Flesher? A.—Yes.

Q.—And telling him you had transferred it to the Attorney-General? A.—Yes.

Q.—Then "The estimates are being prepared for the coming Session and I will ask the Minister of Public Works to speak to Mr. Boyd." A.—When the estimates are being prepared." Yes.

Q.—That was that he might know in a quiet way that he might consult him? A.—No.

Q.—What was your statement with regard to that? A.—He had spoken to me with regard to Colonization Roads and his letter had some reference to them.

(2468)

Q.—It says, "Might let Mr. Boyd know in a quiet way that he might consult me." That is what Mr. Gamey wrote you on the 29th September. Then your letter is, speak to Mr. Boyd in the direction intimated in your letter. A.—Yes, that is in the direction that Mr. Latchford would refer perhaps his recommendations, as he always does, to the Inspector of Colonization Roads for his approval. When I say "always does," perhaps not the invariable rule, but most general.

Q.—Then he wrote on the 2nd of October about railway passes? A.—Yes, that is the same letter, if I remember correctly.

Q.—The same letter. Did you get railway passes? A.—I did not. I made no effort to get them. I referred him to the proper quarters.

Q.—The C. P. R. and G. T. R. general managers? A.—The railway companies.

Q.—On the same day you wrote to him "would you approve of the appointment of the late returning officer as returning officer for the referendum?" A.—Yes, I had intimated to him when he was in earlier on the first occasion that if I thought of it I would write him and I did so.

Q.—On the 7th of October he writes back recommending Mr. E. H. Jackson, the Sheriff, and that letter is acknowledged by your secretary? A.—I was out of the city, I did not know anything about it.

Q.—Then your next correspondence with him or him with you is the 4th of November, 1902. "Could I borrow \$2,000 and give my notes for it, repayable after the first Session." Was there any occasion or reason given to him to make such a request to you? A.—None whatever.

Q.—Did you pay any attention to the letter? A.—None whatever.

(2469)

Q.—Did you ever refer to it again? A.—I never did.

Q.—Or answered it in any way? A.—I never did. I understand since the statement was opened that my secretary acknowledged it. I think he told me, if I remember correctly, at the time—that he did.

Q.—So it was acknowledged? A.—Yes.

Q.—Did Mr. Gamey know your position with financial institutions? A.—I don't know what Mr. Gamey may have known. I supposed when I saw the letter that he wanted to borrow \$2,000. I hadn't any \$2,000 to loan him. Q.—He said "I can make some money by some timber land, that he only has an option for a week, and he does not want a delay in answer?" A.—I never replied to his letter.

Q.—Then, on the 5th of November he refers to Thomas Flesher again. A.—What does he say there.

Q.—He said "I sent in a petition a short time ago for the appointment of Thomas Flesher as J. P. at Spanish River, on Aird Island, and you told me he had been appointed." What do you say? A.—I do not remember having told him he was appointed. I don't know anything about it. He might have been appointed at that time. What is my reply to that?

Q.—Exhibit 33, this is the letter? A.—I do not remember anything about it.

Q.—Have you any recollection of anything that was done with it at all? A.—Not unless there is something to show for it. Perhaps my Secretary transferred it to the Attorney-General's Department.

Q.—That would be the proper place

(2470)

Q.—Then the next letter is that of January 13th, about the appointment of Mr. Platt? A.—As an issuer of marriage licenses.

Q.—Yes? A.—Yes.

Q.—You had no personal correspondence with him in regard to that? A.—No, he wrote with regard to that. I made inquiry and found there was already two issuers of marriage licenses at Gore Bay. There was no necessity for a third, and I did not make the appointment.

Q.—Then we have a letter put in here which no doubt you have seen or heard of, signed X. Y. Z., written by Frank Sullivan. Do you know anything about that? A.—Nothing whatever.

Q.—Did you ever hear about it? A.—Not until it appeared in the House.

Q.—Do you know anything about the instructions that were given to Mr. Gamey about attending his Executive meeting on the 16th? A.—No.

Q.—Had you anything to do with that at all? Nothing whatever.

Q.—Had you anything to do, directly or indirectly, with any of Frank Sullivan's letters to Mr. Gamey? A.—Nothing whatever.

Q.—Did you know they were being written? A.—I did not know they were being written. He had never conferred with me with regard to them.

Q.—Had Gamey ever told you that he had received letters from Mr. Frank Sullivan? A.—Never.

Q.—Then you heard Mr. Gamey's statement in the House? A.—I did.

Q.—And shortly after you sent your resignation to the Premier? A.—I did.

(2471)

Q.—Which was not accepted? A.—It was not accepted. I sent it to him on Friday, I think it was.

Q.—And this affair in the House took place on? A.—Wednesday.

Q.—Now, in your relations with Mr. Gamey from the time that you first met him down to the present time, has there been in any way, quite apart from the dates which we have been discussing, has there been any monetary or other consideration passing between you and him or intended to pass between you and him? A.—Nothing whatever.

Q.—Has there been anything, so far as you are concerned, of any corrupt nature—you know what I mean by that—between you and Mr. Gamey with reference to patronage, protest or money or any other consideration? A.—Nothing whatever. Mr. Gamey never said anything improper to me.

Q.—Or you to him? A.—Or I to him.

Q.—Or anything done? A.—Or anything whatever.

Q.—One way or the other? A.—One way or the other.

Q.—Now, in his statement in the House he says that after helping his friends in the Perth bye-elections that he saw the Sullivans, and they said that you wanted to see him, "That he was getting afraid of him since he had gone up to Perth." Is that correct? A.—No, I was not afraid of him. I never expected he was going to support the Government. I never said anything to the Sullivans about wanting to see Mr. Gamey.

Q.—He said he made an appointment with you for January 13th, and when he was called in "Stratton asked me

why I was in Perth, and I told him I had no agreement with him before the voting in the House." A.—He had no agreement with me and that was not the tenor of the conversation. He came in for patronage; he came in to

(2472)

get some appointments made, and then I thought it was a very peculiar thing for a man occupying the position he had, in view of the conversation he had had with me, to come in asking for patronage, and I said: "It is a peculiar way you have of supporting the Government."

Q.—But this did not take place as to his telling you he had no agreement with you before the vote in the House? A.—No, none whatever.

Q.—That is from the printed statement in the House? A.—He never had any agreement of any kind with me.

Q.—That you asked him why he had altered the letter, and that he gave an evasive answer? A.—I never knew the letter was altered until he made his statement in the House. The letter was not altered in my presence, because I had not the letter. I got the letter for him, gave it to Mr. Myers, and he mailed the letter to the Premier or someone for him, and I never knew, because the Premier had not mentioned it to me that the letter was amended.

Q.—Gamey mailed it to the Premier? A.—Yes.

Q.—Did you ask him what he had done with the letter, or why he had altered it? A.—No, I did not know it had been altered.

Q.—At that interview, which would be the 13th of January, did Dr. Chamberlain go out before Mr. Gamey went out? A.—No, Dr. Chamberlain remained and we discussed matters about coal for some time after Mr. Gamey left. There was considerable trouble with regard to coal for some of the outlying jails.

Q.—Then he says you gave him particulars of the coalition deal on that occasion? A.—No, I gave him no particulars of any coalition deal.

(2473)

Cross-examined by Mr. Blake:

Q.—If I did not misunderstand you, Mr. Stratton, you made the statement that after what took place on the 10th of September, read by you on the 11th, you were not relying on Mr. Gamey for support? A.—I was not.

Q.—The fact of his statement made to you differing so entirely from the statement that was made at the Conservative meeting? A.—I do not understand your question, Mr. Blake.

Q.—Was it because of the absolute difference in the statement made to you from that which was made at the Conservative Convention? A.—Partly so.

Q.—Nothing could be more different from the statement made to you, and that made at the Conservative Convention? A.—They were entirely different as reported.

Q.—Do you say there was some other element in your mind which prevented you from looking on Mr. Gamey as a supporter. A.—Yes.

Q.—What was that? A.—I had understood that Mr. Gamey was somewhat doubtful in his actions.

Q.—You had understood that he was somewhat doubtful in his actions? A.—Yes.

Q.—His actions political or in what respect? A.—Otherwise.

Q.—What do you mean by otherwise? A.—I mean that I had heard on various occasions that Mr. Gamey was perhaps not altogether to be relied upon as to his statements.

Q.—Other than political? A.—Yes, other than political.

Q.—Because you know there are a great many men whose words we

(2474)

would take otherwise, but would not take politically. You know that? A.—I have heard it said.

Q.—And possibly you have experienced it. You are no child? A.—No.

Q.—You have experienced it? A.—Well, I don't know that I have particularly.

Q.—You really say that you don't know that, but you knew then that he was a man, according to the reputation given to you, that was not to be relied upon in his statements? A.—To some extent.

Q.—To what extent? A.—To some extent.

Q.—Well, to what extent? A.—Well to some extent.

Q.—To what extent? A.—Which is perhaps equally as good an answer as the question.

Q.—I want you to give me a great deal better answer than the question? A.—Well, I will endeavor to.

Q.—Then to what extent? A.—Well, I had been told that Mr. Gamey was somewhat doubtful in his statements and that it was questionable if he would do all that he would say he would do politically.

Q.—I thought you said this was the otherwise, and now you are introducing the political element? A.—Both.

Q.—You had heard that in both, and how long before this meeting in September had you heard that? A.—Oh,

Mr. Gamey's name had been discussed for some time previously.

Q.—How long before that meeting in September had you known that?

A.—Perhaps some months.

Q.—Try and drop the perhaps and give me something certain. How long?

A.—Well, say two months, some time during the two months.

(2475)

Q.—Do you mean to say that on oath, for two months before you did know that? A.—Well, during the two months his name had been discussed.

Q.—And therefore at this interview in September you knew the class of man you were dealing with? A.—I did.

Q.—And utterly unreliable man? A.—I have found so since.

Q.—But you knew it—I am asking you your information—then, an unreliable man? A.—I have found so since.

Q.—I am asking you in September at this interview? A.—Well, you cannot frighten me.

Q.—That is impossible. A.—You may as well speak decently and quietly and I will answer you to the best of my ability.

Q.—You will observe your own demeanor, if you please, and I will observe mine. Answer the question instead of wrangling. You knew you were dealing with an unreliable man? A.—I won't put it so strongly as that.

Q.—What will you say? A.—I will say I was dealing with—

Q.—A man that was not to be trusted? A.—I was not dealing with him.

Q.—Playing with him then. A man that was not to be trusted? A.—No.

Q.—Put it in your own words? A.—A man coming to my office that had been represented to me to be careful of him.

Q.—Therefore you were dealing with a man that you had been told to be careful of, you knew that? A.—Yes.

Q.—Then you saw him and he made representations to you the day before the Conservative convention? A.—I did.

Q.—Which were that he was going to support the Government? A.—Yes.

(2476)

Q.—And the next day he went down and denounced the Government and presented himself as an out and out Conservative? A.—I believe so.

Q.—You never let him into your office again? A.—We do not prevent any person in the Province from coming in.

Q.—You do not employ anyone to keep such people out of your office?

A.—No, it is a public office, doing business for the public.

Q.—It is a public office whatever may be done in it. Then so that there may be no question, another statement that you make that the protests or the attendance on the protests were left in your hands, you remember making that statement? A.—I do.

Q.—By whom were they left in your hands? A.—By the Premier.

Q.—You prefer the term "Premier" to "Premm-e-er"? A.—Well call it "Premm-e-er" if you wish.

Q.—So that you had the Premier leaving it to you, and who else or is his word supreme in that? A.—Is the Premier's word supreme?

Q.—Yes, for leaving such matters?

A.—No, when the Premier left for the old country or prior to his leaving rather he requested Mr. Harcourt to act as Premier for him during his absence. He had a talk, I understood; I suppose that is not evidence, with Mr. Harcourt in regard to the matter.

Q.—Certainly it is not an answer to my question? A.—Wait. I am coming to your question. And he requested me to give my attention to the protests.

Q.—That was known generally by the other Ministers? A.—I suppose so.

Q.—And then you stated that you had; I did not catch whether it was

(2477)

two or three meetings, in which you arranged that there were not to be protests in a very large number of cases? A.—Yes.

Q.—How many cases? A.—I cannot say definitely and distinctly.

Q.—As nearly as you can? A.—I would think perhaps thirty on each side?

Q.—But Mr. Gamey's constituency was not embraced in those? A.—No.

Q.—And there was a petition filed against him and agents sent up? A.—I don't think it was filed against him at that time.

Q.—At which time? A.—At the time the arrangement was being made about protests.

Q.—I am not saying that it was, but there was one filed against him? A.—I believe so.

Q.—And some person was sent up to procure the information? A.—I understood so from Mr. Grant's evidence.

Q.—You know Mr. J. P. Stanton? A.—I do not.

Q.—Did you never pay him any money yourself? A.—I never did.

Q.—In one of the Greys? A.—I never did.

Q.—I am told you did? A.—I did not.

Q.—Do you know of his being paid ?

A.—I do not.

Q.—You swear to that ? A.—I do.

Q.—\$25 a day paid personally by yourself ? A.—I never did.

Q.—Did you know of his being paid that ? A.—No, I did not.

Q.—Did you know of his being employed ? A.—No, you are absolutely misinformed.

Q.—Perhaps so.

(2480)

Q.—Then you stated that you were not treating this as a crisis ? A.—No.

Q.—Would you treat nothing as a crisis unless you were absolutely defeated ? A.—Well, we had no reason to think from the information that we had that the Province was opposed to the Government.

Q.—You did not treat it, at all events, let us get at that first under oath, you did not treat this as a crisis ? A.—Well, I don't think we treated it as a very serious crisis, or the Premier and the Attorney-General would hardly have left for the old country.

Q.—Why he ran away when the wreck was coming. That is often done. A.—Oh, no.

Q.—It is open to that more than to the other ? A.—He does not run away very much.

Q.—He may be a little slow of foot, but he got out of the road ? A.—He is pretty speedy when he gets a gait on.

Q.—Is that your reason for saying it was not a very severe crisis, that the Attorney-General remained here ? A.—The Attorney-General did not remain.

Q.—That is the reason you say it was not a very serious crisis ? A.—No, I said we did not consider it a very severe crisis or the Premier and the Attorney-General would not have gone away for three months.

Q.—From the 8th of July until the 23rd of October, was not the majority just one ? A.—From the date of the reversion of the Lennox, whatever that was, I cannot give the exact date, from the date of the Lennox.

Q.—That is the 8th of July ? A.—Well, from that date the majority was one, with one seat vacant.

(2481)

Q.—Which might have reduced that to zero ? A.—Not likely.

Q.—But still it was there ? A.—Well, we might claim it as well as the Opposition.

Q.—We would have known all about it if you had issued the writ for

that at once ? A.—Well, most likely you would have, but you know the difficulty with regard to the issuing of the writ.

Q.—I do not. I know that there is a difficulty because you did not know how it was going to turn out ? A.—That is not the difficulty.

Q.—I know of no other difficulty. At all events, it was not issued ? A.—It was not issued. Is not issued yet.

Q.—No difficulty in the way now of issuing it ? A.—Perhaps this is.

Q.—This trial ? A.—Perhaps it is.

Q.—That is a very frank admission. I thank you for it. At all events, that majority of one, the moment you had named your Speaker would have made you equal ? A.—Well, we knew perfectly well there would be a number of bye-elections, from all the evidence we could obtain.

Q.—But as it stood there during these months of time that is the result that you were in ? A.—Yes, but you must keep in mind that the Legislature was not just going to meet that day.

Q.—I know it was not. There were opportunities and time for manipulations, do you mean ? A.—Time for perhaps giving the courts an opportunity of finding out how the contest had been won from the Liberals.

Q.—South Oxford you refer to, of course ? A.—No, I am referring to North Perth.

(2482)

Q.—At all events, those matters were all open and you in the meantime had a majority of one, and so you did not consider it more than a very serious crisis ? A.—No.

Q.—Well, it was so serious that you considered the question of a coalition ? A.—Not very much.

Q.—No, your mind may grasp a thing in a moment, but you did consider it ? A.—No.

Q.—You did not consider it ? A.—No.

Q.—I had understood that a coalition was a matter that was brought up as a solution of these difficulties ?

A.—Oh, there was some talk. There was some talk in the press about a coalition. Some talk, no doubt, generally by the public with regard to a coalition.

Q.—But let us get a little nearer home when we are dealing with a Minister. No quiet talk among the Ministers ? A.—Not seriously.

Q.—They made fun of it, they laughed at it in Council ? A.—There was no necessity for a coalition from our standpoint.

Q.—Was it not a thing that was discussed? A.—Oh, it could not help but be discussed by the Ministers because it was discussed on the streets.

Q.—It may have got out from the Ministers to the streets, which, I think, is very probable, but it was discussed there, at all events. Were you surprised when Mr. Frank Sullivan said to you that that fellow Gamey is going to support the Government? A.—No.

Q.—Not in the least? A.—Not in the least.

(2483)

Mr. Johnston: Was not going to?

Mr. Blake: Was.

Mr. Ritchie: Was going you said? A.—I never expected that he would.

Mr. Blake: And you were not in the least surprised at Frank Sullivan saying that to you? A.—I was not.

Q.—You and Mr. Frank Sullivan must have been on intimate terms? A.—No.

Q.—Were you not surprised when your clerk came up and said Mr. Gamey is not going to support the Government? A.—Well, I knew Mr. Sullivan was with Mr. Gamey when he came in to see me early in September.

Q.—At all events, you were not surprised when this piece of information came from a clerk in the department? A.—How could I be surprised by the actions of the man?

Q.—By being surprised. A.—Well, I was not surprised.

Q.—And you were not surprised either at the fact which you have already told me, nor were you surprised at the means of communication, Mr. Frank Sullivan? A.—I was not surprised at Mr. Gamey's actions at all.

Q.—Nor the means, I have asked you, whereby his actions were brought to your notice? A.—Not when you take the two circumstances together.

Q.—I do not care what you take, take the world if you like, but you were not surprised? A.—I had no reason for surprise.

Q.—And whether you had no reason or not, you were not surprised? A.—Going to support the Government—I had no reason to be surprised at that after Mr. Gamey saying in Mr.

(2484)

Sullivan's presence earlier in the year that he was going to support the Government.

Q.—At all events, whatever the reasons were, you were not surprised? A.—I was not alarmed.

Q.—I did not ask you alarmed, some people are surprised without being

alarmed. You have said somethings that surprise me, but they do not alarm me, and so it may have been with Mr. Frank Sullivan, you see. There is quite a difference between the two expressions. Now, let me ask you a few words about your department. You say you have given us the clerks in your own department, that is, in your own immediate office, I think you call it, but in your department, what officers are there there? A.—What officers? In Mr. Lumsden's office, he is assistant secretary—

Q.—How many sub heads have you? A.—Mr. Lumsden is assistant secretary. Mr. Christie is Inspector of Asylums, Mr. Noxon is Inspector of the Central Prison, the Penetang Reformatory, the Mercer Reformatory and such like. Mr. Chamberlain is Inspector of Hospitals, charities and the jails, and lock-ups and things of this kind in the out-lying districts, and Dr. Bryce is head of the Provincial Board of Health.

Q.—Anything else? A.—I just cannot recall. I think I have gone over the most of them.

Q.—With all that inspection if we are not kept in good order it is our own fault? A.—You approved of it for a long time.

Q.—But it has been increasing? A.—No.

Q.—Dr Bryce? A.—No, Dr. Bryce has been there for fifteen years.

(2485)

Q.—It would be better to say one suffered it rather than approved of it? A.—Perhaps.

Mr. Eiddell: Long suffering.

Mr. Blake: Then, tell me this, have each of these departments got stenographers? A.—No, they are somewhat combined. One stenographer does the work for Dr. Chamberlain and Mr. Noxon, although there is a clerk there that can assist at stenographic work when required.

Q.—How many stenographers have you? A.—I don't know how many gentlemen and ladies there are in the building that are stenographers in my department. Mr. Christie has Mr. Aikins, who writes shorthand for him.

Q.—About how many? A.—I would say there would be four or five perhaps outside of my own office, perhaps 6.

Q.—And then the clerks, who can copy in addition to these four or five stenographers? A.—Well, I would have to get a copy of the estimates to find that. I can not tell from memory all of them.

Q.—You do not know whether you would have as many of these clerks as you have stenographers, whether it

would be from 12 to 20? A.—Oh, there would be 50 or 75—50.

Q.—Those are all on your flat? A.—On two flats.

Q.—All under your jurisdiction? A.—All under my jurisdiction.

Q.—So that you have plenty of material to do your work should it be necessary? A.—Not always.

Q.—When did you find that all that you had were insufficient to do your work? A.—Well, sometimes it is not convenient to obtain a stenographer from another department just at the time you require one. There is various work going on.

(2486)

Q.—I was not asking you the question of convenience, but I was asking you if it was impossible to get the work done by the staff that you have? A.—Well, I have had Mr. Lumsden come to me several times asking for special assistance to enable him to get him work done.

Q.—We have had plenty of that, the estimates show it. I am speaking of you personally, the time when you found it impossible to get the work done in your department? A.—Well, I have had stenographers come from various departments on various occasions to do work for days at a time.

Q.—Could you give me any instance of it and the class of work? A.—Yes, I have had Miss Dent, is that her name? Miss Dent from one department. I have had Mr. Aikens from another department.

Q.—When with Miss Dent was that and what was the work? A.—Oh, I cannot give you the definite and distinct time.

Q.—Or with Mr. Aikins? A.—Whenever the work absolutely required it.

Q.—No, I want the illustration of it? A.—Departmental work.

Q.—When and where? A.—I cannot keep that in mind, just the occasion.

Q.—Had you ever asked Mr. Ford? A.—Yes.

Q.—To do the like work and if so what was it on this occasion in September? A.—Mr. Ford did a good deal of work.

Q.—Any like work and if so what was it? A.—There is not often any like work to be done.

Q.—Very well, we get rid of one difficulty, there was not like work to be done. Can you give the date of it then? A.—The date that Mr. Ford copied these letters?

(2487)

Q.—Now, I have got that, I want any other like work, what it was and

the date of it? A.—I said we did not have any other like work.

Q.—And can you give me the date of any work that you got Mr. Ford to do for you? A.—During July and August Mr. Ford did considerable work.

Q.—What kind of work? A.—Departmental work.

Q.—Give an illustration of it? A.—Work of his department.

Q.—Was it copying letters? A.—Copying letters, stenographic work. Mr. Ford was in my office almost every day during the Attorney-General's absence, unless he was out of the city, or away, or on a Saturday, conferring with regard to matters pertaining to public business.

Q.—I can understand that. Pertaining to matters of that department over which you had supervision? A.—Over which?

Q.—You had supervision in the absence of the other Ministers? A.—Exactly.

Q.—Before the other Ministers were back in September? A.—Yes, sir.

Q.—Then I might ask you when it was the Premier left and when it was he returned? A.—Well my recollection is that he left within a couple of weeks after the elections and returned the last week in August. I am speaking from memory, but I think I am correct.

Q.—The last week was it do you think? A.—The last week in August.

(2488)

Q.—And the Attorney-General? A.—About the same time, only a day or two difference, perhaps one arrived in Toronto and the other landed in Montreal, or vice versa.

Q.—And when was it that the determination was made to fight—you remember you referred to the newspapers, there was a great deal about that, and that the Government were now determined to fight? A.—We never let up on a good fight, that is continuous.

Q.—Try and answer my question and you will save a good deal of time. When was it you determined to have a fight and blew away coalition and all that? A.—I suppose you have reference to the Premier's speech where he used that expression. You will have to ask himself that question.

Q.—Had he made any utterance before that of his determination to fight the thing out? A.—I think the Premier was—

Q.—Was that the first public utterance? A.—The first published.

Q.—And what was the date of that? A.—I don't remember. It was his speech at Newmarket, was it not?

Q.—I think so. A.—I don't remember the date.

Q.—You could not put it at a week or ten days after his return? A.—I think it was later.

Q.—Then, possibly you will know by this, was it before or after your interview of September? A.—I could not say.

Q.—What is your best belief upon it? A.—My best belief is that it was later. I could not say definitely or distinctly.

Q.—Even to the month? A.—I don't think there were any political meet-

(2489)

ings held by the Premier in September. You would perhaps be able to help me out there and let me know, if I know the date I will admit it, but I cannot recall it.

Q.—I cannot pump the date into you and get it out of you as a witness. A.—Well, give it to me and I will let it out.

Q.—I will give it to you to-morrow, but you can find it in the meantime yourself. A.—I can find it in the meantime.

Q.—I want to get that date, which I think was the public utterance that was made, at all events that it was fight and no coalition? A.—After the Premier's return?

Q.—Yes, then I would like to have a word in regard to the correspondence. Do you give out all letters that are received by you and are they all put in the Departmental correspondence? A.—All letters?

Q.—Yes. A.—Not absolutely all.

Q.—That is to say, there would be letters on your own business and letters private and confidential which would not find their ways into the Departmental safe? A.—Oh, there might be a letter come to me that I would find necessary to retain on my desk for a few days for further consideration, but as a rule all the letters that come to my Department are placed on file.

Q.—I was not asking you that. If you say absolutely that all I will take that answer? A.—I won't say that, because you know differently, consequently—

Q.—Consequently you could not say it? A.—No.

Q.—Then finish the sentence in your own way? A.—No, you know differently.

(2490)

Q.—I know differently? A.—Yes.

Q.—Then tell me where you draw the discriminating line between letters that are sent to you in your Department and might be treated as Departmental letters, but which still do

not find their way on the Departmental files? A.—All Departmental letters find their way unto the files.

Q.—All Departmental letters? A.—Oh, yes.

Q.—Then, what is the class of letter that does not find its way upon the desks? A.—Well, it is so seldom that a class of letter of that kind is received.

Q.—I am dealing with that seldom letter? A.—I don't want to say that absolutely every letter is placed on file, but as a rule, it is the invariable rule that they are, but sometimes a clerk will perhaps make a mistake, or make an exception.

Q.—It is the invariable rule, but it has not always been carried out, is that not so? A.—Yes.

Q.—Then give me if you can what it is that discriminates between the letters that are put on the file and the letters that are not? A.—Oh, a matter which may relate to myself personally that I would require perhaps to take—my business affairs—if you are referring to absolutely public matters, then absolutely every letter except there is some excuse for its not being placed there which is offered by the secretary himself, all letters are filed.

Q.—Then, do I understand that you do not get what people ordinarily call their private or personal letters in your Department? A.—Oh, no, sometimes I bring letters that are addressed to me at Peterborough.

(2491)

Q.—Do not many letters come to you which are personal letters in your Department, and which you do not file, or where do you get your personal letters, you must have many of them? A.—I get some at the Buildings, some at the Trust Company, some at the Loan Company, some at Peterborough.

Q.—I am asking you rather as to that class of letters which you receive personally, what do you do with those? A.—They are generally placed on file.

Q.—And when they do not come within the general rule, what is done with them? A.—I just don't exactly understand.

Q.—You say they are generally placed on file, when they do not come within that general rule what becomes of them? A.—Well, I have known instances where letters have remained in the basket, I have known instances where a letter has been given to a private secretary to file, where it has not been filed, but as a rule the letters are all filed.

Q.—I am speaking about letters that are your personal letters which

are received in your Department? A.—Yes, you want me to admit that all the correspondence is at all times always filed, which I can not, as an absolute fact.

Q.—I do not want you to admit anything. A.—Yes, you do, you are trying to get that statement worried out.

Q.—No, it would please me a great deal better if you said no. A.—Yes, I know what you are—

(2492)

Q.—I want to know if those letters which come to you, personal letters in your department, what do you do with those? A.—They are given to the private secretary to file and keep.

Q.—Why should you put your personal letters? A.—If it is a matter which relates to my private matters at Peterborough, I take them to Peterborough, if it is a trust company matter I take them to the Trust Company.

Q.—But it may refer to a private matter in Toronto. A.—Well, I have no private matters that cannot go on file.

Q.—We will take your oath, whatever it may be. You say all letters go on file at the department, whether personal or private, or whether they have to do with the department? A.—All public letters that are of a personal character, members sometimes write to the Minister about matters that are more or less semi-private, and semi-public. They are placed on file. There are other letters that nearly all in every case go on file.

Q.—You have not touched the class of letters that I am referring to, and that is not personal letters that have to do with public matters, but personal letters which are sent, what comes of them? A.—Mr. Myers takes charge of them.

Q.—Then, have you got another file for these personal letters? A.—No. I have no files myself whatever.

Q.—What is done with them? A.—They are taken charge of by Mr. Myers, and if they are a matter that relates to the Trust Company, they are sent to the Trust Company. If it is a political matter he takes charge of it. A departmental matter, he sends them to the department.

Q.—Then tell me what books of account you keep? A.—I don't keep any personally.

(2492a)

Q.—You keep no book of accounts of your own personal dealing whatever? A.—None whatever.

Q.—And how do you keep track of these large personal interests, a man that can easily give \$3,000 or \$30,000, must have something behind that. How do you keep track of these? A.—I deal with them separately and distinctly at a time.

Q.—Do you mean to say that you keep no record of them? A.—No record kept.

Q.—Of these personal dealings with money? A.—I have my bank book and bank cheques.

Q.—And have you no other book in which you enter? A.—Not except my business book in Peterborough, my printing and publishing business.

Q.—You have got no other book but your business book at Peterborough, your publishing and printing book? A.—Yes, my newspaper office.

Q.—Have you a newspaper? A.—Yes.

Q.—Then you have got no other book in which any of your accounts are seen? A.—None whatever.

(2493)

Q.—Except that, and do your various matters appear in this Peterborough book? A.—My various business matters.

Q.—What would you call a business matter? A.—Well, business with the printing office.

Q.—Anything else? Would you not call it a business matter if you received so much as President of a company. A.—Well, if I received so much as president of a company I would deposit it in a private account or deposit it in The Examiner account.

Q.—I am not asking you as to the deposit, I am asking you as to the book, where would you enter that? A.—I would deposit it in the bank account and might not enter it anywhere.

Q.—Do you enter it anywhere? A.—No.

Q.—You did not? A.—I did not.

Q.—So that the only book, you tell their Lordships, in which any accounts are kept, would be the books of account that you have to-day with your newspaper business in Peterborough? A.—I do.

Q.—As to anything else that would be seen only from the bank book and the cheque book? A.—That is all.

Q.—And did you produce these bank books and cheque books? A.—I have not.

Q.—And why did you not produce them under your order to produce? A.—There is nothing in those books that relates to this case whatever.

Q.—Could you not let us look at them and judge?

Mr. Johnston: They are purely private? A.—Purely private books.

(2494)

Mr. Blake: This whole transaction may be private. Private covers a great deal.

Mr. Riddell: If it were we would not be here? If it were a private matter.

Mr. Blake: I submit, my Lords, that without making this at all public, that has been not infrequently done.

The Chancellor: Cannot you arrange for the solicitors to do this out of the working hours of the Commission?

Mr. Blake: I do not want it now, if the court makes any reasonable suggestion, we certainly will carry it out. But I should like to see this, as it is the only means of tracing, according to your statement, up to the present, the bank book and cheque books.

The Chancellor: You can arrange with Mr. Johnston to have the solicitors go over these books. A.—I have them here, my Lord, and will produce them whenever you say so.

Mr. Johnston: We have no objection, but we do not want private matters exposed to the public. They deal with large transactions.

The Chancellor: The solicitors on each side may look over these on their honor not to divulge.

Mr. Johnston: We are quite willing that Mr. Ritchie should examine these books to the fullest extent, and Mr. Riddell will go with him. A.—He can see them in five minutes at any time, my Lord.

Mr. Blake: They were not referred to in the affidavit on production.

The Chancellor: It is explained why.

Mr. Blake: And that is quite satisfactory. Then did you also bring your

(2495)

book from Peterborough giving the account of the transactions there? A.—Yes.

Mr. Johnston: Everything is here.

Mr. Blake: Then these three sources of information, the one book, I suppose that will be the cash book and ledger and so on at Peterboro? A.—Yes.

Q.—And the bank book and cheque book or your cheques, would be the only sources of information that you have? A.—The only sources of information.

Q.—And I understand you distinctly that all your receipts in the shape of profits on stocks, salaries in companies, and all the moneys that you receive will be found in one or other of

these books? A.—One or other of these books.

Q.—You have no other place where there would be any memorandum showing that? A.—None whatever.

Q.—In what banks do you bank? A.—In the Bank of Montreal at Peterborough and the Dominion Permanent Loan Company here.

Q.—Are these the only two institutions in which either you or your Peterborough undertaking bank? A.—Yes.

Q.—Then, in regard to you being left in charge of the protests, whence did the funds come for paying in the deposits? I think you had as many as 18 or 19 deposits; you would need \$18,000 or \$19,000 independently of the other expenses connected with these matters.

Mr. Johnston: Just wait a moment, Mr. Blake. We say on that point that these are matters in no way relevant to this inquiry. The fact that money was put up on protests is admitted; the fact that it was put up by some

(2496)

members of the Liberal party, be they petitioners or not, is necessarily a fact to be admitted. But the source of these moneys, the people who contributed them, and so on, we submit can throw no light whatever upon this inquiry.

The Chancellor: The people who contributed perhaps not. We are not going into that, but Mr. Stratton is asked what is the amount of funds and where they are kept. The source is not important at present.

Mr. Johnston: The rest is unobjectionable.

Witness: I don't know.

The Chancellor: That solves the question, then.

Mr. Blake: That solves the question so far, my Lord, but I am going to submit to your Lordships that is what is considered to be a vital matter is to know where these moneys came from.

The Chancellor: Which moneys?

Mr. Blake: The moneys which were paid by Mr. Stratton to Mr. Gamey.

The Chancellor: The money which relates to that—it has been denied on both sides. Mr. Gamey says he got it, and Mr. Stratton says he did not. Mr. Gamey has ear-marked the matter down to a particular time, so that we have not to search abroad as to where they came from at present.

Mr. Blake: If I can show that there was a particular fund, generally for election purposes, and from that fund this money came, then will your Lordships not have a material piece of evidence?

The Chancellor: No doubt. I do not say at all whether it may not be right to go as far as that, but the present difficulty is, we are dealing with specific charges, made by Mr. Gamey

(2497)

in the House, and he pledges himself to this, that these moneys came from the pocket of Mr. Stratton on two particular occasions. We are in starch of that now. Now, you want to broaden the enquiry to show that this may be derivable from some source or other which may have been paid in this way?

Mr. Blake: I would not think that, my Lord, that I was in the slightest degree broadening the inquiry. As I say, to put it in a concrete shape, supposing that I can prove that there was a conservative fund, I am not calling it a corruption fund in the least, a conservative fund or a liberal fund.

The Chancellor: If you show that this money was paid out of any source, that would be a most material thing.

Mr. Blake: What I propose to do first, my Lords, is to find out whether there was the source, and then see if from that source it came here. That is the length that I propose to ask the Court to go. Supposing that it was not a case of this kind, but a case of fraudulent conveyance, or in any other way, and it was alleged that A had the money or that B had the money, and we could show that at a particular period that money came from a particular place either to A or B, the Court would say that is as strong a circumstance as you could possibly present.

Mr. Johnston: But we do not admit the receipt of the money at all.

The Chancellor: You had better put your questions to Mr. Stratton at present, and we will see if it is necessary to rule upon the point.

(2498)

Mr. Blake: Kindly read me the last question, Mr. Reporter. (Question read, Line 23, page 2495.)

The Chief Justice: Is that the answer, Mr. Stratton, that you say you don't know? A.—I don't know.

Mr. Blake: Then, who was the treasurer of the funds that were collected for election purposes from 1902 onwards?

Mr. Johnston: That is objected to.

The Chancellor: Can he say whether he knows or does not know. The question about disclosure is another thing. A.—I don't know.

Mr. Blake: Was there any treasurer or person who looked after the funds needed for the elections and afterwards for the protest? A.—I would suppose there would be some person.

Q.—You know there was? A.—As a matter of fact, I do not.

Q.—As a matter of fact, on your oath, you say you do not know whether there was any person that was treasurer of election funds from February, 1902, to the present? A.—I don't know who was treasurer.

Q.—Was there a treasurer? A.—I would suppose that no party could run an election without having a treasurer or without funds. I would suppose that.

Q.—Where are we to look if not to you as to who the treasurer is or was? A.—Look to the Liberal Association.

Q.—Who is the President of that? A.—I don't know.

Q.—Treasurer of that? A.—I don't know. I never belonged to it.

Q.—Secretary of that? A.—Really I don't know.

Q.—Do you know of any large sums of money being sent for election purposes?

(2499)

Mr. Johnston: That is now surely transgressing.

The Chancellor: Still it is not time to make the objection.

A.—I do not think I should be asked to answer matters relating to general political campaigns.

Mr. Johnston: My learned friend is not perhaps directly asking the question, but avoiding that which may be clearly objectionable, but at the same time the question tends to opening up the issue, was there or was there not an election fund, that is a fund for party uses prior to the 29th day of May, 1902, the date of the election? Now, what we submit is this, we say that the issue here is a very simple one, did Mr. Stratton pay the sum of \$3,000 and the sum of \$1,000 to Mr. Gamey?

The Chancellor: There is no doubt the issue is plain enough on that point.

Mr. Johnston: And we say there was no occasion for a fund because Mr. Stratton himself has said, "If I wanted to pay it I could pay it out of my own pocket." There is no necessity to trace the fund. He has denied that he got it from any fund or that he knows of the existence of any fund. If there is to be an inquiry into a fund the case should be presented to your Lordships under a very different commission and it would be an inquiry into the funds of both parties, because we may just as well say this money came from a Conservative fund, we are not alleging that, but we would have as much right to say it as my learned friend to say it came from a Liberal fund. We could not clearly go into that under this commission. If we

could not, surely my learned friend cannot go into it. We do not desire

(2500)

for a moment to restrict the fair inquiry, but we do object to going into questions as to the existence of a fund that, according to Mr. Blake's own statement, went back as far as February, according to his instructions. We know nothing about it. Before Mr. Gamey was called into existence, because Mr. Gamey's political existence was not a fact until the 29th of May, and therefore there could be no funds by which Mr. Gamey could be operated upon in any shape or form until Mr. Gamey became the subject of operation, and certainly could not prior to the 29th of May refer to Mr. Gamey in any possible way, and they do not pretend anything earlier than the 7th day of August and on to the 10th day of September.

Mr. Blake: My Lords, I go back purposely to the period that I do, because this fund was not all collected in a day, and it was not merely for the one purpose of securing elections, but it was for all that might flow from that, and this fund was a changing fund, varying each month, and if I can grace this money which is said to have gone to Mr. Gamey, to that fund, then a very large part of the question which is before the Commission will be satisfied, and I, therefore, submit that I am entitled to the fullest investigation in order to ascertain the possibilities of this money coming from this source. I am not in the least troubled about the investigation as to whether it may not have come through another source. If my learned friend chooses to go into it the Commission may be wide enough to take both, but if we do establish it as coming from the one fund,

(2501)

then it will be entirely unnecessary to make any investigation as to the other. I submit, therefore, that I am entitled to the fullest investigation to show whether there is a source from which this money might have come, and then, my Lords, having obtained that to ask the court to give me the inquiry so that I may go through the various dealings with that money and see whether this money has not found its way to Mr. Gamey's pockets.

Mr. Johnston: The simple answer to that, my learned friend knows very well, is this, that the same question was raised in the House and discussed for days and weeks.

The Chancellor: As to what?

Mr. Johnston: As to the question of a corrupt election fund and that the Commission, notwithstanding that

discussion and notwithstanding the demand of a certain section of the House for the purpose of making that inquiry, was limited to the issue presented to your Lordships. The House itself refused to give that which my learned friend asks your Lordships to give under this specific Commission.

Mr. Blake: I am not aware of anything of the kind, and until my learned friend took the objection here I had no idea that there was the intention to make any such objection, but I thought that under this Commission we had the freest power to investigate every source from which this money might have come.

The Chancellor: You do not state the particular direction. The other is not made in the House. If Mr. Gamey thought there was a fund out of which this money came, and that Mr. Stratton was a mere conduit and that the money came from him.

(2502)

Mr. Blake: Oh, yes, my Lord. But I should have thought, with very great submission to your Lordships, that there is no word in that which would have said that this is the personal money of Mr. Stratton.

The Chancellor: Then the investigation ought to be as to both funds if gone on with.

Mr. Blake: Certainly, let it be.

The Chancellor: And then we do not know when we would finish the inquiry.

Mr. Blake: You would know Mr. Stratton, was there any resolution made, this need not be taken down, it is just in answer to what my learned friend, Mr. Johnston, has said, was there any resolution in the House asking that there should be the investigation? A.—It was understood in the Legislature—

Q.—I am asking as to a resolution? A.—No, there is no resolution, but that this investigation would refer to the charges made directly by Mr. Gamey and an act was passed to enable evidence to be submitted accordingly.

Mr. Riddell: I would like to draw the attention of the court to the fact that this kind of evidence was desired to be offered more than once in the Parnell matter and over and over again the court pointed out there that this was a charge against certain specific persons of certain specific acts, and so in this case.

The Chancellor: Perhaps if you go on with some other part of the examination we will consider this and come to a conclusion upon it.

Mr. Blake: Yes, my Lords, I should be glad if your

(2503)

Lordships, would give an utterance upon that.

The Chief Justice : I understand the question immediately submitted, Mr. Blake, is as to the existence of a fund subscribed for or created before the elections ?

Mr. Blake : I am going to follow that up, my Lord. There would be additions to that fund from that period on, and I do not want it to be understood that it is just at that particular period in February, 1902, and that I am limiting my question to that. It must have had a start. There was the probable and certain start, and then it was modified according to the needs from that time onwards.

The Chief Justice : Your contention would be that there was an existing fund which might have existed or partially existed from time to time during the elections and then supplemented ?

Mr. Blake : Certainly, my Lord.

Mr. Ritchie : There might have been a surplus on hand at the time of the elections not laid out.

Mr. Blake : And your Lordships will see that where there were \$19,000 needed for these protests quite independently of the surrounding expenses, certainly they would have needed to have an addition, because in many of these localities it would be impossible for the moneys to be raised.

The Chancellor : However, we had better leave it until to-morrow to discuss it. You opened your case on a particular line, you gave all the evidence you wished to give to connect the parties charged with this, and then you rested your case. Now you wish to widen the inquiry and go into other matters. It may appear to us at the end of this investigation very clearly

(2504)

where the money came from, without any reference to this fund at all. It may be at a certain stage of the inquiry that we would have to investigate the origin of this fund if it appeared perfectly clear that there had been money paid.

Mr. Blake : The only thing, with great deference to your Lordships, that I entirely quarrel with is, I do not want to widen the investigation a hair's breadth.

The Chancellor : But your inquiry was closed.

Mr. Blake : My Lords, this is a continuation of the same inquiry, that the \$3,000 passed from the witness in to

the hands of Mr. Gamey. I am not widening that ; I say that is the case ; but I am saying I want to give a piece of evidence to your Lordships that will show why that must have been so, because there is the very money, there is the cheque that has come from that source, and I, therefore, my Lords, do not want to widen to a hair's breadth the inquiry.

The Chancellor : Certainly it is widening it to go back some years, and say that then the fund began to grow, and there must have been an accretion from that time. There were the officers of the Liberal Association, you touched upon that with Mr. Grant, and did not follow that up. He gave you an account of the moneys in his hands, \$17,000 or \$18,000, and you pursued that as far as you desired, and there it ended.

Mr. Blake : Does your Lordship consider that I am widening the Commission or widening the investigation, because, after having closed, I now say to Mr. Stratton, give me your bank book, and show whether or not the \$3,000 did not come from there ?

(2505)

The Chancellor : You have got that.

Mr. Blake : I know, my Lord, but that is not widening the investigation.

The Chancellor : We do not say that that is widening the investigation. It is inquiring about this protest fund.

Mr. Blake : I submit that this I am now asking is not widening the investigation, it is simply tracing the source from which that came. It is the same source.

The Chancellor : If the money was paid, we do not need to trace the source.

Mr. Blake : But, my Lord, we want to show that it was, and this is one of the means of doing it. I submit with great deference that I am no more widening the source in asking whether there was not a fund from which that might have come and tracing that fund to show whether it did come from there than to say to Mr. Stratton to-day, show me your bank books, and show me whether that did not come from your Dominion Company or from your Pulp Company, or from your bank, or anywhere else. It is simply tracing where the money came from, but I shall be very glad to get the ruling of your Lordships. It is so near the time of adjournment that possibly we might adjourn now, and your Lordship let us know how that is.

The Chancellor: What was your last question?

Mr. Blake: As to large sums of money coming from any source to feed this election fund. Your Lordships will understand that in a great many of these letters—I have got budgets of letters—saying here is the source of this fund—I certainly will not satisfy the very many people who have writ-

(2506)

ten anonymously or otherwise, unless I ask a few of these questions, at all events. The next question is this, are you aware of the American lumbermen having sent over a very considerable sum, over \$28,000, for election purposes? A.—I never heard it before.

Mr. Johnston: The question is objected to whether it is answered that way or not.

Mr. Blake: Then your Lordships will give the ruling to-morrow?

The Chancellor: Your proposal is to go into some election fund which began some years ago.

Mr. Blake: I am proposing, my Lord, to go into the election fund, and if your Lordships please I will begin with the fund as it stood in August or September, but I would claim to have the opportunity of going further back merely for the purpose of substantiating that point.

The Chancellor: Perhaps Mr. Stratton can tell you now as to whether there was an election fund in August or September? A.—There was not to my knowledge.

Mr. Blake: Then I ask you the question, who should be able to tell us about that? A.—I don't know. With regard to the protests, I don't think there is anything private or confidential about them. The Liberal party of the Province contributed to Mr. Grant, some from London, some from Hamilton, some from Kingston, some from Toronto, some from various parts. The money was subscribed and sent to Mr. Grant. Mr. Grant entered his protests, and the money came in a general way to Mr. Grant.

The Chancellor: Apart from that,

(2507)

that Mr. Grant spoke of I understand Mr. Blake to ask you whether there was any other fund irrespective of that? A.—Not that I am aware of.

Mr. Blake: Then I ask your answer, and do not let us have any misunderstanding about it, that so far as you are concerned, you are not aware of there being any Liberal election fund for the purpose of the election

in the Province of Ontario at the last election?

Mr. Johnston: That is objected to, and that is just the ruling. Do not answer.

Mr. Blake: Which ran on, and portions of it were used for the purpose of protests, and others sums were added to that fund.

Mr. Johnston: That we object to.

Witness: You would not expect that either party would conduct an election without some campaign fund?

Mr. Blake: This is not a question of expectation; it is a question of fact.

Mr. Riddell: Please do not answer that, Mr. Stratton. We object to that question.

The Chancellor: We will adjourn now to ten o'clock to-morrow.

(Adjourned to 10 p.m. on Tuesday, the 5th day of May, 1903.)

(2508)

EIGHTEENTH DAY.

Tuesday, May 5th, 1903, 10 a.m.

The Chancellor: My brother and myself will dispose of that matter that was argued last night. It is asserted, and is perhaps to be assumed, that there is an election or campaign fund on both sides, Liberal and Conservative, and it may be right under this Commission to explore from what source or fund the money came, if it seems proved that money was paid to Gamey, though not in the way he claims.

But, the inquiry touching this fund or these funds should not go beyond the limit of reasonable relevancy to the charges under this Commission; that in point of time would be not earlier than August, 1902, and to extend to March, 1903. And it should be competent for either party to investigate the disposal of moneys belonging to those campaign funds, whether Liberal or Conservative, during that limit of time. And, this investigation should be, as it were, in camera, or conducted privately, without being published as part of the proceedings, or in any other way, until it appears that some part of the information thus made known is pertinent in the opinion of the Commissioners, for the purpose of identifying the money alleged to be paid to Gamey. And, in the conduct of the whole inquiry, it is better, in the judgment of the Commissioners, that all the evidence should be given on both sides before the line of investigation into the alleged campaign funds be entered upon, for it may not be necessary then to enter upon it.

(2509)

Mr. Ritchie : If your Lordships will allow me I will refer to the efforts that have been made to arrange for an investigation of the books of the Ontario Bank some time ago. On the 28th April Mr. McPherson wrote to the President of the bank stating that "It was suggested that the work of the Commission would be ineffective unless there was such an investigation of the books of the Ontario Bank as would show the dealings in respect of the matters in question during last September. The Commissioners seem heartily to endorse this course after consultation with counsel, and and I write you to suggest that such an examination be immediately had and be conducted by such accountants as you may suggest; the enquiry not to be made public, but to be reported only to the counsel and the Commissioners. It is necessary that there should be expedition in completing the enquiry. Kindly let me hear from you at your earliest convenience."

Then in answer to that. Mr. Cockburn, the President of the bank, wrote, saying that he was arranging to call a meeting of the directors, and place the letter before them, and then on April 30th he wrote to say :

"Your letter of the 29th inst. was duly submitted this morning to the consideration of the board of the Ontario Bank, and they beg to refer you to Mr. Barwick, the bank's solicitor, who is fully conversant with their views. At the same time they wish me to state that they are wholly opposed to the exposure of the private affairs of the customers of the bank to either party."

(2510)

Then Mr. McPherson wrote to Mr. Barwick calling his attention to that letter, and not having received a reply again wrote on the 4th of this month :

"Referring to my letter of the 30th of April here in to you, to which I have as yet had no acknowledgment or reply, I have to request that you will let me hear from you without further delay.

"Perhaps it is hardly necessary that I should say that I wrote you at the suggestion of the President of the Ontario Bank, and under those circumstances should regret being compelled to state to him that I had written you unavailingly."

This morning we got a letter from Mr. Barwick's firm, saying :—

"Re Royal Commission. Your letter of the 4th inst addressed to Mr.

Barwick has come to hand this morning during his absense in Ottawa. We have communicated with him, and he desires us to say that he will communicate with you regarding the examination of the bank books on his return to town on Wednesday morning."

I bring this matter before your Lordships, desiring your Lordship's sanction to ask Mr. Barwick to be present here to-morrow morning on his return, that the matter may be discussed. I apprehend that the objection of the bank, from conversation I have had with the President, is, that they should not voluntarily do it, but that there should be some order of your Lordships. I pointed out that if they were not examined in that way we would have to ask all the officers to appear in court.

The Chancellor : We did, I thought, make what was

(2511)

equivalent to an order when Mr. Barwick was in Court, but if there is anything more formal required, we will make it.

Mr. Ritchie: Then, whoever does that work, might do whatever other investigating of the books is to be done.

Mr. Riddell: If there is any further investigation to be made of the books, that will be a matter to be spoken to specifically.

Mr. Ritchie: Oh, certainly.

The Chancellor: This matter can be dealt with now, at all events.

(2512)

Honorable James R. Stratton. Cross-examination continued by Mr. Blake:

Mr. Blake: Then I presume, my Lords, I am at liberty to ask this question of the witness. And subscriptions that you yourself made to the campaign fund, where would these appear, Mr. Stratton?

The Chancellor: During that limited time.

Mr. Blake: The time your Lordships mentioned.

The Chancellor: From August to March.

Mr. Blake: I, asking, of course, from the earlier, and your Lordships having ruled, I accept the ruling, and confine it to that.

Witness: Any subscriptions that I personally made?

Q.—Yes. A.—I did not give any.

Q.—Where would they appear if you happened to be mistaken, and have made them? A.—I did not give any.

Q.—Where would they appear? A.—I do not know where they would appear.

Q.—Where do these subscriptions that you give ordinarily appear? A.—I do not ordinarily make subscriptions.

Q.—You do not ordinarily make. Well, when the exception comes, and you do make them, where would they appear? A.—In my bank account.

Q.—And not elsewhere? A.—And not elsewhere.

Q.—And that bank account is the bank account with which bank? A.—Well, I do not know of any case.

Q.—On which bank would you draw a cheque in respect of certain matters? A.—Whichever bank would have the funds.

The Chancellor: That is the two banks? A.—That is the Bank of Montreal, or the Dominion Permanent.

(2513)

Mr. Blake: I see. I should have asked you yesterday in regard to your resignation. Was that in writing? A.—It was.

Q.—And was the answer in writing? A.—It was.

Q.—And you have those? A.—Yes. I have a copy of the one, and the original of the other.

Q.—Was that resignation presented after conference with your colleagues? A.—No.

Q.—Neither the presentation of the resignation, nor its acceptance? A.—Nor its acceptance.

Q.—You say that you did not know what was to be the result of your resignation? A.—I did not.

Q.—I have not finished my sentence? A.—I beg your pardon.

Q.—The result of your resignation, until you received the letter on Friday? A.—I did not. I did not receive the letter on Friday. I resigned on Friday and received the letter, I think it was, the following Tuesday or Wednesday.

Q.—Then, I was wrong. Your resignation was on Friday, and the letter on Tuesday or Wednesday? A.—I think so.

Q.—Then, going to the letter of the 10th September, who prepared that letter? A.—The letter that was given to Mr. Aylesworth?

Q.—Were there two letters of the 10th September? A.—No.

Q.—I am speaking of that letter. A.—I did.

Q.—You did. You prepared it. Was it from a stereotype form that you have, or was it an original document? A.—It was dictated.

Q.—You have not got a stereotype forms for such letters? A.—No.

(2514)

Q.—Was this the first of the kind that you had prepared? A.—It was.

Q.—The first of the kind that you had prepared. Mr. Gamey can write? A.—I believe so.

Q.—It was not therefore the writing of it that he needed, but the material? He could have written anything he wished, but it was the material that he wanted to get from you? A.—I do not know what he wanted to get from me. He did not ask me to write the letter.

Q.—You do not know what he wanted to get from you. You wrote the letter without his asking it. Then this letter of the 10th September (Exhibit No. 3), was that in any way altered after you wrote it? A.—It was altered after I had dictated it.

Q.—That letter which you are looking at now, Exhibit 3, was that altered after you had finished it? A.—Yes. After I had dictated it, and Mr. Myers brought it into my room, I read it over and asked him to insert these words, "Considered by you as a vote."

Q.—"Considered by you as a vote." That was the only alteration? A.—The only alteration.

Q.—And therefore that letter, as you are looking at it, with that exception, is the letter as you prepared it? A.—Yes.

Q.—And that was the letter which you delivered to Mr. Aylesworth? A.—That was the letter.

Q.—Now, that seems to provide for two things, you will see there that in the first place there is what the Government "desire." "I have decided to give you my support

(2515)

during the present Parliament." A.—Yes.

Q.—That was one branch? A.—Yes.

Q.—Then if you look down, "All I would ask is that I will be considered and treated as if I had been elected to support your Government." A.—Yes.

Q.—These were the two ideas, one wanting the support, and the other wanting to be treated as one elected to support the Government? A.—Yes.

Q.—These were your two thoughts? A.—These were his two thoughts.

Q.—These were your two thoughts as they appeared in your letter. You prepared that letter? A.—They were his two thoughts as repeated the day previously and embodied in this letter.

Q.—Then I will have to go back to the day previous, and ask you what he gave you on the day preceding the date of this letter. This is exhibit 3.

A.—What he gave me?

Q.—Yes. A.—His ideas?

Q.—Yes. A.—He gave me his ideas.

Q.—And which be they? A.—As embodied in that letter.

Q.—And just kindly give them to me. A.—I beg your pardon.

Q.—Kindly give them to me now. A.—Well, he said that he had been thinking over the political situation, and that he had decided to give his support to the Government, all that he asked was that he would receive the same consideration as any other Government supporter, and that he was taking this course of his own free will and accord, believing it to be in the best interests of his constituency. That was practically the contents of the letter. I suppose if you dictated the

(2516)

letter three times, you would dictate it each time with more or less variation.

Q.—But it was the instructions that were given to you that I wanted to get? A.—Well, he did not give me any—

Q.—Well, what was the difficulty if Mr. Gamey wanted to give that letter—what was the difficulty in the way of his preparing it? A.—I do not suppose there was any difficulty, but the letter had not been spoken of by him, or suggested by him. It was suggested by Mr. Aylesworth.

Q.—There was no difficulty, but the letter not being suggested by him but being suggested by Mr. Aylesworth, you proceeded to prepare it? A.—Embodied the view that Mr. Gamey had expressed to me, as asked for by Mr. Aylesworth.

Q.—Does it to your mind make any difference whether you approached him and said, we will give you the support that is given to those elected, or we will give you the consideration that is given to those that have been elected to support the Government, if you will support us? Did it to your mind make any difference whether that proposal came from you, or came from him? A.—I would suppose that it did.

Q.—And what would you suppose would make the difference, whether he said, give me the patronage, and I will give you support, or you said, give me support, and I will give you the patronage? What difference does that to your mind make, which way it

comes? A.—It would reverse the matter very materially.

Q.—It to your mind would reverse the matter very materially. In what respect? A.—Well, it would look as if I was approaching Mr. Gamey to get him to support the Government,

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and giving him some inducement to do so, while I was not doing anything of the kind.

Q.—And, on the other hand, it was Mr. Gamey that came to the Government, and said, if you will give me the patronage, I will give you my support? A.—Well, he did not say so.

Q.—But that is what the letter says? A.—Oh, no, not at all.

Q.—You do not think the letter says that? A.—No.

Q.—And what is it that you think the letter says, if it does not say that? A.—Well, you have the letter before you.

Q.—What is the difference? A.—The letter distinctly states that he had decided to give his support to the Government.

Q.—Suppose he has given that? A.—And, having done so—

Q.—On what condition? A.—On his own conditions.

Q.—On his own conditions, but the Government were to do something, if he was to give them his support? A.—No, the Government were to give the same consideration to his recommendations.

Q.—That is something? A.—Well, it might not mean anything. It depends entirely upon what recommendation he made.

Q.—But the recommendation is very plain. It is to be the same as if I had been elected to support your Government? A.—Well, it does not necessarily follow.

(2518)

Q.—What does not follow? A.—Because a member, even though he is a supporter of the Government, makes a recommendation, that that is going to be adopted by the Government.

Q.—Then answer me this question. Do you give no less consideration to the supporters of the Government than to others? A.—We give more favorable consideration.

Q.—You do give more favorable consideration, and that more favorable consideration was to be given to him? A.—He was to be considered as—

Q.—That more favorable consideration was to be given to him? A.—He was to be given the same consideration as any other Government supporter. That is what he asked.

Q.—And that would be a more favorable consideration than if he was in opposition? A.—I beg your pardon.

Q.—A more favorable consideration than if he was in opposition? A.—It would be the same consideration as would be given to any other Government supporter.

Q.—Is not that more consideration? A.—He placed himself absolutely in that position.

Q.—Is that not more consideration than if he had been opposed to the Government? A.—It depends upon circumstances.

Q.—Generally? A.—It depends upon circumstances.

Q.—As a rule, on your oath, do you not give more consideration to the supporters of the Government than to those who are opposed to the Government? A.—We do, certainly.

Q.—That is an answer. You do certainly. And, therefore, supporting the Government, he was to receive that larger measure of consideration, according to this letter? A.—Having decided to give the Government his

(2519)

support, and having said that he had made up his mind absolutely to do that.

Q.—I know all that. I am asking you what followed? A.—I am repeating it to you. Then he said, all that he asked was that his recommendations would receive the same consideration as any other Government supporter.

Q.—Yes, he did, and, according to the letter that was to be given to him? A.—It depended upon what Mr. Aylesworth had to say about that.

Q.—According to the letter that was to be given to him? A.—The letter was a merely tentative letter.

Q.—According to the letter, according to this form of letter, that was to be given to him? A.—According to Mr. Aylesworth's views.

Q.—I really must ask you to answer the question.

Mr. Johnston: He is trying to answer.

Mr. Blake: According to this letter. A.—You are very anxious to get the facts.

Q.—I am very anxious to get the facts, but I am not succeeding. Because Mr. Aylesworth approves of it, or the reverse, makes no difference in the contents of the letter. According to the contents of the letter was not that the case? A.—According to the contents of the letter Mr. Gamey had said he was going to support the Government and had asked for the same consideration.

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Q.—And he was to get it? A.—I do not think that it says that he is going to get it.

Q.—He says, "And all I would ask is"—A.—Exactly.

Q.—"That I will be considered and treated as if I had been

(2520)

elected to support your Government?" A.—Yes, sir, but he had not been.

Q.—Those are the words you yourself penned in this letter, are they not? A.—These are the words that Mr. Gamey practically used to me.

Q.—These are the words that you penned? A.—Practically Mr. Gamey's words repeated by me.

Q.—These are the words that you penned in that letter? A.—Mr. Gamey's words repeated.

Q.—You must really answer my question. These are the words that you penned in that letter? A.—These are the words that were repeated by me of Mr. Gamey's conversation the day previous.

Q.—And which you adopted in this letter? A.—Which I dictated in the letter.

Q.—And you adopted them? A.—I handed it to Mr. Aylesworth.

Q.—You adopted them? A.—I did not carry out anything contained in that letter.

Q.—What did you ask Mr. Aylesworth to get done with that letter? A.—I did not ask him to get anything done with it.

Q.—Is he wrong then when he states that you asked him to get that letter signed? A.—I do not think he says I asked him to get it signed.

Q.—You do not think he says that. What was the letter given to Mr. Aylesworth for? A.—For to use his own judgment in regard to the course he would pursue with it.

Q.—In doing what? What was Mr. Gamey sent to Mr. Aylesworth's office for if not for that? A.—Put that the other way. What did Mr. Gamey go to Mr. Aylesworth's office for? That

(2521)

is the proper way to put that question.

Q.—I put my own questions. You are not he counsel examining. You are only J. R. Stratton, a witness in the box.

Mr. Johnston: He was not sent there. Let the learned counsel be fair.

Mr. Blake: I say he was sent there. Witness: I say he was not.

Q.—Then we will say "that he went there"? A.—Yes, sir.

Q.—What was he to go there for, if it was not to sign this letter? A.—He went there to see Mr. Aylesworth to see with regard—.

Q.—About his election protest? A.—About his election petition.

Q.—That was troubling him, as has been mentioned—worrying him? A.—Yes.

Q.—And that was one thing? A.—Yes.

Q.—And the other thing was to sign the letter? A.—Not that I know of.

Q.—Then what was the object of sending that letter down? A.—Well, Mr. Aylesworth had suggested it.

Q.—Do you mean to say on your oath that that letter which you took the trouble of dictating and altering and sending down was not to be used? A.—That depended upon Mr. Aylesworth's judgment.

Q.—Suppose his judgment was that it was to be used? A.—Then I suppose he would use it.

Q.—And then the two things would be arranged in the office, what would be done about the election protest which you have

(2522)

mentioned, and the other was the signing of this letter? A.—It depended upon how Mr. Aylesworth—

Q.—Supposing Mr. Aylesworth had adopted it, you would have had those two things done? A.—I was not having anything done.

Q.—Those two things would have been done? A.—I do not know what might have been done. I could not tell what might happen. What happened is what we are discussing.

Q.—I see. Then what did you intend to be done with the letter? A.—I gave the letter to Mr. Aylesworth, who was counsel for the Liberal party, to use his own best judgment as to what he should do with it. If he thought it desirable to have Mr. Gamey, in view of Mr. Gamey's conversation with him, sign it, then I was not his adviser. He was to use his own judgment.

Q.—However, it went from you as a finished document? A.—Not as a finished document, but as a tentative letter to Mr. Aylesworth at his suggestion.

Q.—It was so much a finished document that, as I understand you, that letter was afterwards, to your knowledge, used at a subsequent date? A.—Used at a subsequent date?

Q.—Yes. A.—I do not know what you refer to.

Q.—Was there not a letter at a subsequent date sent down from Gore Bay to the Premier? A.—Yes, I believe so.

Q.—And that was an exact copy of this? A.—No, it was not an exact copy of that.

Q.—What alterations were in it? A.—I have learned since the opening of the House and since this investigation took

(2523)

place that Mr. Gamey I think himself has said and admitted that there were certain amendments or additions to the original letter.

Q.—Do you know what they were? A.—I do not remember. I have not seen the letter since the date—

Q.—Don't you know that he told you that the typewriting part of this letter was exactly the same—that the typewritten part of the subsequent letter was exactly the same as the one which you prepared, with the exception of the date? A.—I think he said so, as to the typewritten part of the letter.

Q.—Do you remember that? That your letter was taken as the basis with only two alterations? A.—The letter that was sent to Mr. Gamey, the date that he fixes being about the 23rd or 24th, so far as I know was an identical copy of the letter of the 10th September. That was the instruction.

Q.—With two alterations? A.—That is the date.

Q.—With the date altered, and any other alteration? A.—Not that I can think of at this minute.

Q.—You cannot think of any other alteration. This, *prima facie*, looking at it, would be a letter written by Mr. Gamey of his own hand and motion, to the Premier of Ontario? A.—Well, it would—

Q.—It would look like that? A.—It would look like that.

Q.—It would look very like that, if they had not known what had gone on in your office it would have been taken for granted that that was the case? A.—I would not think so.

Q.—You would not think so? A.—No.

(2524)

Q.—What is there in your letter that would lead you to suppose that it was not a letter prepared? A.—I do not say that. You misunderstand me. I would think it was.

Q.—I beg your pardon. You would think, excepting for what went on in your office, that that was a letter written by Mr. Gamey and by him sent to the Premier of the Province? A.—It would look that way.

Q.—It would look that way? A.—Yes.

Q.—Then when did you prepare that letter? A.—On the morning of the 10th.

Q.—Your solicitor was present. I think you said, when it was prepared ?
A.—He was in the room, yes.

Q.—Well, that is very much the same thing as being present, is it not ?
A.—Yes.

Q.—And did he make you any suggestions ? A.—None whatever.

Q.—None whatever.

The Chancellor : Who is his solicitor ? A.—Mr. Boland.

Mr. Blake : Mr. Boland, my Lord.

Witness : He was in the box yesterday.

The Chancellor : I did not know he was solicitor for Mr. Stratton.

Mr. Blake : He is solicitor for the companies in which he is interested.

The Chancellor : But not solicitor for Mr. Stratton ? A.—No.

Mr. Blake : Who is your solicitor ? A.—My brother's firm.

Q.—Stratton & Hall ? A.—Yes.

(2525)

Q.—Of Peterborough ? A.—Yes.

Q.—But they are in Peterborough. Have you any other solicitor in Toronto ? A.—None whatever.

Q.—Then he was present ? He takes a good deal of interest in politics ? A.—Well, I do not know how far Mr. Boland is interested politically. I do not know how active he is. I believe he is a Liberal.

Q.—You believe ? You will not even say that you know ? A.—I never was at a political meeting at which he attended.

Q.—You will not even say you know he is a Liberal ? A.—I know he is a Liberal.

Q.—Then we will get on. And he is so deeply interested in it you will not say how far he goes ? A.—I cannot say, because I do not know.

Q.—But not many persons who are more deeply interested in politics ? A.—I know many who are far more active politicians than Mr. Boland.

Q.—But you may be very much interested without displaying activity ? A.—Well, I do not think he is interested to that extent, not to my knowledge.

Q.—Then at all events this letter was prepared by you in the way in which you have mentioned, and it was sent down to be accepted if the solicitor approved of it, and I now ask you where it was next found ? A.—Where it was next found ?

Q.—Yes ? A.—By me ?

Q.—Where it was next found ? A.—The next time I saw it was in the Premier's—I obtained it from the Premier's private secretary.

Q.—Then it got into the Premier's office ? A.—Yes.

Q.—Now, before the letter was prepared, had you any discussion with any member of the Council as to it ? A.—None whatever.

Q.—Did you do this by virtue of the Commission to look after the protests and elections, and the like, which you stated yesterday was given to you ?

(2526)

A.—I had no commission from anyone to do anything of the kind.

Q.—Of which kind ? A.—Of this kind.

Q.—But this had something to do with the protests. A.—No, it had not.

Q.—You sent him down to Mr. Aylesworth's to look after the protest ? A.—I did not send him down.

Q.—He went down ? A.—He went down.

Q.—At all events, unless it was by virtue of that commission, there was no other right or authority that you would have had to have done this matter ? A.—The letter, as I stated to you before, was not thought of except at Mr. Aylesworth's suggestion.

Q.—I see that Mr. Aylesworth is brought vicariously into this. Would you kindly just answer my questions ? A.—Then put them fairly.

Q.—Then try and reciprocate and answer them fairly ? A.—I will.

Q.—The letter then being in the hands of the Premier, I asked you whether you had any commission, other than that which you referred to yesterday, to deal with this class of matter ? A.—I had no commission to deal with it. I dealt with it myself.

Q.—But the Premier must have known there was something going on about it ? A.—Not to my knowledge.

Q.—This letter comes from him ? A.—The letter did not originally come from him.

Q.—I thought you said you got it from the Premier ? A.—I said I got the letter from the Premier to make the copy from him on the 23rd or 24th October.

Q.—But that is the letter. Do not let us have any mistake about it ?

(2527)

A.—That is the letter that I obtained from the Premier's private secretary on the 23rd or 24th October.

Q.—The Province has to pay for all these notes ? A.—There is a large surplus.

Q.—Well, do not be wasting it.

Mr. Riddell : There will not be when we get through.

Mr. Blake : This is the letter, then, at all events, that we have here, that was gotten back from the Premier ?

A.—Yes.

Q.—So that he must have known about it? A.—Certainly; I would suppose so.

Q.—Then the letter having been prepared, you had the day before seen Mr. Aylesworth? A.—Yes.

Q.—And mentioned to him that Gamey was going to support the Government as he says. You were present here? I am reading from the examination. A.—What does he say? What is the paragraph?

Q.—Gamey is going to support us. A.—Will you read on, please?

Q.—Certainly. Gamey was very anxious about the petition against him? A.—Yes; and what else?

Q.—That is correct? A.—And what else?

Q.—I will have to charge you, if I become counsel on your side, and give you a great deal more than is for your good.

Mr. Johnston: There will be no difficulty about the charging, I hope.

Mr. Elake: I hope it will not interfere with yours. I will try to make it not.

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Q.—Then you asked him, "How do you know the fellow will"? By the fellow, I suppose, you meant Mr. Gamey? A.—Mr. Aylesworth asked me that.

Q.—He asked you the question?

Mr. Riddell: Mr. Aylesworth asked the question?

Mr. Blake: How do you know the fellow will, or, what guarantee have you that he will, or something of that sort? A.—That is Mr. Aylesworth's expression.

Q.—Then, do you remember your answer? A.—I did not have any guarantee.

Q.—Do you remember your answer? A.—I had merely his statement.

Q.—Do you remember your answer? A.—I think the answer was to the effect that I did not have any guarantee from him.

Q.—No, "What guarantee can we have"? A.—Well, I did not know.

Mr. Riddell: Some such observation.

Mr. Blake: Please do not interrupt. I am cross-examining.

Mr. Riddell: You have no right to misrepresent.

Mr. Blake: I am not misrepresenting.

Mr. Riddell: Mr. Aylesworth does not say he said that.

Mr. Blake: Page 677, "I remember in the course of the conversation saying to him, 'How do you know the fel-

low will?' or 'What guarantee have you that he will?' or something of that sort." And the question I ask of you is, was not the question, "What guarantee have you that he will"? A.—My recollection of it is, and I do not think

(2529)

Mr. Aylesworth pretended to use the exact words that either of us made use of on that occasion, but rather to give, as far as he could, the conversation that took place, and my recollection is that Mr. Aylesworth asked me what evidence we had of his good faith that he would support the Government. My reply was that we did not have any, merely his statement that he had been in and said he was going to support the Government. Mr. Aylesworth asked if he thought that was sufficient. I told him I did not know. He said you had better have a letter from him.

Q.—That is correct, "I suggested writing a letter"? I have put in a short space what you have given to me in length. And then the question was suggested about his drawing the letter? A.—That is Mr. Aylesworth's drawing the letter?

Q.—Yes. A.—Yes.

Q.—And he said, "You know what you want; you had better do it yourself"? A.—Well, "You know what he said; you had better do it yourself," would perhaps be more correctly put.

Q.—At all events, it was, "You had better do it yourself"? A.—He thought, having had the conversation—

Q.—That you had better do it yourself? A.—Yes.

Q.—Then you asked him if he would see Mr. Gamey if he came to him, and asked him would he get such a letter from him? That is correct, is it not? A.—I said to him that Mr. Gamey desired to see him, and would see him to-morrow if it was convenient for him to see him.

Q.—And would you get such a letter from him? A.—Yes, I thought he had better obtain the letter himself.

(2530)

Q.—And then you said, "He will probably go to you to-morrow about his petition, and if he does, get such a letter"? A.—Well, it had been as I stated a moment ago—

Q.—Is that according to your recollection? A.—Well, to some extent it is, perhaps absolutely, according to Mr. Aylesworth's view of matters at that time, but I thought that Mr. Aylesworth had better obtain the letter, according to his own views. He seemed

to think that my having the conversation with Mr. Gamey that I could condense his conversation into a letter more easily, and more correctly perhaps than he could.

Q.—We have passed that, and we have come down now to the meeting that was to take place. You said that he—that is, Mr. Gamey—will probably go to you to-morrow about his petition, and if he does, get such a letter? That is about what happened? A.—That is about what happened.

Q.—That is about what happened? And the next day you brought in a typewritten letter, and handed it to him, saying this would do? A.—That was the letter I handed to him.

Q.—And saying, "This would do"? If not, say in what respect Mr. Aylesworth is inaccurate? A.—Well, this would do, so far as we were concerned.

Q.—This would do so far as you were concerned? A.—If he was satisfied.

Q.—Then you did see him the next day, and stated to him that Gamey would be at his office between that and 2 o'clock? A.—I did. I saw him that afternoon. That is the afternoon I met him in the corridor.

Q.—Did you ever make any inquiry about the letter from that time on? A.—I did not.

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Q.—You did not. You left that to be arranged, I suppose, between Mr. Aylesworth and Mr. Gamey? A.—I left the letter with Mr. Aylesworth to do as he saw fit with it.

Q.—Did Mr. Aylesworth say to you that it was easy to have it dismissed, as they (the Liberals' had set it on foot? A.—No.

Q.—What did he say to you about the petition? A.—He did not discuss the petition with me at all further than—

Q.—Not with you at all? That you swear to? A.—According to my recollection. The only expression that I can think of at this moment that he made at all was that he supposed if Mr. Gamey was going to support the Government that there would not be very much difficulty with regard to his petition—something to that effect.

Q.—That is very much the same. There would not be much difficulty about the petition? A.—I think he said something to that effect.

Q.—Then, do you tell their Lordships that you do not know how it was that a letter that Mr. Aylesworth could not get was given by Mr. Gamey ultimately? A.—That Mr. Aylesworth could not get?

Q.—Yes. A.—I understood Mr. Aylesworth swore that he shoved the letter back to him.

Q.—Because of a condition being introduced which led him to believe that there was some impropriety being desired to be carried out. Can you tell me? A.—On the part of Mr. Gamey?

(2532)

Q.—I am not saying who. I am not saying it was yourself. Can you explain to me how it was that the letter which Mr. Aylesworth was commissioned to get, and did not get, was afterwards gotten from Mr. Gamey? A.—I do not know anything about that.

Q.—That is an unmitigated staggerer? A.—Yes.

Q.—I did not exactly get from you what was discussed at this meeting in September as to the license board. I did not catch what was said. A.—As to the license board in September?

Q.—Yes. A.—There was not much discussion with regard to the license board in September.

Q.—Do not minimize it. Just give it to us as it took place? A.—He asked what would be done with regard to the appointment of license commissioners.

Q.—He asked you what would be done with regard to license commissioners. How many license commissioners have you there? A.—There are three. You mean in the constituency of Manitoulin?

Q.—Yes. A.—Yes.

Q.—There are three, are there, and an inspector? A.—Yes.

Q.—And the time was approaching, was it, when these appointments were to be made? A.—No. The commissioners are usually appointed in March—February, March or April—any time after the first of the year.

Q.—Then this was a good deal in advance of the usual time that commissioners are appointed? A.—Yes.

Q.—And still he asked you about them? A.—Yes.

(2533)

Q.—And what was suggested as to their appointment? A.—Nothing further than that Mr. Gamey said he would like to name a couple of the Commissioners.

Q.—He would like to name a couple of the Commissioners? A.—He would like to have a voice in the appointment of the Commissioners.

Q.—Well, there is a difference between naming and having a voice. The voice may be a mere echo. The naming may get you what you want. Which did he say? Naming, or hav-

ing a voice? A.—I think he was out for everything in sight.

Q.—He was out for everything in sight? Did he want to be Minister of— A.—“Of Mines”?

Q.—Of your Department? A.—No, he did not say that.

Q.—Being out for everything in sight, he asked for the naming of the three inspectors, or three Commissioners? A.—No, he did not ask for three.

Q.—Then he was not out for everything in sight, for the three were in sight, and he merely asked for two. Well, about the inspector? A.—Yes, he mentioned about the inspector.

Q.—And what about the inspector that is material at all? A.—Oh, nothing material.

Q.—Did he name any person he desired to have appointed? A.—I do not remember.

(2534)

Q.—Did he name any Commissioners? A.—I do not remember.

Q.—You do not remember? A.—I do not remember whether he mentioned names on that occasion or not.

Q.—When was the appointment made of Commissioners and inspector? A.—After the opening of the session.

Q.—After the opening of the session? Not necessary to have them appointed until? A.—Any time before the 1st of April.

Q.—Now, anything else about patronage on that occasion? A.—In September?

Q.—Yes. A.—Yes, he spoke about the officer to take the vote at the referendum—the returning officer.

Q.—That was needed earlier, was it not? A.—Well, the statute fixed the vote to be taken. I think it was in December—early in December, was it?

Q.—Yes, 4th December. You asked me to help you, and I am doing it, 4th December. Then did he speak about that? A.—He did.

Q.—And what did he say as to that? A.—Well, he said there was a strong feeling in his riding that the officials already appointed by the Government were having too much to say, having too much patronage, and that others should have a share of what was going.

Q.—How did he mean, that the officials appointed by the Government had too much patronage? A.—Had too much to say.

Q.—Had too much to say. You appointed talkative men, did you, according to his view? A.—I have very few

officers in my Department in that constituency.

Q.—But the inspector he was referring to, and the commissioners, are they not your appointments? A.—The inspector is.

(2535)

Q.—And they were too talkative, and they were distributing the patronage in a way? A.—No, he was rather speaking of them as being over-officious.

Q.—Well, what else? A.—What else occurred at that time?

Q.—Yes. A.—I think I have given you all. He spoke about the referendum officer and the License Commissioners.

Q.—And did he suggest to you the referendum officer? A.—He did not suggest anyone in particular.

Q.—Whom did you suggest? A.—I did not suggest anyone. The matter had not been discussed at that time by the Government.

Q.—But you might have suggested some one in advance of this being discussed, to get the advantage of the member? A.—No.

Q.—Sure the name was not mentioned? A.—No, no name was mentioned.

Q.—Who had been the returning officer? A.—In the general election?

Q.—Yes. A.—Sheriff Jackson, I have learned since.

Q.—He had been? A.—Yes.

Q.—Shall I correct you? A.—Oh, yes, I am wrong there. It was the Registrar.

Q.—You must thank me for that? A.—Yes.

Q.—He was not appointed? A.—No. It was the Registrar.

Q.—Who was? A.—I forget his name.

Q.—He was here as a witness. Don't you remember? Your memory is getting bad? A.—No, my memory is not getting bad.

(2536)

Q.—Mr. Abrey? A.—I have had nothing to do with Mr. Abrey.

Q.—But you were here? A.—I was here. I do not know absolutely who were summoned from Manitoulin as witnesses.

Q.—He was in the witness-box? A.—He may have been.

Q.—Weren't you present when he was being examined? A.—I may have been.

Q.—Mr. Abrey was the returning Officer, and you suggested, I think, that he should be the returning officer, and Mr. Gamey said that he thought he had had enough of it, and that they should name Mr. Jackson? A.—No, there was no suggestion at that time with regard to Mr. Abrey or Mr. Jackson.

Q.—Was it said that he had had too much of it—Mr. Abrey? A.—It was said by Mr. Gamey at the time that he was opposed to either the Registrar or the Sheriff acting as returning officer. He was opposed to either of them.

Q.—Anything else discussed? A.—At that meeting?

Q.—Yes. A.—I think we have gone over them all, have we not?

Q.—You were taking him pretty well into your confidence on the strength of that letter? You had discussed the inspector and the License Commissioners? A.—There was no such letter at that time. There was no such letter spoken of or dreamt of at that time.

Q.—When was this conversation? A.—It was on the morning of the 9th.

Q.—It sounds to me, in my ignorance, as if it were leading up to a letter? A.—I cannot help how it sounds to you, Mr. Blake.

(2537)

Q.—I cannot get the sound to enter your mind in the same way? A.—There are some minds that are very suspicious.

Q.—Very suspicious, yes. And surely that should lead you easily to take that in? A.—You could comprehend it more easily.

Q.—I could comprehend it more easily.

The Chancellor: This is not evidence, I am afraid.

Mr. Blake: That is not evidence, Mr. Stratton.

Q.—Then, however, you did discuss that on the 9th? A.—We did.

Q.—And according to your statement you left the matter in that way? A.—I did. When I say I left the matter in that way, Mr. Gamey asked if I would let him know before any appointment was made, and I said I would, if I thought of it I would write him.

Q.—You have mentioned what took place. This is the first time you met him, according to your statement? A.—The first time I ever saw him or met him.

Q.—And you had heard about him so as to lead you to conclude he was an unreliable man? A.—Well, I do

not want to emphasize that too strongly.

Q.—No, do not emphasize it, but emphasize it truthfully, and it will answer me. You told us so yesterday that you had heard that this was an unreliable man? A.—Yes.

Q.—Was Mr. Sullivan present at all of this conversation? A.—Mr. Sullivan was there, yes.

Q.—He entered with Mr. Gamey and introduced him, did he? A.—Yes, he came in with Mr. Gamey, but he came in in advance of Mr. Gamey—prior.

(2538)

Q.—And Mr. Gamey came in and he introduced Mr. Gamey to you? A.—Yes.

Q.—Do you know why it was that when that Ottawa interview took place this letter was not published? A.—I do not.

Q.—You cannot understand that?

The Chancellor: What is that?

Mr. Blake: The interview in Ottawa, my Lords. Your Lordships remember the letter in which it was stated that Captain Sullivan had been making certain statements, and he writes a letter stating that the interviewer had taken down all that he said, and more, and that there was no truth in it. And at that time a letter was written to Mr. Whitney or by Mr. Whitney to Mr. Gamey upon the subject, and it is in reference to that incident I am asking why this letter was not published.

The Chancellor: The letter of the 10th, do you mean?

Mr. Blake: Yes, my Lord.

The Chancellor: Where is that letter?

Mr. Ritchie: It was a letter written by Gamey to Sullivan complaining.

The Chancellor: What is the date of it?

The Chief Justice: Reproaching him for having made this statement.

Mr. Blake: 19th September is the letter of Mr. Whitney.

The Chief Justice: That letter is exhibit 12.

Mr. Blake: Exhibit 6 is the letter of Captain Sullivan to Gamey.

The Chief Justice: Denying.

Mr. Blake: And Exhibit 12 is the letter of the 19th September. I was

(2539)

just asking why in that interview, or at the time of this incident, this letter was not published? You give me no answer? A.—I do not know, Mr. Blake.

Q.—Then, having seen Mr. Gamey on the 9th, and you will not let me say possibly on the 10th and 11th? A.—I would not.

Q.—You would not let me say that ? But, having seen him on the 9th, you got the interview on the 11th of the Conservative caucus ? A.—I saw the report in the papers.

Q.—And do you alter your statement of yesterday, that from that and from what you had heard previously you thought he was an utterly unreliable man ? A.—I thought he was. I thought it was very strange that a man would come to me on the 9th and say—

Q.—Did you resolve to have nothing to do with such an unreliable man ? A.—I did not have anything to do with him.

Q.—You did not have anything to do with him ? A.—I did not communicate with him in regard to his actions. I was not his adviser.

Q.—But you resolved from that time onwards that the dust was to be shaken from the feet ? A.—No, I made no resolve.

Q.—But at all events you had thoroughly summed him up in that way ? A.—I always treated Mr. Gamey in all my—

Q.—But on that occasion you had come to that conclusion. The world was wide enough for you to walk on one side of the street, and for him to walk on the other ? A.—The world is wide, it is true.

Q.—And wicked ? A.—It depends on the experience of people.

Q.—Then on the 2nd of October you wrote him a letter, "My Dear Gamey" ? Is not that extraordinary to you ? A.—

(2540)

It was extraordinary.

Q.—It was extraordinary ? A.—Yes, I remember commenting upon it.

Q.—We both concur in that. And, what was to my mind more marvellous was, on the date immediately preceding that, on the 29th September, he begins his letter, "My Dear Stratton." Takes you into his arms at once, and you return the hug, "My Dear Gamey," and "My Dear Stratton," the one thinking that the other was an utterly unreliable man, one occupying the high position of a Minister of the Crown, and immediately after this interview it is "My Dear Gamey" ? A.—No, that happened in this way, Mr. Blake—

Q.—You feel that it needs an explanation ?

Mr. Riddell : Let him answer.

Mr. Blake : Give it.

Mr. Johnston : There is an historical precedent for it.

Witness : I will explain it if you desire. I give my private secretary the pith of a letter, and he puts the top and bottom to it. If I am addressed "My

Dear Stratton" it is more than probable that in the reply he would say "My Dear So-and-So." I remember on that particular occasion, speaking of Mr. Burrows, telling him that that was perhaps hardly the way to address Mr. Gamey, that it was a little too familiar for a man we had just met once, and I think you will find that subsequent letters are perhaps "Dear Sir."

Q.—You might have got Mr. Ford to make you another copy of this ? A.—I might have, if I had so desired.

Q.—Now, you tell their Lordships, with that fully in your mind, you still

(2541)

let the letter go in that way ? A.—Yes.

Q.—Then he says "My Dear Stratton,—Enclosed find petition of lumber company on Aird Island, to have Thos. Flesher appointed a J.P." Then it gives his address. Then he says, "Would you kindly make this appointment for me" ? A.—Yes.

Q.—"I am writing you, while I know the appointment is in the other Department, but I desire just now to do business with you." Why, I wonder ? A.—I do not know. I suppose, as he stated in the House, that was part of his game.

Q.—Perhaps that was part of his game, I see. But you had seen his game on the 11th September, had you not ? Why did you play into his hands ? A.—I saw that he had been in the Conservative caucus. I did not think anything of it. I did not care.

Q.—You did not think anything of it ? You did not care ? That is your answer to-day ? You remember the answer of yesterday ? However, you go on and say, "I desire just now to do business with you" ? A.—I do not say that. He says so.

Q.—I say so. That is his idea. "Would you be kind enough to ask the Minister of Public Works to let Mr. J. F. Boyd, Government Road Inspector in my district, know in a quiet way that he might consult me." What did he mean by "In a quiet way" ? A.—You had better ask him.

Q.—Did you do so ? A.—No. I did not.

Q.—You did not ? Did you see the Minister of Public Works ? A.—About that ?

Q.—About anything in connection with this matter ? A.—I see him every day in the buildings, but not in connection with this matter. I never spoke to the Commissioner of Public Works in regard to road matters in Manitoulin.

(2542)

Q.—We will get to that in a moment. We have not got quite to it yet. We are dealing now with Mr. Fleisher. What did you do in regard to the Fleisher appointment? A.—I transferred the letter to the Hon. Mr. Gibson, Attorney-General, who has charge of the Administration of Justice.

(2543)

Q.—You transferred that to him? You did do that? You did transfer it? A.—I think there is a letter there showing that, is there not?

Q.—I am asking you what you did. A.—That is my recollection.

Q.—That is your recollection? A.—Yes.

Q.—And as to asking the Minister of Public Works to "let Mr. J. F. Boyd, Government Road Inspector, know in a quiet way he might consult me"—you did not do that? A.—No, I did not.

Q.—And I suppose you told Mr. Gamey so? A.—Mr. Gamey never spoke to me about it.

Q.—Did you write to him about it? A.—I think I did. I think I answered his letter paragraph by paragraph, if I remember correctly.

Q.—Saying he must apply to the Commissioner himself? A.—No. My recollection is that I said that I would speak to the Commissioner of Public Works when the estimates were being brought down with regard to road matters; something to that effect.

Q.—You did not, at all events, shut him off in respect of that, but continued apparently negotiating? A.—No, I did not continue negotiating. I continued, leaving him in a friendly position.

Q.—You continued leaving him in a friendly position? Now, did you not see Mr. Gibson? A.—No, I did not.

Q.—Or ask him to approve of the recommendation? A.—I did not, further than the correspondence, whatever that shows.

Q.—I am surprised at that, because the letter before me says, "I have

(2544)

transferred your letter to the Hon. Mr. Gibson, Attorney-General, who has charge of the administration of justice." A.—Yes.

Q.—Did you do that? A.—Yes.

Q.—Did you do any more? A.—No.

Q.—Then why did you write to Mr. Gamey, saying, "And have asked him to approve of your recommendation"? A.—In the transfer of the letter? Let me see the second letter. Let me see my letter to Mr. Gibson.

Q.—I have a right to ask you as to your memory upon these things, and I am doing so. I ask you as to whether you had made any request of the Attorney-General, and you tell me you had not. A.—I think I made the request to the Attorney-General, that I had forwarded him the petition of the lumber company, and asked him to give his consideration to the petition.

Q.—Well, is this true, or is it not. "And have asked him (that is, the Attorney-General) to approve of your recommendation"? A.—To approve of the recommendation of the petition.

Q.—No. To approve of your recommendation? A.—Well, to approve of both; it was supported by the lumber company's petition.

Q.—That does not make any matter. That does not answer my question. "I have asked him to approve of your recommendation." A.—Well, I transferred all the correspondence.

Q.—And did you do that? A.—Whatever the letter says I did.

Q.—And you say, further, "And I

(2545)

will see him on my return to the city in a few days in regard to it." Did you see him on the return? A.—I did not.

(2545)

Q.—Was Mr. Fleisher appointed? A.—I believe he was. I think the Attorney-General has said that he was.

The Chancellor: He was appointed afterwards?

Mr. Blake: Yes, my Lord.

Mr. Blake: I am asking that for a reason that will appear in a little while. "When the estimates are being prepared for the coming session," did you say that you would see the Minister of Public Works, and ask him to speak to Mr. Boyd? A.—Well, I said in the letter that "when the estimates were being prepared," and what I meant was that when the estimates were being considered, I would state to the Commissioner what Mr. Gamey had expressed, and allow the Commissioner to use his own judgment as to what course to pursue.

Q.—I simply ask you this, "When the estimates are being prepared for the coming session I will ask the Minister of Public Works to speak to Mr. Boyd in the direction indicated in your letter." A.—Yes.

Q.—Did you do so? A.—No, I did not.

Q.—But you left him under the impression that you would do so? A.—I do not say so.

Q.—But you would have left him under that apprehension? A.—The letter leaves that impression.

Q.—Yes. Did you ever, after the conference on the 9th September, ask Mr. Gamey for his views in regard to the returning officer for the referendum? A.—I wrote him on the 2nd October.

Q.—You did then? A.—Yes.

(2546)

Q.—That is an answer. You did ask him? A.—I promised on the 9th September.

Q.—You promised what? A.—He spoke about the desirability—

Q.—You promised what? A.—If I thought of it I would communicate with him before the appointment was made.

Q.—We will get that fact, for which I am obliged. On the 9th September you told him that you would write him before the appointment was made, and you did write him? A.—I did.

Q.—And you were in favor of the late returning officer being named as the returning officer for the 4th December? A.—I was under the impression that Sheriff Jackson had acted as returning officer in the general election.

Q.—Is this incorrect then? A.—Yes, it is incorrect, so far as my impressions at that time were concerned.

Q.—It is incorrect so far as your impression of the 2nd of October was concerned? A.—Yes.

Q.—And an answer was wanted to that, which was to be sent to the Premier, as soon as it was received? A.—I was going away, and I left instructions that whatever reply came that it would be sent on to the Premier, as he had charge of the appointment of the returning officers; that he would know and have whatever correspondence there was. I do not suppose you would think for a moment, if there was anything wrong in it at all, I would ask it to be forwarded to the Premier, or anything suspicious about it.

Q.—What is that? A.—I do not suppose you would think, if there was anything improper about it, or suspicious, I would ask it to be sent to the Premier.

(2547)

Q.—Why? A.—It was a letter merely sent in good faith, and as a kindness. I said I would send it. I wrote. The reply was to go direct to the Premier. If there was any corrupt bargain between Mr. Gamey and myself, why should I send it on to the Premier?

Q.—Then tell me this: Did you or did you not write to the Attorney-General in respect to the Flesher appointment? A.—In respect to the Flesher appointment?

Q.—Yes. A.—I forwarded to the Attorney-General all correspondence I received relating to it.

Q.—Did you write to him approving if it? A.—I suppose I wrote to him approving of the petition.

Q.—But nothing in regard to Mr. Gamey? A.—I think I said that Mr. Gamey had approved of it. It does not condemn—

Q.—Why did you bring in Mr. Gamey's name in connection with it? A.—Well, it does not condemn the appointment of a Justice of the Peace because an Opposition member gives it his support. They are not absolutely political appointments. Justices of the Peace are appointed from both parties. It does not absolutely condemn an appointment of a man because—

Q.—What is the reason that in this letter you did write you stated that it is recommended and approved by Mr. Gamey, the member for the district? A.—Well, Mr. Gamey would be supposed to know the men in his district, and it would not be an utter and absolute condemnation of a man's appointment because he was supported by a member of the Opposition.

Q.—I see. Was it supported by Mr. Fraser? A.—I do not know what pro-

(2548)

ceedings, further than I have learned in the court here, that the Attorney-General took with regard to filling the appointment.

Q.—But you do say it is recommended and approved of by Mr. Gamey, the member for the district. "Will you be good enough to have the matter attended to at your earliest convenience?" A.—Yes, sir.

The Chief Justice: What is the date of that letter?

Mr. Blake: 2nd October; Exhibit 53.

Mr. Riddell: Page 119 of the Exhibit book.

Witness: It means that the Attorney-General would make his own inquiry.

Mr. Blake: It means what it says. It means the Attorney-General would conduct his office as he thought proper, but I am referring to your letter, which is, "Will you be good enough to have the matter attended to at your earliest convenience?" Not a very hostile letter to Mr. Gamey. Then, you having recommended virtually in your letter Mr. Abrey to the office of returning officer, Mr. Gamey at once writes very strongly urging Mr. Jackson, the Sheriff. A.—I never saw that letter until I saw it in print.

Q.—That is correct, is it not? A.—I believe so.

Q.—You say, "Yours of the 2nd to hand, re returning officer for the referendum."

The Chancellor: What letter is this?

Mr. Blake: Exhibit 10 of the 7th October.

The Chancellor: You say you did not receive that letter?

Witness: It was received by my private secretary in my absence, my Lord, and forwarded to the Premier.

(2549)

Mr. Blake: However, that is the recommendation. Does not your private secretary make a little memorandum of letters received in your absence? A.—No.

Q.—Then this letter would possibly have been forwarded to some other department in your absence? A.—Forwarded to the Premier, according to my instructions.

Q.—Forwarded to him.

Mr. Riddell: That is Exhibit 11?

Mr. Blake: "I would recommend very strongly the Sheriff of our riding, Mr. E. H. Jackson," and he says, "Could you keep this appointment over until next week, and make it then? By doing this for me you will oblige me much." He seems to be on nice, kindly terms with you? A.—I never saw the letter at all.

Q.—How do you account for that? A.—Any letters that come to my Department that can be attended to by my private secretary, without coming before me, they are attended to. If you wrote for a document, and mark your letter "personal," it would come to me. My private secretary would go to the Department and obtain the document for you, if it was proper, mail it to you, acknowledge the receipt of the letter, and I would never see it. If I had to see everything that came in that way the days would require to be four times as long.

Q.—Or else a Minister that would work more quickly? A.—Well, I do not know that you could find that.

Mr. Riddell: Or get more Ministers, perhaps?

Mr. McEvoy: Get a Minister of Mines.

Mr. Blake: Do you think that this is a letter that your subordinate would

(2550)

attend to, and did he attend to it? A.—Yes.

Q.—And what came of it? A.—I understood it was transferred to the Premier.

Q.—That explains possibly your not seeing it? And do you know what action was taken upon that? A.—I do not know what action was taken upon that letter. I do know that Mr. Jackson was appointed.

Q.—That is the person named by Mr. Gamey? A.—Yes.

Q.—That is the second that we have had named by him, and appointed? A.—Not necessarily named by him.

Q.—They were not necessarily named by him, but as a fact they were named by him? A.—No. It was absolutely as I said—

Q.—Didn't he name Mr. Flesher? A.—I do not know that he did.

Q.—Didn't the letter that was sent to you name Mr. Flesher as an appointment that he wanted? A.—He forwarded the petition of the Aird Lumber Company, with his recommendation endorsing the petition; and, upon the petition, and the investigation of the Attorney-General, which the correspondence shows here, Mr. Flesher was appointed, and not on Mr. Gamey's recommendation.

Q.—Mr. Gamey made it? A.—Mr. Gamey endorsed it.

Q.—Have I to read that over again, the letter in which he puts it as a personal matter to you? A.—If you wish you may.

Q.—"Would you kindly make this appointment?" A.—I had not the appointment to make.

Q.—He asks you to do it? A.—It does not necessarily follow that because he asks me I will do it.

(2551)

Q.—But the appointment was made? A.—Not upon his recommendation.

Q.—It was made? A.—It was made.

(2552)

Q.—And we have that letter? A.—And you have the petition. Be fair now and put the matter straight, and then you will get it easier.

Q.—The petition—I have nothing in the meantime to do with it. I am dealing with Mr. Gamey and his attitude. A.—Very well.

Q.—And as a result, at all events that appointment was made? A.—Was made.

Q.—And Mr. Jackson, the Sheriff, was also appointed the returning officer? A.—As I said to you yesterday, it had been decided—

Q.—Is that the case? A.—It had been decided that the same officer would be appointed—

Mr. Blake: I object to having pages given of matter that is not an answer.

A.—If you are desirous of getting at the facts—

Q.—I am, but not a long rigmarole.

Mr. Johnston : It is admitted he was appointed. My learned friend is repeating and repeating.

Mr. Riddell : And interrupts the witness when he desires to give a full answer.

Mr. Blake : When Pike and Pluck have finished we will get on.

The Chancellor : Let us hear the question.

Mr. Blake : I was just asking the question, whether there was not that letter written which was a strong recommendation of Mr. Gamey, and whether that appointment was not made? That is all I am asking.

The Chancellor : That discloses the facts. The letter was written, and the appointment was made.

(2553)

Witness : Yes, the letter was written and the appointment made.

Mr. Blake : I did not want to go into a lot that was given yesterday.

Q.—In fact I might ask you, is there any appointment for which Mr. Gamey asked during that interview on the 10th September that was refused? A.—There were none made in my Department.

Q.—I am not asking in your Department. We have got the letters which will show how they were transferred from your Department to the other. I am asking you now, was there any appointment asked by Mr. Gamey from the 9th September until March—any requests which were refused? A.—Well now yes or no would not be a fair answer to that question, for the reason that recommendations had been made to the Attorney-General prior to Mr. Gamey for the appointment of Mr. Flesher.

Q.—Cannot you answer fairly my question? A.—You do not want a wrong impression to go abroad, do you?

Q.—On re-examination your counsel will protect you better than you will yourself by not answering my questions. I am asking you a simple question. From that time, on the 9th of September, until March, was there any request for appointment to a position made by Mr. Gamey which was refused, and, if so, what was the one? A.—There were no appointments made by my Department for Mr. Gamey.

Q.—I am not asking your Department? A.—As to the other Department, you should inquire from the other Ministers.

(2554)

Q.—I am asking you a question. Was there any appointment, and if so,

name it to me? A.—I cannot tell what the other Ministers may have done.

Q.—You swear to that? A.—I do not know what absolutely goes on in the other Departments, Mr. Blake, as a matter of fact.

Q.—I am asking you a simple question. Can you name any appointment that was presented by Mr. Gamey after the 9th September, and which was refused? A.—Well, a Justice of the Peace was appointed on the petition of the lumber company.

Q.—Can you not answer me? A.—I am giving you the name.

Q.—I am not asking you about those that were appointed. I am asking you the name of anyone that was refused. A.—I do not know of anyone that was appointed absolutely upon Mr. Gamey's recommendation.

Q.—I am not asking you that question. I am asking you whether you can give me the name of anyone whose appointment Mr. Gamey recommended and which was refused? A.—I cannot name one appointed solely on Mr. Gamey's recommendation.

Q.—I am not asking you about recommended solely. I am asking you "recommended by Mr. Gamey." A.—Put it "endorsed by Mr. Gamey" and then you will come nearer to it.

Q.—What is the difference between recommending and endorsing? A.—There is quite a difference.

Q.—Can you give me, using your own words, any appointment that was

(2555)

endorsed by Mr. Gamey from the 9th September up to March that was refused? A.—Endorsed by Mr. Gamey?

Q.—I am using your word. A.—Well, he wanted a license inspector appointed; he wanted license commissioners appointed; he wanted his brother appointed.

Q.—Wait for a moment. I think I will show you your own letter to negative that. You say he wanted license commissioners appointed, and an inspector appointed? A.—Yes, and a lock-up keeper appointed. He wanted a marriage license issuer appointed at Gore Bay. These were all in my Department.

Q.—Whom did he ask you to appoint license inspector? A.—I forget the name.

Q.—So do I. Whom did he recommend as license commissioners? A.—He mentioned over several names. I do not remember the names.

Q.—Whom did he recommend? A.—I don't remember the names.

Q.—Hard to have them appointed if you could not get the names. Then

as to the keeper of the lock-up, whom did he recommend? A.—I think it was Mr. McEachren.

Q.—You swear to that? A.—Yes.

Q.—As a keeper of the lock-up? A.—I think so, to the best of my knowledge.

Q.—Will you swear to that? A.—To the best of my knowledge that is the name. I do not remember. It may be he desired him to be license inspector. I was not intending to make any appointment. I was not taking down the names of whom he wanted. I had no intention of making any appointment.

(2556)

Q.—You were not intending to make any appointments, and therefore I was not referring to appointments there was no intention of making. However, you cannot give me the names? A.—I cannot remember.

Q.—Nor of the License Commissioners? A.—No, I do not remember.

Q.—You recollect his application as to Swanson being appointed as a Justice of the Peace? A.—Yes, I think he wrote about Swanson.

Q.—He was appointed? A.—I do not remember.

Q.—Sure? A.—Yes, I do not remember. My recollection is he was not, but I will not say positively.

The Chief Justice: What is that, Mr. Stratton?

A.—Mr. Blake asked if Mr. Swanson was appointed a Justice of the Peace upon his recommendation. I say I will not say positively, but my recollection is that he was not.

The Chancellor: That is, the application that was pending for a long time?

Mr. Blake: Your Lordship is quite right.

Mr. McEvoy: The letter of the 10th July is the first letter.

Mr. Blake: Then you stated that there was an interview and a letter some time in October? A.—Yes, there was the copy of the letter. Is that what you refer to?

Q.—I am referring to a letter of the 27th October? A.—That is, I presume, the copy of the letter of the 10th September.

Q.—Well, were there two letters to your knowledge of the 27th of October? A.—No.

(2557)

Q.—Is it true that that letter came into existence because of certain rumors that were abroad? A.—No.

Q.—Did you prepare that letter also, the letter of the 27th October? A.—

The letter of the 27th October is the copy of the—

Q.—Did you prepare it?

Mr. Riddell: Let him finish his answer.

Mr. Blake: He has not begun yet. Did you prepare the letter also of the 27th of October? A.—Explain what you mean by "prepare" if you want me to give you a yes or no answer. If you will allow me to answer it as the facts are I will answer it. The letter of the 27th of October is a copy of a letter—

The Chancellor: You did say all that already what you are saying now.

Mr. Blake: Did you prepare the letter of the 27th October? A.—The letter of the 27th October is the copy of a letter, with alterations, of the 10th September.

Q.—Now, who prepared it? A.—Originally I prepared it. I prepared the original letter of October 10th.

Q.—And did you not as much prepare the letter of the 27th October? A.—No.

Q.—You did not as much prepare the letter of the 27th of October? A.—It is a copy of a letter, with the exception of the alterations, and the change of date.

Q.—Who brought in into existence? A.—You understand how it came into existence. You have already gone over that. It came into existence originally on the 10th September.

Q.—The letter of the 27th October I am dealing with, and only with that. How did that come into existence?

(2558)

A.—Mr. Gamey came to my office on the 23rd or 24th, he says, and he asked me if I could obtain for him the letter that he had sent the Premier on September 10th, dated September 10th. I said to him that I—

Q.—I am not asking you this. I cannot prevent your giving it. I am dealing simply with the question of the preparation of this letter, and not a volume that may have preceded it.

Mr. Riddell: You are asking him how it came into existence.

Mr. Blake: I am asking him who prepared the letter. A.—Are you asking me who typewrote it?

The Chancellor: I think that has been answered very fully. We all know precisely what was done in reference to that. He has told us several times.

Mr. Blake: That letter of the 27th October, who prepared that? A.—It is a copy of the letter of September 10th.

Q.—Who prepared it? A.—It was dictated by me at Mr. Aylesworth's suggestion.

Q.—That letter of the 27th October I am dealing with. A.—Well, I am dealing with it, too.

Q.—Very well, go on. A.—Then the alterations that are made here, "Strictly private and confidential," and "If you have a reasonable majority when the House meets," and "If you have a reasonable majority," these were amendments and additions placed to it since the copy was made.

Q.—Is not the answer that that letter was prepared in your office, and there are certain alterations in two

(2559)

places in it? Is not that the answer? A.—That is the copy of the letter of September 10th.

Q.—I am not asking you what it is a copy of? A.—Well, I am telling you.

Q.—Well, I do not thank you for it. A.—I am telling you so that you will know.

Q.—Is not that a letter prepared in your office? A.—Mr. Gamey came and asked me for a copy of the letter of September 10th. That is a copy of the letter, with certain alterations.

Q.—That was prepared in your office? A.—That was dictated by me on September 10th.

Q.—This letter, do you say, was dictated? A.—That is a copy of it.

Q.—I am not asking you about the letter of the 10th September. I am asking you about this letter of the 27th October. A.—I am telling you what the facts are in regard to this letter of the 27th.

Q.—I am asking you whether that was not prepared in your office and issued from it? A.—I say that copy was prepared at Mr. Gamey's request, and is an exact copy with the exception of the date of the original letter.

Q.—It was prepared in your office? A.—Mr. Gamey asked me for it, and I got it for him and mailed it to him.

Q.—It was prepared in your office? A.—It was not prepared in my office if you want it that way.

Q.—Well how? A.—What do you mean by prepared? Explain yourself.

(2560)

Q.—I have? A.—No, you have not.

Q.—That is a typewritten letter? A.—Yes.

Q.—And who got that typewritten letter that is before you brought—who brought it into existence on this date of the 27th October, if that is the proper date? A.—If you desire to

know, I say that is a copy of a letter of September 10th which Mr. Gamey asked me to obtain for him, which I went to the Premier's office and got the original, had a copy made by Mr. Ford, and that is the copy, as far as I know.

Q.—Therefore, this was a letter that you got prepared by Mr. Ford, and you handed that copy to Mr. Gamey? A.—I did not.

Q.—You did not? A.—I did not.

Q.—You did not hand this to Mr. Gamey? A.—I did not.

Q.—Who handed it to him? A.—I do not know that anyone handed it to him. I gave that letter to Mr. Myers, and asked Mr. Myers to mail it to the Walker House, if he would receive it that way, or to Gore Bay.

Q.—And when were those alterations put in? A.—I do not know. They were not put in in my office.

Q.—They were not put in at your office? A.—No.

Q.—Therefore, they were put in it after it left your office? A.—After it left my office.

Q.—Then did you warn Mr. Gamey of the position in which he would place himself by making any such arrangement? A.—Any such arrangement as what?

Q.—As is shown by the letter of the 27th October or 10th September? A.—I did not.

(2561)

Q.—You did not? You knew that he had been elected, as you told us yesterday, as a Conservative? A.—Yes.

Q.—That you had a protest against him, and were trying to unseat him? A.—I did not say that to him at all.

Q.—You did not say what to him? A.—That we had a protest against him.

Q.—I am not saying that you said that to him. But you had, as a matter of fact, and on the 10th September, and by this you agreed to hand his constituency over to the Liberals, and to give him patronage. Did you not suggest to him that that would be utter downright ruin? A.—What Mr. Gamey had said was—

Q.—Did you or did you not? A.—I did not.

Q.—You know that all the men that we have had here, Dr. Struthers and Dr. Arthurs, all these recommended against it, because it would be absolute ruin? A.—Mr. Gamey told me, as I said before—

Q.—You know that? You heard that? A.—I am only responsible for what I do myself. I am not responsible for Dr. Struthers or Dr. Arthurs

or Mr. Blake. I am responsible for myself, and myself alone.

Q.—And you heard the position that was taken by these gentlemen? A.—I heard the position taken by these gentlemen. What Mr. Gamey said to me on that occasion was, he was going to hold a meeting, announce his position; he was going to tell his constituents what he proposed to do. I told him that was the right course to pursue. He said he was going home to confer with his friends, and was going to do it.

(2562)

Q.—But there was nothing there about resignation? A.—He never said anything to me about resignation.

Q.—You did not suggest that the honorable course would be to resign? A.—He had explained to me that he had conducted his campaign in such a way that he could support the Government.

Q.—Did you suggest that his honorable way would be to resign, and let the constituents speak upon the matter? A.—If He was going to call a public meeting, then his constituents would have the—

Q.—I ask you this. I ask that this witness should conduct himself as a witness should do. I am asking whether you recommended his course? A.—There was no necessity of my recommending him to take that course, and I did not.

Q.—You did not. That is an answer. Does the fact that this envelope is attached to that letter remind you of anything? A.—Remind me of what? No, I never saw this letter until I saw it in court.

The Chancellor: What letter is that?

Mr. Blake: The letter of the 27th October.

Witness: No, it left my hands, and I never saw it until it was in court.

Mr. Blake: The envelope is addressed "Hon. G. W. Ross, Parliament buildings, Toronto, Ont."

The Chancellor: That is the address on the envelope?

Mr. Blake: Yes, my Lord.

Q.—That that was to be put at such a date as would answer a certain purpose, and that that envelope was to be preserved in order to show that? A.—No, it was not.

(2563)

Q.—Why, then, was not the letter of the 10th September used instead of going through this work of rewriting it on the 27th October? A.—Mr. Gamey desired to obtain the original letter of the 10th September. I said to him that

I did not have it. He asked me to obtain a copy of it for him. I got him the copy. I had no right to take from the Premier's office a copy of the letter. I went to the Premier's office and asked him for the letter. The Premier was out. I asked the Premier's secretary if he had the letter, and he said he had. Mr. Gamey had asked me if I could obtain it for him. I got him this copy. You have all the information, and I have nothing to conceal regarding it.

Q.—Nothing. Did I suggest it? I am asking you, however, why the original letter of the 10th September did not answer without making a copy and putting the date of the 27th October in it? A.—He did not ask for that.

Q.—Did he simply say, "I want a copy of the letter of the 10th?" A.—No, he asked for the original letter.

Q.—He asked for the original letter? A.—If I could obtain the original letter for him.

Q.—And would a copy do any good? A.—Well, it seemed to answer his purpose.

Q.—Who was present when these instructions were given as to the copying of the letter? A.—As to the making of the copy of the letter?

Q.—Yes? A.—I met Mr. Ford, if I remember correctly in the corridor—no—yes, in the corridor.

Q.—What? A.—I met Mr. Ford in the corridor and asked him if he would make a copy of the letter for me.

(2564)

Q.—Anybody present when that was done? A.—Mr. Ford and myself.

Q.—Yes. When had you first a communication with the Commissioner of Crown Lands, Mr. Latchford, in regard to Mr. Gamey? A.—Mr. Latchford was Commissioner of Public Works.

Q.—Yes, I beg your pardon. A.—When had I any communication with Mr. Latchford?

Q.—No. When had you the first? A.—I do not think I ever had any, unless I may have transferred, or the Department may have transferred some letter. I do not know that I ever had any.

Q.—Were you not seen about this letter of the 3rd of January? A.—What letter is that?

Q.—That is a letter to Mr. Latchford from Mr. J. F. Boyd? A.—No. Mr. Latchford never spoke to me about it.

Q.—When did you first hear of it? A.—In the House.

Q.—Have you had any conversation with Mr. Latchford as to this? A.—

A general conversation with regard to the Gamey charges since the statement was made on the 11th of March only.

Q.—Do you think that this letter was referred to in the House? A.—I think the dates were given, were they not?

Q.—I had thought not. I am not correcting you, because your memory may be right. The 3rd January is the date, 1903.

The Chief Justice : Page 109 of the exhibits; Exhibit 47.

Mr. Blake : This possibly will remind you of it : "Mr. Gamey expects some patronage in making grants and appointments." How could that in-

(2565)

formation have been made public, or was it made public through you? A.—No.

Q.—It was not? A.—It was not.

Q.—How did they get that information then? A.—I think Mr. Boyd explained that.

Q.—You think Mr. Boyd explained it. He goes on to say, "Mr. Gamey expects some patronage in making grants and appointments." A.—He explained it in the witness-box.

Q.—"But fears that unless some decided advantage shall be obtained from this we are running the risk of demoralizing our party in that portion of the district." Now, that I do not think was made public in the House, and therefore you must have had knowledge of it otherwise. A.—I certainly had knowledge of that letter since the investigation in the House. I read the letter. But, there was no communication between Mr. Latchford and myself regarding Mr. Boyd, or roads in Manitoulin, prior to Mr. Gamey's statement in the House—nothing whatever of any description.

Q.—You did not, then—I am right in the conclusion—tell Mr. Latchford that you had some decided advantage in giving the patronage to Mr. Gamey? A.—No.

Q.—Do you know anything of a telegram that was sent on the 27th of January by Frank Sullivan to Mr. Gamey? A.—Nothing more than I have heard in court.

Q.—That seems to be just at the period that you were getting this 27th of October letter? A.—I do not know. I do not know anything about the telegram. It was not sent at any direction or dictation of mine.

Q.—It seemed to have happened opportunely.

(2566)

Mr. Johnston : That telegram was, on the 27th January?

The Chief Justice : Exhibit 58, page 128.

Mr. Johnston : My learned friend is confusing dates.

Mr. Blake : No.

The Chief Justice : That is the one signed "Frank"?

Mr. Blake : 27th January.

Mr. Riddell : The other was three months before.

Mr. Blake : And The Globe interview was at what date? A.—29th.

Q.—It seems strange that a telegram was sent from Mr. Sullivan on the 27th January, and The Globe interview was on the 28th? A.—No stranger than the \$3,000 cheque issued by the Trust Company for some business, was sought to be applied as \$3,000 that I gave to Mr. Gamey. It was a coincidence I am not to be blamed for.

Q.—Did I say I was blaming you? A.—You would like to, I think.

Q.—I was giving you the opportunity of explaining it? A.—I have no explanation to make. I know nothing of it whatever.

Q.—You have no explanation of that at all. And you do not contradict, of course, Mr. Hammond?

The Chancellor : That is the 29th January, Mr. Blake. The Globe interview, and it was published on the 30th, not the 28th.

Mr. Blake : Perhaps so, my Lord.

The Chancellor : Mr. Hammond fixes the 29th, at all events. I suppose that is correct.

Mr. Blake : Then you gave an intimation to The Globe reporter that

• (2567)

Mr. Gamey would be down? A.—No, I did not say Mr. Gamey would be down. He does not say so.

Q.—You have been going over that carefully? A.—No, I have not.

Q.—But still you say that. Then you corroborate what he states? A.—No, not absolutely. If you will allow me to explain I will tell the court the whole circumstances relating to it.

Q.—This portion of it you will, that you tried to get Mr. Gamey to give an interview with the idea of supporting the Government's position? A.—I have no doubt whatever that the evidence given by Mr. Hammond was so far as he could recollect, but there are certain things that Mr. Hammond did not quite recollect.

Q.—Very well? A.—If you and the court will allow me to explain it I will.

Q.—I am asking the questions in the meantime. This portion of it, "Mr. Stratton said that he would try to get Mr. Gamey to give an interview with the idea of supporting the Govern-

ment's position." Is that correct? A.—That is not absolutely correct.

Q.—Is this portion absolutely correct: "An interview from Mr. Gamey stating that he would support the Government would have some weight with the bye-elections which were then pending"? A.—That was referred to.

Q.—When were these bye-elections pending? A.—The bye-elections were pending—that would be North York and Centre Bruce. It was about the 20th February, was it?

(2568)

Q.—20th February. You may be quite right? A.—26th perhaps.

Q.—26th February? A.—Speaking from recollection.

The Chancellor: Towards the end of February? A.—Yes.

Mr. Blake: Yes, my Lord. That would be quite near enough for my purpose.

Q.—Then how often was Mr. Gamey with you at that period? A.—On the 29th he was there in the afternoon, and he was there again in the evening.

Q.—In the afternoon and evening? A.—Yes.

Q.—Was he there on any day other than the 29th? A.—Not at that time.

Q.—In January? A.—Yes, he was there, he says, on the 13th.

Q.—But at the end of January he was not? A.—No.

Q.—The 29th he was there. Why did he come twice? A.—He came by appointment on the afternoon of the 29th, as explained yesterday, saw the interview that he had asked to have prepared, said it was a little stronger than he thought he ought to perhaps—perhaps a little stronger-worded than he would do it himself. He took it away with him, made the alterations and returned in the evening.

Q.—But you do not forget that Mr. Hammond, before you had seen Mr. Gamey, said that you had an interview that you hoped to get from him? A.—Well, I asked you if you would like me to explain.

Q.—Do you forget that Mr. Hammond said that? A.—No, I do not forget that at all.

Q.—At the time that you first spoke to Mr. Hammond, had you the interview prepared? A.—Yes.

(2569)

Q.—You had the interview prepared? A.—I had.

Q.—When did you first speak to Mr. Hammond, according to your memory? A.—The evening of the 28th.

Q.—And you then had the interview prepared? A.—Yes.

Q.—But you did not show it to Mr. Gamey until the 29th? A.—Mr. Gamey had not an opportunity of seeing it.

Q.—You did not show it to Mr. Gamey until the 29th? A.—No.

Q.—Had you in the meantime made any alterations in it? A.—Between the time Mr. Hammond saw it?

Q.—Yes? A.—Yes.

Q.—You had? A.—Yes, sir.

Q.—Do you recollect what were the nature of the alterations you had made? A.—Oh, a paragraph reconstructed here and there—two or three paragraphs, and it was retypewritten.

Q.—At all events, you inserted here that Mr. Gamey was asked in reference to a rumor touching his relations to the Ontario Government, you had that letter of the 10th September then; you knew it was far beyond a rumor? A.—I had seen the letter of the 10th September on the 23rd or 24th October when he came in.

Q.—It was far beyond a rumor then? A.—This was an interview that Mr. Gamey wanted to give to The Globe, and in preparing the interview you would prepare it in the way in which it was.

Q.—It was an interview you had prepared? A.—At Mr. Gamey's request.

Q.—You prepared it? A.—At Mr. Gamey's request.

Q.—It is a strange thing. Everything seems to have been, as I recollect

(2570)

it, prepared by you, the letter of the 10th September you bring into existence, the letter of the 27th October you bring into existence, the interview of the 28th January you bring into existence.

Mr. Johnston: That is a matter of argument.

Mr. Blake: Mr. Gamey can write? You have told me that? A.—I believe he can write.

Q.—Well, you were not undertaking to give him lessons in composition, were you? A.—No, I only did what he requested me.

Q.—That was a lesson in composition apparently? A.—Well—

Q.—Now, are these interviews stereotyped, or is this the first one of the kind that you prepared? A.—I have never seen any interviews stereotyped.

Q.—Did any members of the Cabinet see this interview from the time that you first brought it into existence until the end? A.—No.

Q.—Did you speak to them about it? A.—I did not.

Q.—Did not suggest in the bye-elections it would be a good thing to have? A.—I did not.

Q.—Did you tell them of the letter of October? A.—Did I tell them of the letter of October?

Q.—Yes. A.—I said to the Premier that Mr. Gamey had been in, and had asked me to get for him a copy of the letter that had been mailed to him early in September, and that I had taken the liberty in his absence of getting from his private secretary the letter and mailing or giving Mr. Gamey a copy which Mr. Gamey said he desired to substitute for a letter that he had sent him on the 10th September,

(2571)

explaining to the Premier Mr. Gamey's explanation to me, that he had gone to a Conservative convention on the 10th, and that he desired to change the date of the letter for the reason that it was very embarrassing, the position that he was placed in by the letter in the Premier's hands of the 10th, and his actions subsequently on the same day.

Q.—And what did the Premier say? Did he approve of what you were doing? A.—He said he did not have any confidence in Mr. Gamey.

Q.—Did he approve of what you were doing? A.—He did not say anything about it.

Q.—I do not exactly gather what was the difficulty about the date of the letter? A.—Well, the date of the letter apparently, looking at the past—Mr. Gamey had signed a letter with Mr. Aylesworth, which he had mailed to the Premier, and he had subsequently gone to a Conservative convention, and he desired to cover up his tracks, of having mailed the letter to the Premier, and having gone to the convention, to remove the duplicity, that evidently that letter in existence placed him in.

Q.—Wouldn't it have been an easier thing to have destroyed the letter? A.—Perhaps that is what he asked for the original for.

Q.—It would have been an easier way? A.—Perhaps that was his reason for asking on the 23rd October for the letter. There was no reason why the Premier should destroy it.

Q.—But that was an easier way of doing it? A.—There was no reason for doing it.

(2572)

Q.—That would have been an easier way? A.—I suppose it would be much easier to tear up any piece of paper than to copy a page.

Q.—It would have been easier if you wanted to get rid of anything? A.—We had nothing to get rid of.

Q.—But that would have been an easy way of doing it? A.—It is easier to sit down than stand up at any time.

Q.—Then will you take a seat? A.—I have no desire to.

Q.—I thought it was easier? A.—Perhaps my learned friend would.

Q.—At all events, that is the reason that you assign for it? A.—That is the fact.

Q.—And you made no objection to his doing that? A.—I made no objection to his getting a copy of the letter.

Q.—In fact you procured the letter of the 10th September in order that he might do this? A.—He said he wanted to get a copy of the letter to mail to the Premier of a later date.

Q.—You procured it for him? A.—I procured the letter and gave this to Mr. Myers, and Mr. Myers mailed it to him.

Q.—Did it matter that it was in the exact language—the letter he was going to write? A.—It was an exact copy. He asked for the letter, and he was given a copy.

Q.—Did it make any matter? A.—I do not know what matter it made to Mr. Gamey. It made no matter to me.

Q.—Well, in this Globe interview did you suggest to him how dishonest it was, by this interview, to hand the constituency of Manitoulin over to the Liberals? A.—He said that he had spoken to his friends.

(2573)

Q.—Did you suggest it to him? A.—There was no necessity for suggesting it.

Q.—Did you suggest it? A.—There was no occasion to suggest it.

Q.—Did you? A.—There was no occasion.

Q.—Did you? A.—There was no occasion, consequently there would be no suggestion.

Q.—Did you do it? A.—No.

Q.—That is quite an answer. But you put this a little stronger than you could get him to go. "I feel that I can best do this by helping the Government," but he insisted upon putting in the words, "With an independent support." A.—He altered it.

Q.—Certainly? A.—I suppose any interview that would be prepared by another would be more or less altered by the person whom it was prepared for.

Q.—But he did alter it? He appeared to preserve himself by those few words he put in? A.—He altered it.

Q.—You did not put in this the other side of it? You put in nothing about the patronage? A.—There was no other side to it.

Q.—That is what I am observing. There was only the one side to it. Then it was subsequently to that, was it not, on the 31st—that must have been the 31st January—there was a letter written to the Commissioner of Public Works. Were you shown that letter, Exhibit 21? A.—By me?

Q.—It was a letter to the Commissioner of Public Works on the 31st January? A.—By me?

Q.—No, by Mr. Gamey? A.—Well, I do not know anything about that.

(2574)

Q.—Do you not remember that passage, “I am particularly anxious that all my applications for grants go through this year, as it would be one means to satisfy my people that I took a move in their interests”? A.—I do not think I ever saw that letter, Mr. Blake.

Q.—Are you sure of that? A.—Yes.

Q.—You observe he is very anxious, having sold his people, to try and get the consideration? A.—I no not know.

Q.—You do not know? A.—That letter never passed through my hands.

Q.—“I am particularly anxious that all my application for grants go through this year, as it will be one means to satisfy my people that I took a move in their interests.” And then there is a petition by some children that cannot get to school owing to a swamp, and asking for various money grants to help? A.—I suppose that is as important as the other.

Q.—Those papers never came before you, did they? A.—No, they did not.

Q.—Then do you recollect receiving the letter of the 7th February? A.—What does it contain?

Q.—“There is certainly a row on, and I fancy it will be hard to satisfy our people.” Do you remember a letter beginning in that way? A.—Is that letter addressed to me?

Q.—That came from your production. I presume it was. It came from your production? A.—Would you let me see the letter, please?

Q.—This is the Registrar's handwriting, “J.R.S. No. 12”? A.—Is there any reason why I should not see it?

Q.—No. It is from your production.

(2575)

In your affidavit on production you refer to this and swear to it? A.—Yes.

Q.—And I thought possibly you would remember it from its beginning: “Well, there is certainly a row on, and I fancy it will be hard to satisfy our people. A meeting of our Executive for the Riding is called for February the 10th to consider the question. I doubt very much if I can pass muster there.” Now, you remember that letter? A.—I remember that letter.

Q.—“In fact, it looks as if they would ask for my resignation.” Had you up to that time heard anything of the suggestion of the resignation of Mr. Gamey? A.—No.

Q.—That was the first that you heard of it? A.—The first I heard of it.

Q.—Did you answer the letter suggesting to him that the fairest and squarest way would be resignation? A.—I made no answer to the letter at all. That is my recollection.

Q.—Did you leave the poor man in the lurch? A.—I was not his political god-father.

(2576)

Q.—You were giving him lessons in composition, the very language he was looking for. Do you mean to say you left that poor man in his trouble there in Gore Bay all alone? A.—I left him absolutely alone, to take whatever course he saw fit himself.

Q.—“I believe that would be the strongest card to play.” Would you have liked him to resign? A.—I had no advice to give him. There was no reason for my giving him any advice.

Q.—Would you have liked him to resign? A.—I was not giving any consideration to that matter particularly.

Q.—But you would have liked him to resign? A.—I cannot say what I would have liked.

Q.—He says the patronage was bothering him. “If I ran again the patronage could be then given fairly to those who support me, and you would be relieved a good deal from trouble in the future along that line.” A.—It seemed to be patronage that was bothering him all the way along.

Q.—But you see how kindly he tries to come to your relief there. You would be relieved a good deal from bother in future along that line? A.—I was not afraid of any trouble.

Q.—You were not afraid of any trouble. “A resignation made at once and a campaign as short as possible would be a sure winner”? A.—He should have adopted that course then.

Q.—“I cannot dare to recommend a position until after the 16th.” Now, what did you do with that letter? A.—What did I do with it?

Q.—Yes. A.—Of the 13th January?

Q.—This letter of the 7th February?
A.—7th February?

(2577)

Q.—Yes? A.—I suppose I kept it.

Q.—Who else knew anything of its contents? A.—Mr. Myers.

Q.—Anybody else? A.—Not that I know of, unless he showed it to someone.

Q.—Is he in the habit of showing letters that come to the Department? A.—I do not think he is.

Q.—You do not think he is. And so you know of no way whereby that information could have got outside your office? A.—No.

Q.—No way. In what file did that letter go? A.—I do not know. You would have to ask Mr. Myers.

Q.—You do not know in what letter file it was put? A.—No.

Q.—Who made a search for your letters? A.—Mr. Myers.

Q.—And you do not know whether it was in the regular file or not? A.—I do not know.

Q.—Were you absent from the city from the 7th to the 12th February? A.—No. I was here. I might have been away a day. I would not say.

Q.—So that you received the letter and read it, and have a memory of it, but not where it was put? A.—I would hand it back to Mr. Myers. He can explain to you what he did with it. I have not asked him. I did not ask him anything about it.

Q.—Because there is the answer in due course, 7th February, answer on the 11th.

Mr. Johnston: No.

Mr. Blake: "I understand they are holding a meeting at Gore Bay on Monday, the 16th instant, at which you will be asked to state your position." Now that certainly is a letter? A.—Do you say that letter is to me?

(2578)

Q.—No. I say there is a letter written.

Mr. Johnston: It is not an answer, however, as you put it.

Mr. Blake: "They are holding a meeting at Gore Bay on Monday, the 16th instant," this letter begins. "A meeting of our Executive for the riding is called for February the 16th instant." You see, it begins, "Replying to your statement." A.—Are you waiting for an answer?

Q.—No. "Enclosed you will find a typewritten letter, read it over, and you will understand how to act." Do you know any person who had the in-

formation, except what was given to your office, that a letter had been written down wanting to know what to do at this meeting of the 16th February? A.—I think Mr. Frank Sullivan admitted in the box that he did.

Q.—You think Frank Sullivan admitted in the box that he did? A.—In giving his evidence.

Q.—Well, would he be likely to get it? From your department? A.—Not that I know of.

Q.—Do you know of any means whereby he could have gotten it in your department? A.—I do not. I positively do not.

Q.—You swear to that? A.—I positively do not.

Q.—This is a letter, at all events, or a typewritten document, which is advising against resignation? A.—That "X. Y. Z." letter?

Q.—That "X. Y. Z." letter is what I have read, and this is the enclosure. A.—That is the enclosure?

Q.—Yes. A.—Is that what was supposed to be the brief that was sent to him? Is that what you are referring to?

(2579)

Q.—I am referring to the typewritten letter, which was enclosed in that. A.—What do you wish to know?

Q.—What I want to know is this. The information that is conveyed in this letter—was there anybody that could have conveyed it from your office that you are aware of outside? A.—No one that I am aware of.

Q.—Did you prepare this? A.—I did not. I never saw it until I saw it in print.

Q.—This was to prevent a deadlock, was it not? A.—I do not know what it was to prevent. I swear most positively that I never saw that. I never suggested it. I never dictated it, and I never knew of it. If there is any more emphatic way of putting it, I desire to be distinctly understood as having expressed it in that way.

Q.—But, at the same time, you did not want a deadlock? A.—I did not want anything. I want that to be distinctly understood. I think if you would look that over you would see it was some very amateur hand that drafted that.

Q.—Compared with yours? A.—Compared with my learned friend's.

Q.—Compared with yours?

Mr. Johnston: Yes, with him.

Mr. Blake: I thought this was very beautiful. "You were acting merely in the interests of the organization in Toronto, who seemed to be grasping at straws and chasing the phantom of

power." A.—Oh, they have been chasing that I suppose, for a quarter of a century.

Q.—Well, I suppose they have. A.—Which you helped them to chase.

Q.—The race is not always to the swift, you know. A.—No, Mr. Blake. I say positively that I never suggested or dictated or knew of it.

(2580)

Q.—Or knew of it. Did you leave it in other hands? A.—I did not, Mr. Blake.

Q.—And you swear, at all events, on receiving the letter on the 7th February, which certainly called for an answer, and to which these papers of the 11th February are answers, that you received the letter, but you do not know how the answer went? A.—Mr. Sullivan stated that he prepared those, and that he sent them to Mr. Gamey. You have that information as well as I have.

Q.—But I say you do not know. A.—I say positively I did not.

Q.—You swear to it? A.—Positively.

Q.—How do you suppose Mr. Sullivan got your views, or wish in the matter? A.—He did not get my view or wish in the matter.

Q.—Who do you think possibly gave him the view that would be acceptable to the Government? A.—There was no communication directly or indirectly containing my views, in any manner, shape or form, with regard to this matter, to Mr. Sullivan.

Q.—But I am asking the views of others? A.—I do not know how he got the views of others. I am not accountable for that.

Q.—Did you know a man up there by the name of Sims? A.—I know of Mr. Sims.

Q.—You know of Mr. Sims? A.—I met him on one or two occasions—perhaps two or three times.

Q.—What position did he occupy there? A.—He is President or Secretary of some Liberal association.

(2581)

Q.—Where would that be? A.—Somewhere in Manitoulin. I met him once—no I did not meet him once there. I met him once or twice in my office—perhaps once or perhaps twice. I am not certain as to that. If he was down each session, perhaps I met him. I have a distinct recollection of seeing him once.

Q.—Do you know about when that would be? A.—It might be January or February.

Q.—That is, 1903? A.—Yes.

Q.—Did you know Spencer of Lit-

tle Current? Had he been down? A.—Not to my knowledge.

Q.—You only know the applications he was making? A.—I only know the applications he was making.

Q.—But did you know him either through correspondence, or meeting him? A.—I knew him through correspondence. I have no recollection of ever meeting him.

Q.—And was a man by the name of Lewis down here? A.—Not to my knowledge.

Q.—Had you correspondence with him? A.—No.

Q.—You did not meet him? A.—Not that I recollect.

Q.—Had any suggestion been made to you that he should be license inspector? A.—No.

Q.—You never heard of his name in connection with it? A.—Let us see. I do not know whether that is the name mentioned by Mr. Gamey or not.

Q.—On what occasion? A.—On the occasion of one of his interviews.

Q.—Do you want me to help you? A.—I wish you would.

Q.—I think so. A.—I wish you would. What is the occasion.

(2582)

Q.—The occasion of his mentioning whom he wanted to have appointed there. A.—Well, if it was Mr. Lewis, perhaps it was.

Q.—Well, by what means, unless through your department, could Mr. Frank Sullivan know about Mr. Sims and Mr. Spencer, and Mr. Lewis, and the like? A.—He might obtain that information from themselves. He might have obtained that information from—

Q.—But he is a clerk in the department? Is it likely he would have? A.—I understand he was a friend of Mr. Gamey's. Perhaps coming from that district he may have known many of those who reside there.

The Chancellor: Sullivan came from that district, did he? A.—Yes, sir, he came from the Sault. These people are all up and down. As a matter of fact, he says he got that information from them.

Mr. Blake: Do you mean Captain Sullivan? A.—Both of them.

Q.—But how long is it since Frank Sullivan has left the Sault? I thought it was a number of years? A.—Two or three years, but they are backwards and forwards I understand.

Q.—At all events, these are the ways that you give as supposition? A.—As supposition purely. He got no information from me. I inquired from Mr. Myers if he gave any information,

(2622)

or if any information could have been obtained from my department with regard to this matter since the investigation took place. He says he gave no information.

Q.—Of course that would not be any evidence, as you know very well? A.—I am giving you the information.

Q.—Information I have not asked for? A.—Well, I will withdraw it.

(2583)

Q.—Then had you anything to do with the Fishery Commissioners? A.—Nothing whatever.

Q.—In whose department was that? A.—Mr. Latchford's.

Q.—Had you correspondence with Mr. Spencer about the appointment of license inspector? A.—I had.

Q.—Was he the person appointed? A.—He was.

Q.—When was he appointed? A.—Some time in March.

Q.—Was it before the day in March? A.—What do you call the day?

Mr. Riddell: The 17th.

Mr. Blake: That brings you here? A.—It was after the opening of the House.

Q.—That is what I wanted. He was recommended strongly by Mr. Gamey—Mr. Spencer was? A.—Not to me.

Q.—Sure? A.—Not that I recollect. It may have been mentioned in a letter. I do not recollect it for the moment.

Q.—This, I think, is one of your productions. I will not say absolutely, but I think it is. A.—Will you read it please?

Q.—This is signed by Mr. Spencer? A.—Oh, yes, now I have got it. Mr. Spencer refers to Mr. Gamey endorsing his appointment.

Q.—He knew of no more capable and better suited man for the position. Mr. Spencer writes, as Mr. Gamey's approval of him? A.—How does he put that?

Q.—That he knew of no more capable and better suited man for the position? A.—That is Mr. Spencer writing on his own behalf, stating what Mr. Gamey said was it?

Q.—Quite so.

(2584)

The Chancellor: What is the date of that, or the number of the exhibit?

Mr. Blake: That is Exhibit 48.

Mr. Riddell: Page 111.

Mr. Blake: Q.—Did you determine not to appoint the inspector until Mr. Gamey came down? A.—We determined not to appoint the inspector

until after the opening of the Legislature.

Q.—That would be the time that he would come down? A.—Yes. There is quite a difference in the construction that might be put upon it.

Q.—Did you think in the end of February that it would be a good thing that the license board and inspector—that the names should be then sent down? A.—Did I think so? No, we had no intention of appointing them until after the House opened.

Q.—But you did not write up stating that you would like the names? A.—No.

Q.—Then, what date do you remember, in the early part of January, did you see Mr. Gamey? A.—I saw him, he says, the 13th of January, I think it was.

Q.—You accept that as the date? A.—Yes. I could not say the 13th, 14th, or 15th, but it was the only occasion I saw him early in January.

Q.—And what was the object of your meeting then? A.—What was the object of his coming there?

Q.—I said of your meeting. If you do not like that, put it in your own way. A.—The 13th of January, he came up to see me.

(2585)

Q.—What was the object of the meeting? A.—When he came in he spoke about the lock-up keeper at Little Current.

Q.—Was that the first matter? A.—The first matter.

Q.—The first matter that was discussed? A.—The first matter after the time of day.

Q.—It was the appointment of a lock-up keeper. Whom did he suggest? A.—I think it was McEachren was it? I will not say definitely. He made some recommendation.

Q.—Had you any man in your mind? A.—Had I?

Q.—Yes. A.—No.

Q.—None. And what did you say as to his suggestion? A.—I did not say anything with regard to his suggestion. I sent for Dr. Chamberlain, who was inspector of lock-ups.

Q.—But do I understand that you discussed matters other than the appointment of a keeper of the lock-up? A.—Yes, we discussed the lock-up itself—the condition of it.

Q.—And did you discuss that before Dr. Chamberlain came? A.—No, as soon as he mentioned it, I called the doctor.

Q.—And then was anybody's name mentioned when Dr. Chamberlain came? A.—If any name was mentioned, I think it was McEachren's.

Q.—Yes, but I did not know whether any other name was mentioned in answer to the one given to you, by Mr. Gamey? A.—Oh, no. There was no intention of acting so far as the department was concerned. We had no intention of acting immediately.

(2586)

Q.—Why? A.—We had to have a report made upon it.

Q.—But hadn't you a report already made? A.—Not on the complaint made by Mr. Gamey.

Q.—What report was it that you already had? A.—Dr. Chamberlain made a report. I have not read that report.

Q.—I see. How long ago was that? I am referring to the report that was in existence before this meeting of the 13th, or 14th of January? A.—I think it was some time in the fall or summer.

Q.—Upon what was that? Upon what point was that? A.—With regard to the lock-up.

Q.—Had it to do with this question which Mr. Gamey was presenting? A.—Directly or indirectly, yes.

Q.—That is to say, the name of the person? A.—Oh, no.

Q.—Then it had not to do with that? A.—No.

Q.—The state of repair? A.—Dr. Chamberlain had not made any recommendation speaking from memory as to a successor to the present lock-up keeper.

Q.—The state of repair? A.—The state of repair.

Q.—Well, was not the question of the Perth election the first matter that was brought up? A.—No.

Q.—Are you sure of that? A.—I am positive.

Q.—Then when you had discussed the question of the lock-up and the keeper and the state of repair, Dr. Chamberlain being there, what next took place? A.—He spoke of the License Inspector and License Commissioners, he desired to have some information with regard to what course the Government were going to pursue in that matter.

(2587)

Q.—Was that as to the names? A.—As to the intention and names.

Q.—And what names were suggested? A.—I don't remember.

Q.—Were names suggested? A.—Yes, he talked over several names.

Q.—Then what was next? A.—He spoke about his brother's appointment, the appointment of his brother.

Q.—Then what was next? A.—I said to him that we were going to confer with our friends with regard to those appointments.

Q.—And what else? A.—He said why, I am a supporter of the Government. I said, you take a very peculiar way of showing your support; you said early in September that you were going to support the Government, you attended a Conservative caucus or convention on the 10th, you came to my office and asked for a copy of a letter which you obtained and which you said you would send to the Premier with regard to your attendance at the convention, and you were to hold a public meeting in your constituency to show the course to your constituents that you proposed to pursue, you go to North Perth to assist your party in the bye-elections, and you came here desiring the patronage of the constituency, we propose to confer with our friends in regard to patronage.

Q.—You looked upon him as an irregular supporter? A.—Very erratic.

Q.—A very erratic supporter, but that is what you had thought all along from the 10th of September. Then Dr. Chamberlain says you upbraided him for his course? A.—What he meant by that was that I spoke perhaps emphatically, as I sometimes do.

(2588)

Q.—Scolded him or upbraided him? A.—I did not scold him. I had no occasion to scold him.

Q.—What further did you say? A.—That is all I said.

Q.—And what answer did he make? A.—His reply was that he had been written to by his Conservative friends in the city urging him to assist in the bye-elections, they had been aware of his attitude with regard to giving his support to the Government, they made him feel that the Government was sure to be defeated, that they had an extraordinary campaign on in the bye-elections, the Government could not live through the organization that they had up, and he went into the fight with his friends, believing that the Government were going to be defeated. He said, I did not do any harm or any good. I said evidently you did not do very much harm.

Q.—And he quietly came back into the fold again? A.—According to his contention he never happened to go out of the fold; it was only this particular occasion he had strayed.

Q.—He came into the fold and suggested patronage. You received him nicely, held out the lamb? A.—I tell you the facts as they exist.

Q.—That is the fact about it shortly? A.—I said to you I always treated him friendly, but gave him nothing.

Q.—In fact, I would not be wrong in saying you always had hopes of him, a bad, erring boy? A.—If he was willing to support the Government and could honestly satisfy his constituency with regard to the course he was pursuing, I do not

(2589)

suppose the people of the Province would expect me to club him out of the party?

Q.—At all events your colleagues would not, whatever the people might? A.—Well, I do not think—

Mr. Johnston: The door is open for all.

Witness: I do not think I should show him any discourtesy.

Mr. Blake: I am not accusing you of that. Then some questions as to what you stated here yesterday. Did you never get the title of "Acting Manager"? A.—No, I never did.

Q.—Who was it to whom that was given? A.—I do not know that it was given to anyone.

Q.—Well, what was the "acting" something or other, you gave us yesterday? Wasn't it "Acting Manager"? A.—No.

Q.—What was it, "Acting Premier" was it? A.—"Acting Premier."

Q.—But used you to call him the "Acting Manager"? A.—No, never.

Q.—You stated that you saw from the paper that certain of the petitions were likely to be dropped, and I did not catch what your answer was, but that—and you will correct me if I am wrong—that it was because you saw that they were set for trial in Toronto? A.—Yes.

Q.—I see. You knew at once that that had been agreed to be dropped off? A.—I knew at once that that is what is assumed by those who know.

Q.—Then you stated that you knew that Mr. Gamey had been classed as a Conservative, but you had heard rumors that he said he would support the Government. A.—Yes.

(2590)

Q.—I want to know from whom you heard that statement? A.—I heard it from Conmee, and I think I heard it from Mr. Marter.

Q.—From what Mr. Marter? A.—Mr. G. F. Marter.

Q.—At what period was that? A.—Some time during the summer.

Q.—You could not give it any nearer than that? A.—No. Then, if you

take Mr. Whitney's speech on the occasion of the 10th of September—

Q.—But why should I take his speech? A.—Well, you know best why you should or should not, but if you were to read his speech you would see by that speech that he himself had heard the rumors.

Q.—What was the date of that, please? A.—On the 10th September.

Q.—You are referring to the caucus? A.—The caucus where Mr. Whitney himself referred in that caucus to the rumors that were in the air that one or more of his supporters were likely to leave the fold and that he was certain that none of his supporters would leave the party. He made some general reference. I do not say these are the words, but he made a general reference to show that he even knew himself.

Q.—And you knew enough of Mr. Gamey immediately to put the name to that general statement Mr. Whitney made? A.—I had heard before that—prior to that.

Q.—You did? A.—Yes.

Mr. Blake:—

Q.—Then it was stated that certain letters would be produced, Mr. Johnston, just at this period in the examination?

(2591)

Mr. Johnston: Yes.

Mr. Blake: It was stated there were certain letters that would be produced which had to do with the Justice of the Peace?

Mr. Johnston: They were produced from the Attorney-General's Department. That is the Swanson matter.

Mr. Blake: Were they letters that were already in?

Mr. Johnston: Oh, yes.

Mr. Blake: I would take it from what Mr. Johnston had said that there were other letters.

The Chief Justice: Do you mean that they are in in the sense of being actually filed?

Mr. Johnston: They are in as part of the Swanson budget.

The Chancellor: They are exhibits?

Mr. Johnston: Oh, yes, my Lord.

Mr. Blake: There are not any other letters?

Witness: There are not any other letters.

Mr. Johnston: The letter from Farwell and the letter to Irving and one or two letters of that sort.

Mr. Riddell: That is in with the Swanson letters.

Mr. Blake: But from your stating that they would be put in, I thought they were not already in.

Mr. Johnston: Oh, yes.

The Chief Justice : Exhibit 37.

Mr. Blake, resuming : Q.—Did Mr. Gamey make any more pointed allusions than the general one which you gave us yesterday when he said the fault was in the carrying out of the policy of the Government by the officials ? Did he make you any more pointed statement ? A.—What I gather-

(2592)

ed from his statement was this, that the officers were very officious, and that their actions were very offensive to the people generally, and that the Government had lost more from the actions of their officials in the district than they had from the policy of the Government.

Q.—That he was referring to his own district, and the surrounding district ? A.—And he was referring to practically the district.

Q.—Which district ? A.—Well, his own riding and the Sault.

Q.—The Sault and Algoma ? A.—That district. That was East Algoma prior to the sub-division.

Q.—Then what had you to do in regard to the Sault and in regard to Algoma ? A.—In what way ?

Q.—In connection with the protests ? A.—Nothing whatever.

Q.—Who was looking after those ? A.—Mr. Grant. I understood so.

Q.—I am told that you wrote last year in connection with one of those to Duncan Bole, is that correct ? A.—No, I never had a letter from Mr. Duncan Bole.

Q.—But that you wrote a letter to him ? A.—No.

Q.—You swear that is absolutely untrue ? A.—That is absolutely untrue.

Q.—I was told, and I give you the information given. A.—If I ever wrote a letter I have no recollection of ever receiving a letter. If I received a letter it is more than likely the letter would be acknowledged, but I have no recollection of ever having received or written a letter to Duncan Bole.

(2593)

Q.—It was stated that in the summer of last year you wrote a letter in connection with one of these constituencies I have mentioned, to Duncan Bole ? A.—Not that I can remember. I will look up at lunch hour, and see if I can trace anything.

Mr. Johnston: That has been examined.

Witness: I never had any communication.

Mr. Johnston: Wait a moment. I had a letter from Mr. McPherson asking me about any communication between

the Provincial Secretary and Mr. Bole. I at once had search made, and, so far, we have been unable to find any trace of a letter from or to Duncan Bole.

Mr. Blake: I was not aware Mr. McPherson had written that letter, Mr. Johnston.

Mr. McPherson: I have no recollection of having written it.

Mr. Johnston: Oh, I can show you that. It is down in the office. I will get it this afternoon and show it to you.

Mr. Riddell: Search was made by Mr. Myers, and Mr. Myers says there was no such letter in existence.

Witness: Is it a subpoena you wish, Mr. Johnston ?

Mr. Johnston: No, it is the letter I got from Mr. McPherson.

Witness: It was mentioned in a subpoena I have.

Mr. Riddell: There was a subpoena served.

Witness: I have the subpoena here. Mr. McEvoy: Let me see it. (Subpoena shewn to Mr. McEvoy.)

Witness: This is the one, Mr. McEvoy. My recollection is I never had any correspondence of any kind with Duncan Bole.

(2594)

Mr. Johnston: What is the date of the subpoena ?

Witness: It is there.

The Chancellor: Go on looking, if you have not exhausted the search. You need not dwell upon that longer now.

Mr. Blake: Was it on the 9th or the 10th September, that you informed your colleagues that Mr. Gamey was going to support the Government ? A.—I think it was on the afternoon of the 9th.

Q.—The afternoon of the 9th. There was then a Council meeting ? A.—We had a Council meeting that day.

Q.—What members were then present, do you remember ? A.—No. Let me see. The Premier, and Mr. Gibson, and Mr. Latchford, myself and Mr. Harcourt I think were there. Why I recollect that is that during the Fair Mr. Dryden had breakfast and dinner, and always went out to the Fair during the day, and was not there that week, and my recollection now is that the Methodist Conference was on at Winnipeg during that week, and that Mr. Davis had gone to the Conference. That is what fixes it in my mind.

Q.—That is the reason for your being able to state as positively as you do ? A.—Yes.

Q.—The information you are now giving me? A.—If it was not a Conference that Mr. Davis was at, he had not returned from Muskoka, one or the other.

Q.—But they were at a later date, were they not informed or given the same information that you had given to the others? A.—I suppose they would have known of it—yes.

(2595)

Q.—It was not a thing that was kept secret? A.—No.

Q.—I got a letter the other day stating that you had said that if the Attorney-General were asked he would be able to state where the money came from, and indicating the name. I do not mention—indicating the name of the person? A.—Nothing whatever.

Q.—I thought it right to ask you the question, because that has been sent here? A.—It is not so.

Mr. McEvoy: Was it Mr. Passmore?

Mr. Blake: Mr. McEvoy, I think.

Mr. Blake: What did you say? A.—It is not so.

Q.—You did not make that statement? A.—I did not make that statement.

Q.—And so far as you know there is no truth in it? A.—There is no truth in it.

Q.—Up to the present moment you are able to state how the letter of the 10th September got into the possession of the Premier? A.—I am not.

Q.—Have you asked him? A.—Not to my knowledge.

Q.—You have been informed, I suppose, and I do not ask you that? A.—Yes, sir.

Q.—But you did not know how that letter got there? A.—As a matter of fact, I do not.

Q.—When the Premier got the letter of the 27th of October, did he speak to you about it? A.—He did not.

Q.—Never spoke to you about it until what period? A.—Not until after the statement in the House.

Q.—Were you aware that it had been received? A.—I was not. The Premier never mentioned it.

Q.—You had reason to suppose that Mr. Gamey had not carried out his

(2596)

intention of sending the letter when he got up to Gore Bay? A.—The fact is I was not thinking anything about it, Mr. Blake.

Q.—How do you mean you were not thinking about it? A.—I was not worrying about Mr. Gamey. I was not

thinking about it at all. He asked me for the letter. I sent it to him, and it dropped from my memory.

Q.—But you gave the letter for a purpose, a purpose to be accomplished on his part? A.—I gave him the letter he asked for.

Q.—And, according to that statement, that letter should have found its way after the 27th to the Premier? A.—Yes.

Q.—But you never made any investigation to see whether that was carried out or not? A.—No.

Q.—Did Mr. Gamey mention to you what friends he proposed to confer with, when he said to you he had better confer with friends before giving that interview? A.—He meant his political friends.

Q.—But did he mean in Toronto? A.—No, he meant in his constituency, as I understood it.

Q.—As you understood it, and how long then elapsed between his statement that he had better consult his political friends and your obtaining the interview? A.—Well, in October he said he was going to hold a political meeting, then he was in in January, when he had the interview talked of. Then he came down on the 29th, when the interview was given to the Globe—from the 13th to the 29th.

Q.—Those were the dates? A.—Then from October to the 13th.

Q.—From what? What do you mean? A.—He had said in September that he had been conferring with his friends, and they endorsed the course he was pursuing.

(2597)

Q.—My question is very, very simple. A.—I would say from the 13th to the 29th, then.

Q.—Of What? A.—Of January.

Q.—From the 13th to the 29th. January was the period when you thought he meant he would confer with his friends? A.—That he was going to confer with some of his friends.

Q.—Had he been conferring with friends before? A.—He said he had.

Q.—That was in respect to this interview? A.—In respect to his actions, the course he was going to pursue.

Q.—You stated that while he was down, and in connection with this interview, that he said, I had better confer with my friends? A.—That he would confer with some of his friends, I had always understood, Mr. Blake, that he had been conferring with his friends, that his friends

knew the course he was going to pursue, and that outside of a few they were satisfied he would be best acting in the interests of his constituency. That is what I always understood.

(Adjournment 1 p.m. until 2 p.m.)

(2605)

AFTERNOON SESSION.

Tuesday, 5/5/03.

The cross-examination of the Honorable J. R. Stratton, continued:—

Mr. Blake: You were speaking to me, Mr. Stratton, before adjournment, about the conferences with his friends from time to time. Did he give you the names of any of the friends? A.—No.

Q.—What was the reason when on the first occasion of being seen about the interview that you stated you could not see Mr. Gamey until the next day, was it that you had not got the interview ready, or what was the reason? A.—Well, I had the annual meeting of the Trust Company, it was held on the 28th, and when he 'phoned me I could not see him that day, I was going down town.

Q.—That was the reason? A.—Yes.

Q.—I do not want you to go into all the details of it. I did not know whether it was that interview had not been prepared, and therefore you were not ready to see Mr. Gamey, or whether any other reason of attending a company meeting, or anything else prevented it? A.—As a matter of fact, it was not prepared at that time.

Q.—So that either would have been a correct answer A.—Yes.

Q.—Then on the next day, at what hour was it, according to the best of your recollection, that you saw Mr. Gamey, and presented him with that interview? A.—It was after lunch. I would say perhaps a little after two.

(2606)

Q.—And it was on that occasion, I presume, that it must have been, that he, reading it over, thought it was a little too strong? A.—Yes.

Q.—Did he explain to you in what respect he thought it a little too strong? A.—No, he read it over, and said it was a little strong, and that he would like to make some changes in it; that he would take it away and come back in the afternoon.

Q.—He did not explain to you in what the objectionable strength was? A.—No.

Q.—Of course, it would have struck your mind that if it was a little too strong for him to give, it was a little too strong for you to take? A.—No, if he was willing to support the Government, I was willing to allow him to.

Q.—As to the support of it, I am not objecting, but clauses and conditions, and reasons and the like, it would seem to me it would about meet there, if it was a little too strong for Gamey to give, it should have been a little too strong for you to take. A.—That did not necessarily follow.

Q.—It depended upon the strength of the digestion of you or Mr. Gamey, I see. Had you that interview prepared at the council meeting that took place that day? A.—No.

Q.—You had not? A.—No.

Q.—You did not defer the preparation of it in order to get notes from the council? A.—No, no member of the Government knew of it until they saw it in print.

Q.—This was to be a happy surprise to them, was it? A.—I don't know what they may have thought.

(2607)

Q.—Was that in your mind? A.—No.

Q.—To see how big a man Stratton is when this interview came out next day? A.—No.

Q.—Did that not occur to you? A.—Never occurred to me.

Q.—In fact, you could not be greater, and that thought could not get into your mind? A.—Well, I was not affected in that way very much.

Q.—Now, Mr. Stratton, are you sure that you did not see some person to whom you spoke about Mr. Gamey about three weeks before the meeting of the House? Think that over, and tell me whether you did not. A.—In what respect, Mr. Blake?

Q.—Meet some person in one of the corridors, two or three weeks before the opening of the House; a memorandum that I have states that you had an interview with Mr. Frank Sullivan in the corridor near your office, two or three weeks before the 11th of March. A.—No, I had no interview with Mr. Sullivan.

Q.—You swear absolutely to that? A.—I do.

Q.—I want your attention called to it, because I have that memorandum, according to my brief, that that did take place. You say absolutely that did not? A.—I have. Yes.

Q.—Had you an interview with a Mr. George, a few weeks ago in connection with what had taken place in your office? A.—An interview with Mr. George.

Q.—Yes. A.—Do you mean Mr. George of the Mail?

Q.—That is the only Mr. George I know. A.—Well, I was not certain whether that was the Mr. George you mentioned or not. Mr. George spoke to me about the interview, and I to him.

(2608)

Q.—Where and when was that?

A.—Oh, he spoke to me several times, and I to him. More than one occasion.

Q.—Was not a note sent by you to Mr. George asking him to come and see you? A.—No note was sent to him.

Q.—How did he get the information that you desired to see him? A.—I have a recollection of speaking to Mr. Myers, I think it was saying that, I just forgot the exact way, but I remember speaking to Mr. Myers and Mr. George coming in.

Q.—Do you mean me to understand it was through Mr. Myers you got Mr. George to come? A.—Well, I could not say definitely or distinctly. Mr. George is a reporter on the Mail and Empire. He is at the Buildings almost every day, as Mr. Hammond was, representing the paper. I suppose I had conversations with him almost every day. He would come in for some information.

Q.—My question is a very specific one. Do you or not remember sending for Mr. George, or asking Mr. George to come to you a few weeks ago? A.—Oh, we have asked Mr. George on several occasions to come into the office.

Q.—Do you remember one of these occasions as being a few weeks ago? A.—I would say yes.

Q.—And do you remember what was the occasion of your desiring to see Mr. George, do you not remember a comparatively short period ago the questions you asked him in regard to Mr. Burrows? A.—Oh, yes, now you recall it to my memory.

Q.—Have I touched it? A.—Yes, you have recalled it to my memory. I was told that Mr. George had been down to

(2609)

Kingston, inquiring after Mr. Burrow's health, and that he had been saying certain things which I mentioned to him, which he denied.

Q.—And what you did mention to him was about Mr. Gamey having

been bought? A.—We talked of Mr. Gamey.

Q.—Tell me what it was that you mentioned to Mr. George which you say that he denied? A.—His having been down to Kingston.

Q.—Well, that was not much; many people go there, some voluntarily and some involuntarily. That does not amount to much. The question was, what passed in regard to that visit? A.—I cannot recall to memory.

Q.—You sent for Mr. George, and Mr. George came, but you cannot recall what passed between you? A.—It was with regard to his visit to Kingston, his alleged visit to Kingston.

Q.—From whom had you heard that? A.—I don't know.

Q.—Really? A.—Really.

Q.—What had you heard that made you desirous of seeing Mr. George? A.—Oh, nothing very particular.

Q.—Life is short, you cannot be flirting it away with anybody and everybody. What was the reason for it? A.—Just to see if it was so.

Q.—If what was so? A.—That he had been down to Kingston.

Q.—Is that a rule in your office, that when you hear that anybody has been to Kingston, to always inquire and find out the truth in it? A.—Oh, no.

Q.—Why was it so in this case? A.—I suppose inquisitiveness.

Q.—Merely inquisitiveness. And you really want me to take that for an

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answer? A.—Well, that is my recollection of it, that I wanted to know if it was true that he had been down to Kingston, what he was doing and what he was endeavoring to accomplish.

Q.—Why should you want to know that? A.—Why should I want to know? I just wanted to know if it was true.

Q.—If it was true that he had been at Kingston? A.—Exactly.

Q.—And you tell their Lordships that you cannot now say anything of what was the cause or the reason of your making that inquiry? A.—To know if it was true that he had been.

Q.—That he had been in Kingston? A.—Yes.

Q.—Nothing beyond that? A.—Well, with regard to Mr. Burrows.

Q.—What about Mr. Burrows? A.—I understood that The Mail and Empire, I had been told that The Mail and Empire had sent Mr. George down to Kingston with regard to Mr. Burrows, and I asked him if it was true, and he said it was not true, that

they had not sent him down, and that was all there was to it.

Q.—Had he gone? A.—He said he had not.

Q.—He had not been at Kingstons? A.—Yes.

Q.—Did you ask him anything about Mr. Burrows? A.—I asked him if he knew anything of him, yes.

Q.—Any information as to his having stated that Mr. Gamey had been bought? A.—No.

Q.—Sure? A.—Sure.

Q.—Gamey's name mentioned? A.—I would suppose it had been. I would think so.

Q.—So would I suppose, but it is not supposition but facts we want to get at. Was his name mentioned? A.—It may have been.

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Q.—What do you think? A.—I think it was perhaps.

Q.—And what was said about Gamey and his being bought? A.—That it was not true.

Q.—Ascertained from Burrows or merely Mr. — A.—No, not as ascertained from Burrows at all.

Q.—I am instructed to ask you the question as to whether in August or September last you got any money from your solicitors, Messrs. Stratton and Hall of Peterboro'? A.—You mean politically?

Q.—Oh, no, financially. A.—I am getting money from them all the time.

Q.—Well, then, August or September, did you? A.—Yes.

Q.—Where did you keep an account of that money thus received? A.—In either Toronto or Peterboro'; the cheques will show.

Q.—Those are some of the cheques which you are going to produce? A.—Yes, I have no objection to your examining my accounts fully.

Q.—But excepting as cheques into the bank? A.—Yes, and cheques out.

Q.—Excepting as cheques into the bank and then paid out, you have got no other record whatever of these transactions? A.—No, none whatever.

Q.—Then on the 9th of September, and I am merely mentioning that passing from it, you informed those of your colleagues that were present, and you have given us those? A.—Yes.

Q.—About the conversation with Mr. Gamey? A.—Yes.

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Q.—Then on the 11th you say you had a discussion with your colleagues and referred to the Conservative cau-

cus? A.—Yes, that was in the morning at breakfast.

Q.—How many and which of the colleagues were then present? A.—Mr. Harcourt, Mr. Dryden, Mr. Latchford. Perhaps Mr. Gibson; I would not say definitely; he sometimes goes to Hamilton in the evening and returns in the morning.

Q.—But to the best of your memory these were the four? A.—Yes.

Q.—And what was the subject of the discussion then? A.—Merely a reference to Mr. Gamey's attitude on the 10th with regard to his position on the 9th.

Q.—And then what was said, you had given them in Council his position? A.—No, I had not given them in Council.

Q.—No, on the 9th you have told us, was it? A.—Yes, but I did not say in Council. There is a difference between being in the Council room and talking and being absolutely in Council with the Premier in the chair. There is an entire difference.

Q.—We will not say which it is, whether it is solicitor or attorney. You were there, the members? A.—Well, what I wish to say is we are not discussing this as a matter in Council. It was a mere incidental reference by myself to my colleagues, those who were present.

Q.—You did discuss it, but not as councillors? A.—No.

Q.—But as individuals you had discussed it, and you have so told me, and I was going on from that, for I was not going to ask you anything about that. A.—I wanted to leave a correct impression upon your mind.

Q.—Oh, undoubtedly, I know how careful you are to do that

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and I accept it. Then that having taken place on the 9th, what did take place on the 11th? A.—Just this conversation at breakfast.

Q.—And what did you say about it: did you refer to the information that you have given on the 9th, and how incorrect it was, or what did you say? A.—I said, "I see that Mr. Gamey has been at the Conservative caucus yesterday."

Q.—They had all seen that. I suppose? A.—They had all seen that? It was more of a jocular discussion than anything else with regard to his attitude on the 9th and his position on the 10th.

Q.—Very funny, the untruthfulness of the man, I suppose to you. What did you say then? A.—That was all.

Q.—You simply referred jocularly to the man that was with one on the 9th

and was with the others on the 10th? A.—On the 10th.

Q.—But it was a matter of amusement to you? A.—Yes.

Q.—Oh, I can quite understand that. Was the letter referred to then? A.—No, it was not.

Q.—Why not, I wonder? A.—Well, I don't suppose they knew anything about the letter at that time.

Q.—Why did you not let them know about it? A.—Oh, life is too short for that.

Q.—Life is too short to tell important matters to your colleagues? A.—We do not discuss everything at breakfast. You are more seriously considering the matter than we were talking of it at the time.

Q.—You cannot exaggerate the seriousness that it has to my mind? A.—Hear, hear.

Q.—I am not making a knock at what I think was wrong, whatever others may do. Well, then, you said

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that during your interview there on the 9th or on the 10th nothing was said about the letter? A.—Nothing.

Q.—That is strange, is it not? A.—Strange that I did not mention it to my colleagues?

Q.—Yes. A.—No, I don't think so. It was a matter that was in the hands of the party solicitor.

Q.—On the 9th of September was anything said about Mr. Gamey signing the letter? A.—On the 9th—on the afternoon of the 10th of September?

Q.—No, on the 9th. A.—No, nothing.

Q.—Nothing was said about signing the letter? A.—No.

Q.—Nothing was said about the letter? A.—Nothing was said about the letter on the 9th of September.

Q.—Then on the 9th of September Mr. Gamey could not have known of the kind of letter you were wanting from him? A.—No.

Q.—He did not know that until the 10th? A.—He did not know that on the 10th or did not know at any time any letter we were wanting from him.

Q.—He was thrusting the letter on you? A.—Well, he was thrusting his support on us.

Q.—You shut both your hands and compelled him to put it into your pocket: you were so unwilling to take it?

A.—No, I said to you quite frankly that we treated Mr. Gamey friendly and gave him a friendly consideration.

Q.—Then one thing that was not clear—possibly you can put it before us plainly—why was the letter of the 27th

of October post-dated? A.—Mr. Gamey said he would be home about the 27th, that he wanted to mail the letter to the Premier from Gore Bay, and to make the letter that date.

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Q.—Could he not have put the date in himself or would you not trust him even that far with the letter? A.—Well, that is what he asked, and that is what was done.

Q.—But he could have put the date in and could have put the correct date in, because he did not know with the chances and changes of travel, when he would get there? A.—That is what he asked and that is what was done.

Q.—And that is the only reason you give for inserting that date of the 27th? A.—That is the only reason I can give, except the motive I see now that he had for post-dating it.

Q.—But there was no occasion to have asked you to do that, a mere child could have put the date in. Why was this post-date discussed at all? A.—He asked me to have it post-dated, about the time he would be home, about the 27th. Now you see why it was done.

Q.—I see why it was done, that is you wanted to get the letter after the dismissal of the election petition? A.—He wanted to post-date the letter so that he could make his statement that it was done wilfully, for a purpose, which was untrue.

Q.—Could he not have post-dated the letter in Gore Bay as well as in your office? A.—Perhaps he thought the evidence would be stronger the other way, to have it done in the office, which he evidently had done.

Q.—That is the only reason you can assign: I want you to give any other reason you can? A.—Well, that is what strikes me, looking at the past.

Q.—That he wanted you to post-date it to the 27th for what reason, for

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I cannot really take it in? A.—For the reason that he would be able to say that there was the object in view of having his petition dropped, which was absolutely untrue and false.

Q.—And you put that date in knowing that fact? A.—No, I did not know at that time that the petition was under consideration by Mr. Grant.

Q.—Was that matter discussed at that time? A.—No, his petition was not discussed.

Q.—That he wanted to get it at a date subsequent to the dismissal of the petition? A.—No, it was never mentioned.

Q.—Because you know Mr. Grant has told us that petition was as good as dismissed on the 4th of October. because it had been put in the list of those in which petitions only are put that are to be dismissed? A.—Well that is what he stated.

Q.—What was it that he stated?

A.—That he would be home at Gore Bay about the 27th. He wished to mail the letter to the Premier from Gore Bay, from his home, and he asked us to date the letter by that date, asked me and I had it done.

Q.—Therefore, uncertain as to the time of his arriving home, carrying the letter with him, when he could have put what date he liked in it, you put what might have been an incorrect date, or might have been before his reaching Gore Bay? A.—That applies to Mr. Gamey.

Q.—And to Mr. Stratton, who for this purpose was his servant to get it done? A.—I had it dated at his request.

Q.—Did Mr. Gamey say to you what he wanted the copy of

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the letter of the 10th of September for? A.—He wanted the original.

Q.—What did he want it for? What good would the copy do him if he wanted the original, did he explain to you? A.—To withdraw it, as I have already explained, I think, several times, to substitute a letter of a later date.

Q.—And the letter was with the Premier? A.—Yes.

Q.—And then when he found that that could not be done, what good did it do him having two incriminating letters instead of one? A.—I said to him at the time that I could not get him the original copy, that the Premier I suppose had it, as he said he had; I would get him a copy if I could.

Q.—What good did that do him when he wanted to get the original away, what good did it do to leave the original there, and to send in another original incriminating letter, how did that do him any good? A.—I am not prepared to say. Was not that question asked Mr. Gamey.

Q.—Well, no man can answer it. Do I understand from you that, although this letter was not mentioned on the 9th September, so that I may have no mistake as to the dates, it was on the 9th of September that the question of the lock-up keeper and the inspector and the like was referred to? A.—The lock-up keeper was really discussed on the 13th of January, when Mr. Chamberlain came in.

Q.—What was discussed on the 9th of September, the letter not having been discussed, what was discussed? A.—The Justice of the Peace.

Q.—His name? A.—Mr. Flesher. The protest. I will try to give them to you consecutively. He first spoke of the Justice of the Peace; he then

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explained his position, the position he was going to take with regard to giving his support to the Government. Then he mentioned about the License Inspector and the License Commissioners.

Q.—That would follow reasonably, because no support of the Government, no Justice of the Peace. You were giving those not only consecutively, but logically? A.—I was giving them to you as they occurred, Mr. Blake.

Q.—Then what was the next? A.—I think that was the general conversation at that time.

Q.—Nothing about Commissioners? A.—Yes, the Inspector and Commissioners.

Q.—Commissioners also as well as inspector? A.—Yes.

Q.—You could not tell me the names? A.—And the referendum officer.

Q.—And could you now tell me the names? A.—No, I did not keep track of the names.

Q.—It was in your department? A.—Yes. He had not written me with regard to them. I cannot keep in my mind the names that every person mentions who comes to my department. 20 or 30 or 40 visitors a day.

Q.—This interview in The Globe came in opportunely, did it not? A.—It came in on the 30th of January.

Q.—Well, that was opportunely, was it not? A.—It depends on how you look at it.

Q.—You were telling us you know that the bye-elections depend largely on the Government, if it is likely that it will be sustained the bye-elections go in that train, do they not? A.—As a rule.

Q.—And, therefore, every additional supporter that you would get would

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be one in favor of the Government? A.—Well, we had no fear as to—

Q.—Never mind that. A.—As to the result of the bye-elections.

Q.—Never mind no fear. Every additional supporter would be a strength to the Government? A.—Every additional supporter would be a strength to the Government. Every additional member might not be.

Q.—I meant member of the Government, and I thought with your

quickness you would apprehend that. We will put it in that way. Every supporter of the Government? A.—Yes.

Q.—Then if you could get an interview saying that you had a fresh adherent to the Government, it would be something in favor in the bye-elections? A.—I suppose everything that is favorable to the Government assists in the bye-elections.

Q.—And that would be favorable to the Government, no doubt? A.—Yes.

Q.—And so you will now let me have your sanction to it, it was opportunely that this interview came out in The Globe? A.—You may put it in that way if you wish.

Q.—And you will not contradict it? A.—Well, I won't say that it would have made any difference whether it was published or not, it was not done with that particular object in view.

Q.—Oh, no. Now I did not say that, but the elections were coming on in February and this got into the paper on the 30th of January that you were having another supporter? A.—There were no serious elections coming off in February.

Q.—Nothing is serious to your mind? A.—Oh, yes.

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Q.—Everything is jocular, therefore that is no test. There were elections coming on? A.—Yes.

Q.—And this got in on the 30th of January into The Globe? A.—Yes.

Q.—In what terms did Mr. Gamey refer to this letter of the 10th when he asked you about it? A.—He asked me for the letter that he had sent to the Premier.

Q.—But why did he not go to the Premier for that, or to his department? A.—Oh, I suppose because he had spoken to me before about it, about the matters, political matters. Perhaps because I was the only member of the Government that he was acquainted with. Very frequently strangers and outsiders and members go to the member of the Government that they are acquainted with to have little things done.

Q.—That is all the reason that you can assign for that, that possibly he was on better terms with you than any other member of the Government? A.—He knew me, I suppose. I suppose he knew me.

Q.—Because I would have thought that he, knowing that that letter was with the Premier that it was surprising that he should not go to the Premier and ask him for the letter. Did he make any excuse or apology or assign any reason for coming to you instead

of going to the Premier? A.—No, he asked me if I would obtain the letter for him.

Q.—Gave no reason for it? A.—Yes.

Q.—I did not catch your reason for saying that you did not answer that letter which made a request of \$2,000 of you. That is on the 4th of November. A.—I was absent from home, from the city, in Halifax or on the way or coming

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from, on that particular occasion. When I came back Mr. Myers placed the letter before me. I told him that I had no money to loan him, gave him the letter. He had replied, he had acknowledged the receipt of the letter. I had no money to loan him, consequently there was no acknowledgment required.

Q.—You sent him no letter of reproof? A.—Why should I reprove a man who wanted to borrow from me?

Q.—Why should you not? A.—Well, I have loaned money before to-day.

Q.—To Mr. Gamey? A.—No.

Mr. Johnston: And borrowed it perhaps. A.—And borrowed money as well.

Mr. Blake: At all events, it did not surprise you so much that you felt it necessary to take it up and get an answer? A.—No, I thought Mr. Gamey perhaps thought that because I was connected with several financial companies, a bank and two companies and other things, he might have thought that I would assist him in procuring a loan, he might have thought that.

Q.—Why did you not refer it to one of your financial institutions? A.—Well, he might write direct to the financial institutions if he desired to make a loan from them.

Q.—Did you suggest that? A.—No, I did not. I was not doing Mr. Gamey's business for him.

Q.—You were doing a good deal of it? A.—No, not very much, Mr. Blake.

Q.—His composition? A.—No.

Q.—However, when it came to financial business you then did not even answer his letter? A.—No.

Q.—And really to close the examination, you won't tell us where the money came from? A.—I don't know. You are welcome to examine my accounts to your satisfaction.

Q.—But, could you not save us that trouble? A.—Well, they are here for you if you desire them.

Q.—But you won't tell us off-hand? A.—I do not know.

Re-examined by Mr. Johnston:—

Q.—Is that a matter you could help the witness in any?

Mr. Blake: I would be very glad to give five cents towards it.

Mr. Johnston: Do you know whether on the 23rd or 24th of October last Mr. Gamey was acquainted with the Premier? A.—He was not. I am informed since.

Q.—The Globe interview of the 30th preceded what two bye-elections? A.—North York and Centre Bruce.

Q.—Had you previous to that time had more important bye-elections than those were? A.—Yes.

Q.—What were they? A.—North Perth, North Grey and some other North, what is it?

Q.—North Norfolk? A.—North Norfolk.

Q.—And what do you say with reference to the value of an interview before those three elections, rather than before the two, politically speaking? A.—It would be of much more value politically, speaking before the three bye-elections, than it would be before the two.

Q.—The three bye-elections that had taken place in the beginning of January were carried by the Government? A.—They were.

Q.—And your position was then about what numerically? A.—At that time?

Q.—Yes. A.—We had four—five—six of a majority. Five of a majority.

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After the Speaker was elected. Six practically.

The Chancellor: Before or when the interview was published? A.—Yes, that is taking Mr. Davis as a member of the Government at that time.

Mr. Johnston: Quite so, but before the Bruce and North York election took place, it was on the 26th of February, I understand? A.—Yes.

Q.—Before they took place your position was about five of a majority? A.—Yes.

Q.—With the Speaker? A.—With the Speaker.

Q.—And the result in the two elections that were subsequently held, did that change the numerical force of the Government? A.—None whatever.

Q.—So that you remained just the same? A.—Remain just the same.

Q.—And if the two bye-elections had gone against you in February, it is needless to say that the Government would still have had a majority? A.—Still have had a majority.

Q.—A majority of three with the Speaker? A.—Yes.

Q.—Then, you were asked the question about the conversation which you had at breakfast on the morning of the 11th. Were you at that time aware that any such letter had been actually signed? A.—No, I was not.

Q.—As the letter of the 10th? A.—I was not. So there may be no misunderstanding upon that point, I did not know that letter had been signed until Mr. Gamey came and asked to obtain it.

Q.—That was on the 23rd of October? A.—The 23rd of October.

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Q.—And therefore at the breakfast table which you told us about? A.—It was jocularly referred to.

Q.—No letter to discuss? A.—No letter to discuss as a fact.

Q.—About this Mail interview? A.—Globe interview.

Q.—No, the Mail interviewer, George. How long ago did that happen about? A.—About two weeks ago.

Q.—Had the investigation commenced then? A.—Oh, yes, been going on for several days, perhaps two weeks. Ten days perhaps.

Q.—And Burrows of course had been in the office? A.—Burrows and Mr. George I understood had been working on the World together. They were great friends.

Q.—Mr. Sullivan says that he saw Mr. Symes at page 1324. "I think I got that intimation while Mr. Symes was here, that Mr. Spencer was applying for the position." And he saw him at the Walker House. Do you remember an occasion when Symes was down A.—I do.

Q.—And in dealing with the matter as to License Inspector, that is the position he was applying for? A.—He was recommending Mr. Spencer.

Q.—When a man calls to discuss the question of a Government position, do you have the correspondence before you? A.—It depends on the importance of the individual. In this case I had a general conversation with Mr. Symes with regard to matters and spoke to him of Mr. Spencer, in fact he was recommending Mr. Spencer. My recollection is that he had a talk with the Premier with regard to Mr. Spencer. I told him what he had said would receive consideration the matter would be dealt with by Council.

(2625)

Q.—Did you send for the correspondence? A.—I think I did.

Q.—Is that your general practice? A.—Yes, we discuss with our friends

the pros and cons of various appliances from time to time.

Q.—Then just let me understand the way in which these matters are done. If a supporter of the Government, a prominent supporter from any constituency, should come to see you with reference to some appointment about which you have had more or less correspondence, would that correspondence be likely to be placed before him, or the contents of it or the effect of it? A.—A man occupying the position that Mr. Symes does, we would most likely take him into our confidence and tell him what is said favorable or unfavorable to the party who is being recommended. That was done in this case from the correspondence and the file, if we remembered it we might talk to him freely without the file, if we were uncertain we would send for the file and refresh our memory.

Q.—You heard Mr. Sullivan give his evidence with regard to the X.Y.Z. letter of the 11th of February? A.—Is that the letter sent to Mr. Gamey by Mr. Sullivan.

Q.—Yes, giving the enclosure? A.—Yes.

Q.—Do you remember what he said with reference to his information? A.—I think he said he had received a letter asking for information and that he himself had prepared something that had been sent.

Mr. Blake: This is not evidence to begin with, and certainly is not upon re-examination.

Mr. Johnston: Yes, because my learned friend was endeavoring to show the connection between the letter of February 7th and the letter of February 11th.

(2626)

Mr. Blake: If Mr. Sullivan has given that evidence it is there, and cannot be repudiated by Mr. Stratton.

The Chancellor: If he has given the evidence, it is there.

Mr. Johnston: You were asked the question whether or not Mr. Sullivan had seen the letter of 7th of February.

The Chancellor: What letter is that?

Mr. Johnston: "Certainly a row on." A.—That is a letter to me you refer to?

Q.—Which he says he sent to you? A.—He had not.

Q.—Exhibit 28.

The Chancellor: That is which Mr. Gamey said?

Mr. Johnston: Yes, my Lord.

The Chancellor: It is not addressed to anybody on the face of this. Or to "Dear sir?"

Mr. Johnston: Yes. Page 37 of the Exhibits. Exhibit 28. Then the X.Y.Z. letter and the enclosure, what was the first you knew of those documents? A.—In the Legislature.

Q.—My learned friend put into your answer, through his question, the words "sold my people," were those words or words to that effect used? A.—No.

The Chancellor: In what connection was that, "sold my people." A.—He meant selling his constituents.

Mr. Johnston: As Mr. Gamey having used the expression, or Mr. Stratton having used the expression to him, that expression or any words of that kind were never used? A.—Never used.

Q.—Was there any conversation between you and Mr. Gamey with reference to the constituency being sold in any way? A.—Nothing, in no way whatever.

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Q.—Or any explanation required why the people were sold? A.—No.

Q.—Then will you state just in this connection the reason for the public meeting that he talked about? A.—Well, he said that he had been conferring with his friends and that they had agreed with him and approved of his giving his support to the Government, thought it would be in the best interests of his constituency and it was then he thought that a public meeting would be held in which he would announce his position. Is that what you desire?

Q.—That is it. Your position as a public man I suppose brings you into contact with men on both sides of the House in regard to the needs of their respective ridings? A.—It does.

Q.—Is there any occasion for you occupying a hostile position to any of these gentlemen? A.—I never do.

Q.—Whether Conservative or Liberal? A.—Whether Conservative or Liberal.

Q.—Then with reference to the appointment of this J.P. about which we have heard a great deal. Do you remember that petition that came in? A.—I do.

Q.—And can you just give us the date of that petition? A.—Not without looking at it.

Q.—That is from the Huron Lumber Company, Robert Harvey, Superintendent of the Boom Company, and the Moltrop Lumber Company.

Q.—The date? A.—September 20th.

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Q.—September 20th, 1902. Now the letter that was written to you I see is

dated the 29th of September, 1902? A.—Yes.

Q.—Enclosing petition? A.—Enclosing petition.

Q.—And that is the first communication you had from Mr. Gamey? A.—That is the first communication I had from Mr. Gamey.

Q.—And on the 2nd day of October apparently about the time you received it, you wrote this letter which is in, 2nd October, 1902, Exhibit 8, to your colleague, the Attorney General? A.—Yes.

Q.—“I enclose you petition from the Huron Lumber Company, asking that Mr. Thomas Flesher, Collector of Customs at Aird Island, be appointed a Justice of the Peace in the room and stead of John Andrew who is said to be removing from the Island. It is recommended and approved of by Mr. Gamey, the member for the district. Will you be good enough to have the matter attended to at your earliest convenience. Yours sincerely, J. R. Stratton.” Is that all the intervention you did? A.—That is all. I asked him to give his attention to the petition which was endorsed by Mr. Gamey.

Q.—Then on the 2nd of October, 1902, you answered that letter which enclosed the petition? A.—I did.

Q.—And you also wrote another letter on the 2nd of October with reference to the returning officer? A.—I did.

Q.—With the exception of those two letters have you any recollection of ever having written to Mr. Gamey? A.—I have not.

Q.—Both written on? A.—On the same day.

Q.—On the 2nd day of October? A.—One in the morning

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and the other in the evening.

Q.—So that with all the correspondence Mr. Gamey had with you, he only received apparently the answers of the 2nd of October, one written in the morning and the other in the afternoon? A.—Yes.

Q.—And so far as you are concerned excepting the formal acknowledgments no letters were written? A.—No letters were written.

Q.—Then I see that in a letter of 2nd October, 1902, you refer to the Flesher matter and the other refers to the referendum returning officer. The same date. In the first one you begin “My dear Gamey,” and in the second one you begin “My dear Sir”? A.—Yes.

Q.—Was there any reason for making one more intimate apparently than

the other, as far as these two letters are concerned? A.—No particular reason. Perhaps I had in my mind, “My dear Foy.”

Q.—That is a very common expression in writing to members? A.—Yes.

Q.—For instance, writing to Mr. Whitney in might be the same thing? A.—Yes.

Q.—Or any other member of the House? A.—Or any other member of the House.

Q.—Then Mr. Gamey wrote, “My dear Stratton”? A.—Yes.

Q.—And then he writes the following letter on the 4th of November, “Dear, sir”? A.—Yes.

Q.—Now, was there any reason whatever for changing the address either to or from you? A.—No reason whatever.

Q.—Because on the 4th of November he wants to borrow money? A.—Further than what I said this morning.

(2630)

Q.—Then on the 5th of November he again addresses you as “Dear Sir”? A.—Yes.

Q.—And on the 13th of January he addresses you the same way. Did you know of the Ottawa interview? A.—No, I did not know of that.

Q.—I am speaking now of the interview? A.—You mean the interview with Captain Sullivan?

Q.—With Captain Sullivan? A.—I did not.

Q.—And I see that in Mr. Whitney's letter to Mr. Gamey of that date he addresses him is “My dear Gamey,” and later on he addresses him as “Dear Sir,” as between the two parties. Has that any significance to your mind at all, one way or the other? A.—Well, I cannot say. The conditions had changed perhaps there.

Q.—Then coming to the question of the License Commissioners, do they get a salary in those places? A.—No.

Q.—Simply honorary? A.—They are allowed a dollar and a half or two dollars a day while they are sitting and their travelling expenses.

Q.—The Inspector of course would be a salaried official? A.—A salaried official.

Q.—But as far as the officials are concerned that is nominal? A.—Nominal.

Q.—And honorary? A.—Yes.

Q.—Then a good deal was said with reference to the question of Gamey sending to the Government desiring the two things that my learned friend mentioned. Was there any request made by you either on your own account or on behalf of the Government to Mr.

Gamey to support the Government on any consideration whatever? A.—None whatever.

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Q.—Or held out to him in any way directly or indirectly excepting what you have told us, we need not repeat it, that his support of the Government would be of any benefit personally to himself? A.—Nothing whatever. It was not.

Q.—More likely to be of benefit to his supporters? A.—I would say so.

Q.—To the constituency? As to the filing of your letters you said that not absolutely all letters were put on the official file. Where does the great bulk of the correspondence in your department go to? A.—My own personal department?

Q.—No, the Provincial Secretary's Department? A.—The great bulk of the correspondence goes to Mr. Lumsden. What do you wish?

Q.—I am taking now the departmental work, the bulk of it goes to Mr. Lumsden? A.—Well, any correspondence that goes to Mr. Lumsden is placed on the file absolutely.

Q.—Let me get a step at a time, the bulk goes to Mr. Lumsden; what is the nature of the class of correspondence that goes to your department individually? A.—Nearly all personal.

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Q.—Questions of patronage and appointments and matters of that kind? A.—Yes.

Q.—Complaints and so on? A.—Yes, complaints, various matters nearly all personal. All the departmental correspondence goes to the various departments. Then it is gone over by the Inspectors, and the Inspectors come and confer with the Minister from day to day with regard to matters that they are in doubt about.

Q.—Taking the correspondence as it comes to you, addressed I mean to you personally, and you have given us the class of correspondence that that includes, do you distinguish that and matters for instance that would be written to you with reference to your own private affairs, such as company matters or mortgages or house or whatever it might be? A.—Oh, yes.

Q.—Then apart from your own personal matters, that is as the individual apart from the Minister, are there any letters or would there be any correspondence coming to your department that would not probably and in all like-

lihood go on file? A.—No, everything would be on file.

Q.—Everything would be on file excepting that? A.—Everything excepting that.

Q.—Or would be kept somewhere? A.—Would be kept.

Q.—Then you were asked about your typewriters. Have you any typewriters immediately adjoining your office except those that are in use in your own room? A.—Well, they are in that corridor; there are some in that corridor.

Q.—What departments or branches of your department are in the corridor? A.—Well, there is the public institutions.

Q.—That would be Mr. Christie and Mr. Chamberlain? A.—Mr. Christie and his stenographer would be Mr. Aikens.

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Q.—Is Dr. Chamberlain there? A.—Yes, and Mr. Noxon.

Q.—Are they in the same department? A.—Yes, right along the row.

Q.—Then Mr. Lumsden is along the main corridor some distance away? A.—Yes, and Dr. Bryce is upstairs in the next storey.

Q.—And does that include the room division of your department? A.—Yes. It has a considerable extent.

Q.—Then you said that Mr. Ross left the protests in your hands. What protests were left in your hands because at that time there were no protests? A.—Well, perhaps that was not correctly expressed. He left the matter of dealing with the protests in my hands.

Q.—To what extent were they left in your hands? A.—To the extent of deciding what might or might not be done.

Q.—At your earlier meetings, you speak of the three meetings, was anything done with respect to protesting any particular constituency? A.—No.

Q.—What class of constituencies were dealt with at those meetings with the opposite party? A.—We only dealt with those as to which no protest was to be entered.

Q.—Then you eliminated those in which the party leaders agreed that there should be no protest for reasons that appeared to you people sufficient perhaps. Then the remainder were to be dealt with how? A.—There was no decision as to how they would be dealt with, it was a matter for the party solicitors to take whatever course they thought best.

Q.—From that time on, did you have anything to do with it at all? A.—Nothing whatever to do with it.

Q.—Directly or indirectly? A.—Directly or indirectly.

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Q.—You had forgotten the name of the man who was to become the issuer of marriage licenses. According to the papers it is Caleb C. Platt. Do you recollect now that that was the man? A.—Yes, that was the man. He was not appointed.

Mr. Johnston: That will do.

The Chancellor: What do you understand as covered by the term "patronage"? A.—Well, a member writes to the Government or expresses his views to the Government from time to time as vacancies or other Governmental business may arise in the constituency.

Q.—That is the way in which you are dealing with patronage? But I mean now what subject matter do you understand as covered by the term patronage, "the patronage of the riding"? A.—Oh, I would say matters where the patronage is of some importance.

Q.—As to what? A.—As to larger positions.

Q.—But the exercise of patronage is doing what? A.—Making recommendations to the Government for their consideration. Is that what you mean?

Q.—Well, no, we are not of the same mind. I suppose the exercise of patronage is the appointing of the public officers of a greater or lesser scope? A.—Yes, sir.

Q.—That is the patronage, the executive right of appointing to different offices? A.—Yes.

Q.—Now, there is no written authority on the subject because I suppose it has grown up to Parliamentary or executive practice. Is there any convention or consensus between the parties as to how the details of patronage shall be administered, do the two parties I mean pursue the same policy with

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regard to the exercise of patronage, of appointing to offices of a local character, whether of greater or smaller moment, can you speak as to that? A.—I cannot speak definitely as to that.

Q.—The party to which you are attached has a certain policy of appointing to public offices? A.—Yes.

Q.—Then we will suppose a name, unobjectionable, is sent in, that is a person whom you know to be well qualified to fill a given office, what is the practice in such a case in your experience? A.—In my experience if a member, a supporter of the Government, sends in a recommendation to fill a certain position?

Q.—Supposing it is not sent in by a member of the Government or a member of Parliament, suppose a man

makes an application? A.—It is not dealt with.

Q.—What is required to have it dealt with? A.—It would be necessary to have the endorsement of the supporters, of our friends, and to see that the man was capable of filling the position.

Q.—The endorsement of your friends may be manifested either by the individuals or by the member? A.—Or by the member.

Q.—Then what is the practice pursued where the member is not of the same way of thinking as your friends? A.—Oh, he is replied to and his letter acknowledged and the matter will receive consideration.

Q.—Is a member then consulted who is not on the side of the Government? A.—No, as a rule he is not.

Q.—Is he ever consulted? A.—No, as a rule he is not.

Q.—Who would you consult in such a case? A.—Consult the friends of the party in the constituency, who may or may not be the defeated candidate,

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but who would be the friends of the party.

Q.—Persons on whose judgment you could rely? A.—Persons on whose judgment we could rely.

Q.—Or who would be likely to know? A.—Likely to know. It does not necessarily follow that it would be the defeated candidate.

Q.—Other things being equal your preference would be to appoint a friend of your own? A.—Yes.

Q.—Not necessarily an unsuitable man? A.—No.

Q.—Then there is no rule as you understand which is observed by both parties, each acts in its own way? A.—In its own way.

Q.—The matter is not dealt with in any constitutional book; it is not in that condition; there are certain rules observed by Prime Ministers and politicians, but you have your own policy in this party with which you are connected that you follow and you do not know that it is observed by any other or anywhere else? A.—I do not know I am sure, my Lord.

Q.—That is all I wanted to know.

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Arthur J. Van Nostrand sworn. Examined by Mr. Johnston:—

Q.—You live in the City of Toronto? A.—Yes.

Q.—And your profession is that of a Provincial Land Surveyor? A.—Yes. Prepared a plan of a portion of the Parliament Buildings? A.—Yes.

Q.—And at my request you have prepared Buildings? A.—Yes.

Q.—I did this, my Lords, because I thought it important for me to show the position of matters. This will be

Exhibit 77. It shows first the members' lavatory at the Parliament Buildings? A.—Yes.

Q.—And, secondly, the west face of the Parliament Buildings? A.—Yes.

Q.—Now, in order to get to the lavatory you pass the elevator? A.—Yes.

Q.—At the western wing of the building? A.—Yes.

Q.—And how is the lavatory lighted? Is it well or ill-lighted? A.—It is well lighted.

Q.—A very bright, clear place, as far as light is concerned? A.—Yes, it is.

Q.—And in the various compartments here that you have put down, what are the floors, are they solid or slat? A.—Partially slat and partially panel.

Q.—Is there any difficulty in hearing or seeing what takes place in the lavatory? A.—There is no difficulty in hearing, and by looking through the slats one has a fair view of what goes on in the room.

Q.—The window is on the west side, a large window? A.—Yes.

Q.—The partition between the two, does that run up to the ceiling or only part way up? A.—Only part way, seven feet six inches.

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Q.—And there are high ceilings there? A.—Yes, probably 11 or 12 feet.

Q.—14 I think they are, as a fact. You have given a section of the door? A.—Yes.

Q.—Then, looking at the second part of 77, have you placed the electric lights where they are? A.—Yes, they are suspended over the point shown.

Q.—How many electric lights in the western entrance, inside the opening, inside the vestibule? A.—Inside the vestibule there is one light with three globes or bulbs and outside the vestibule, over the stairway, one light with four bulbs.

Q.—That is outside the door going into the Parliament Buildings? A.—Yes.

Q.—Then at the foot of the steps there is an opening? A.—Yes.

Q.—There is no door there at all. Is there any electric light beyond the pavement? A.—To the west of the drive, no there is no electric light.

Q.—Is there any light immediately at the landing? A.—There is a light just over the carriage way, over the east edge of the carriage way.

Q.—It is on the carriage way? A.—On the carriage way, yes.

Q.—And at night how would that be lit, that west entrance? A.—Well, on

every occasion when I have seen it, it has been brilliantly lighted up, at least the light over the stairway and I think the one in the vestibule.

Q.—I am speaking about how it is lit, is it well or ill lit? A.—Well lit.

Q.—As bright as day practically? A.—Yes.

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Q.—I mean in that locality? A.—Yes.

Q.—From the door going into the Parliament Buildings down to the carriage drive? A.—Yes.

Q.—Then, have you tested it from the driveway or the walk opposite? A.—Yes.

Q.—As to seeing? A.—Yes.

Q.—Any difficulty about seeing? A.—No difficulty if one takes the proper position. There are positions where you can not.

Q.—If you got at the wrong angle, but I mean passing? A.—Oh, in passing it is a clear view.

Cross-examined by Mr. McPherson:

Q.—When did you make the plan?

A.—I made it on Friday and Saturday of last week.

Q.—Do these plans represent the portions of the Buildings as they were at that date? A.—Yes.

Q.—Can you speak as to the situation of the room here, the lavatory, on the 10th or 11th of September last? A.—No.

Q.—Can you speak as to the condition of the lights and so forth as shown at the west entrance as they were on the 29th of January last? A.—No.

Q.—You have no information on either of these points yourself at all? A.—Not on those particular dates.

Q.—Nor prior thereto? A.—Well, I have frequently gone—

Q.—But prior thereto of your own information? A.—Do you speak of the entrance?

Q.—The members' lavatory? A.—No.

Q.—On or prior to the 10th or 11th of September, or the condition of the electric lights, their exact location and so forth on or prior to the 29th of January last, yes or no? A.—I have

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only such knowledge as one gets in going in and out of that entrance hundreds of times.

Q.—Did you ever go in or out of that entrance at 7 or half-past 7 in the evening, when the lights were lit in that west entrance? A.—I have all hours. Midnight.

Q.—Did you pay special attention to the lights, the position of them? A.—No, I did not.

Q.—You cannot swear here to-day that the lights are in the same condition or were in the same condition last Friday or Saturday as they were on the 29th of January last? A.—No.

Q.—Speaking of the lavatory part, supposing any person was going in past the lavatory to enter what is the wash-room part, is that a large room? A.—Yes.

Q.—What are the dimensions of the wash-room? A.—16 feet 2 1-2 from south to north and 17 feet 10 from east to west.

Q.—A large room? A.—Yes.

Q.—What are the dimensions of the next adjoining room to the west, the lavatory part? A.—17 feet from east to west and 16 feet 2 1-2 from north to south.

Q.—Each of those rooms, then, is about half as large as this court room we are in now? A.—Oh, no, not half as large.

Q.—Well, approximately, in a rough way, about that size? A.—Oh, they are large rooms, but nothing like as large as this one.

Q.—So that two persons could go into that wash-room part there, they could as soon as they came into the wash-room part see whether any person else was in that part of the room? A.—Yes.

Q.—No person could be there without their seeing him? A.—No.

Q.—And they could have had a conversation and remained there

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for some little time without anybody in the adjoining room practically knowing of their presence there, could they not? A.—Oh, they could be heard.

Q.—Could not distinguish what they were saying? A.—Oh, yes, I think so, unless they spoke in a very low tone.

Q.—If they spoke fairly low could you distinguish in the next room what they were saying? A.—It would all depend on how low they spoke and on the hearing of the person, how good it was. It is a very short distance.

Q.—You will admit that they could carry on a conversation that each could hear, if they were in the wash-room, without anybody in the lavatory part hearing what was going on? A.—Certainly they could.

Q.—As soon as they come from the wash-room part into the lavatory part, there is a spring door, I mean one of those kind of screen doors, is there not between the two rooms? A.—Yes.

Q.—As soon as they get in there and these partitions along these indicated portions to the north of the room here, compartments, are so that any person stooping down can look under them to see if there is anybody there, are they not? A.—Under the doors, yes.

Q.—Any person entering the lavatory part could at once glance by stooping for a second tell whether there was any person else in that compartment? A.—By stooping low enough.

Q.—Tell in a moment? A.—There is one foot and two inches space from the floor to the bottom of the swing door of each compartment.

Q.—So that that could be distinguished in a moment? A.—Yes, an examination would not take long.

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Q.—There are only five compartments? A.—Yes.

Q.—And one glance would give you the information as to all the compartments at once? A.—I should not think so. There are posts supporting the partitions that would interfere.

Q.—What are the dimensions of the posts, six inches in diameter or two inches in diameter? A.—No, there is more than that. They would be at least an eight-inch case.

Q.—We won't quarrel whether they could do it at one glance. It would not take but a moment to ascertain it, would it? A.—Not very long.

Q.—The doors of the compartments remain open, do they not? A.—No, as a rule they are closed.

Q.—Do you know whether they have appliances on them that keep them closed? A.—I think not.

Q.—When they are left open they remain open? A.—I think they do, yes.

Mr. Johnston: My learned friend Mr. Blake and myself are agreed that we should, subject to your Lordships and with your Lordships' permission, take the remainder of the afternoon for the purpose of ascertaining first, whether or not there are any matters that ought to be cleared up or added to by some witness that we have or whether we should not close the case now; and secondly, as to what the nature of the reply would be and the extent of it, and what witnesses will be required. These two matters will require some little consideration and some time, and we desire to have it in such a shape that the whole matter may be gone into immediately at 10 o'clock in the morning, if it suits your Lordships' convenience.

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The Chancellor : That will facilitate the progress to-morrow no doubt. We will adjourn then till 10 o'clock.

(At 3.30 adjourned to 10 a.m., May 6th).

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NINETEENTH DAY.

May 6th, 1903, 10 a.m.

The Chancellor : Now, Mr. Riddell ?

Mr. Riddell : I will call Mr. Conmee.

James Conmee, sworn. Examined by Mr. Riddell :—

Q.—You are a member of the local Legislature ? A.—Yes.

Q.—And have been for some years ? A.—Yes, sir.

Q.—And do you know Mr. Gamey ? A.—I do know Mr. Gamey.

Q.—Have you known him for some time ? A.—Yes, I have known him quite a time.

Q.—Previous to the election, did you know him ? A.—I did.

Q.—Did you have any conversation with him ? A.—I have frequently had conversations with him.

Q.—In reference to what subjects ? A.—A great many subjects.

Q.—Did you have a conversation with him after the election also ? A.—Yes, sir.

Q.—Then I want to get the matter concerning which you spoke both before and after the election, please. A.—Well, I have had frequent conversations with Mr. Gamey as to the new country, political matters, and mining matters. I remember perhaps one sometime in the early spring that took place at the Rossin House.

The Chancellor : 1902 or 1903 ?

Mr. Riddell : The spring of 1902— last year ? A.—Yes, in

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which Mr. Gamey gave me an estimate, or some figures in respect to a smelter—the cost of a smelter.

Q.—What was the conversation in reference to the smelter ? A.—Well, it was in reference to the erection of such an institution at Sudbury as a customs works.

Q.—Anything as to the position of the Government concerning that ? A.—Yes, the policy of the Government, as to whether they would encourage it in any way, or aid it in any way. That was discussed more or less.

Q.—Then, was any arrangement made at that time between you and him, or any agreement ? A.—Not at the first interview.

Q.—Not at the first. Then, did you see him after the election ? A.—Yes, I did.

Q.—When was it that you saw him ? A.—It would be in June, I think.

Q.—What time in June ? A.—Early in June.

Q.—Are you quite sure about that ? I want to get the date as accurately as possible ? A.—Well, I have looked up the date I arrived at the hotel.

Q.—Have you satisfied yourself as to the date ? A.—Yes.

Q.—And what is the date ? A.—I think I arrived here on Saturday if I remember right. I have the date here (Refers to a slip of paper.) No, I arrived on the 4th.

Q.—And when was the interview ? A.—Well, it would be between the 4th and the 11th.

Q.—Of June ? A.—Yes, sir.

Q.—And the conversation was where ? A.—At the Rossin House.

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Q.—Will you kindly give us the conversation ? A.—Well, Mr. Gamey came to the Rossin House, and we sat down, and were discussing the same question of the smelter, and the general policy of the Government, and the two political parties more or less, and I think the result of that conversation was that Mr. Gamey gave another estimate.

Q.—Estimate of what ? A.—Of the cost of a smelter. He claimed to have the knowledge that would enable him to produce or refine nickel—pure nickel, and that he had been engaged in building some smelters, and was discussing the benefit it would be to that section of the country if such an institution was planted there. I mentioned to Mr. Gamey, which he had very well known I fancy before, because he mentioned it himself as well, that I had been advocating that policy, trying to force it upon the Government, that they ought to encourage something of that kind. And, I had stated to Mr. Gamey that in conversation with the Honorable Mr. Hardy, that he had expressed a willingness to assist, if there was any certain way of doing it. I had mentioned to him that they do give to agriculture—that they had set aside for agriculture a certain sum from the revenue, that they had loaned to the agriculturalist for drainage purposes. I thought they ought to do something to assist mining in the same way. The reply was, where could they get the same security.

The Chancellor : This was a reply from somebody else. A.—From Mr.

Hardy. I was telling Mr. Gamey the view that had been taken of it, and then that led up to the question of what they might be able to do, and I stated to him that on one occasion I

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had understood they might go so far as to appoint an analyst—that is the Government—that they would pay him. That would give confidence.

Q.—That is an analyst in connection with the smelter? A.—Yes. He would be independent of the company, and he therefore would afford confidence to those who brought their ores to be treated—that they would get the proper and correct returns. It was thought that would be of great assistance, if a company could be got to take the matter up, it might be a very good enterprise.

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Q.—Then was there anything else? A.—Mr. Gamey wanted to know if I would take an interest in that, and we were discussing the question. He mentioned a water power, that there could be a water power got there, not very far from Sudbury, and I offered to put some capital in it to develop the water power, and my recollection is that he stated that he thought he could raise some money for to go on with it works—with the smelter.

Q.—Did he state the amount? A.—I understood him to say \$10,000.

Q.—And the water power was to be used in connection with what? A.—As the motive power.

Q.—Of what? A.—To run the machinery.

Q.—Connected with the smelter? A.—Connected with the smelter and for other purposes.

Q.—Then, was anything else said at that interview, Mr. Conmee? A.—Well, in discussing that question, the general policy of the two parties came up, and I reminded or mentioned to Mr. Gamey the pledge that had been made at Sudbury by Mr. Whitney, and he remarked that speech showed Mr. Whitney had a very slight knowledge of mining matters, in fact he criticized it as ridiculous. I told him what the policy of the Government was, that I thought it was better in the interests of that section of the country, and he agreed with me in that, if it could be carried out, he stated he would give the Government a support.

Q.—Then, was there anything more that you recall of that interview? A.—Well, we kept on discussing the question for a considerable time. Mr. Gamey had repeatedly said that if

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the Ross Government would carry out its policy he would give them an independent support.

Q.—He would give them an independent support. Then, is that all that you recall of that interview?

A.—Well, Mr. Gamey was to look into the question of this water power and he was to see some parties at Sudbury in connection with the money part of it. He mentioned a hardware merchant there; I forget the name just now. He was the Conservative candidate.

Q.—Mr. Creighton was it? A.—No. He is a man of considerable means, kind of a head man. He mentioned him as one that might assist him.

Q.—Then was there anything further said as regards the Government or the policy of the party at that time because we are more interested in that?

Mr. Ritchie: You had better ask him what was said.

Mr. Riddell: Was there anything further said, Mr. Conmee, as I cannot suggest? A.—Well, he was to look into these matters and let me know whether the water power could be got easily, and if the enterprise could be taken up. He was to correspond with me about it or see me again about it.

Q.—Then did he see you again? A.—Yes, I met him on the train afterwards.

Q.—When was that? A.—I think that would be in the latter part of June or July—early part of July.

Q.—The train going where? A.—To the Sault.

Q.—From Sudbury west? A.—From Sudbury to the Sault—on the Sault train.

Q.—And you can give me accurately the day? A.—Well, I cannot give you the exact day.

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Q.—At all events it was sometime in the middle of July? A.—The latter part of June or the early part of July. That is my recollection.

Q.—Then did he sit with you in the same seat? A.—Yes, he was on the train, and another gentleman, Mr. Brodie, was with me, and he asked Mr. Brodie to let him have the seat, and he sat down alongside of me for a short time. He was getting off at one of the stations—Cutler was one of the stations.

Q.—Then did you have a conversation with him? A.—Yes, sir.

Q.—Will you kindly tell the Commission what it was? A.—Well, he stated

to me that he had not had time to go into this question about the smelter, that as soon as he had time he would look it up. Then he mentioned that a protest had been entered against him. He was talking about that, and he told me that since seeing me before he had seen some of his friends and discussed the matter of his policy with them, the course he should take, and stated to them that it was his intention to give the Government support, and that they had agreed with him; that he had fully made up his mind to support the Government.

Q.—In the other interview he spoke of "independent support." Was that spoken of this time? A.—He did not use the word "independent" in the interview on the train.

Q.—He had made up his mind to give the Government a support. Was anything further said? A.—Well, we were talking for quite a while about these same matters.

Q.—Anything along that line or anything as to the political parties? A.—Well, I think he was desirous of as-

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certaining my opinion as to whether the protest would be pressed against him in view of the fact that he would be a supporter. I told him I did not think it would.

Q.—Then what else was said about it, do you recollect? A.—I think there was some further conversation, but I do not know—.

Q.—Was anything said about any other protests by you? A.—Yes.

Q.—What was it? A.—I said, in replying to Mr. Gamey—I said, if that is so you can give me some information about the Sault; I think that constituency was unfairly won from the Liberals, and I would like to see it opened. He stated that he did not have any personal knowledge of it.

The Chancellor: You thought it was unfairly won? A.—Unfairly won from the Liberals.

Mr. Riddell: You would like to see it opened. He said he had no personal knowledge about it but what? A.—He had heard them talking on the boat.

Q.—Heard who talking? A.—Some Conservatives that had been working in that election.

Mr. Ritchie: Gamey was not there then, was he?

Mr. Riddell: This is what Gamey said.

A.—I am stating what Gamey said to me in respect of some persons who had been working in the Sault election.

Q.—And what did he say about that?

A.—He merely stated he heard them talking about how they had out-generated the Liberals and about how much more effective work could be done with a few gallons of whiskey than in many other ways.

Q.—Then did he say anything further about that—about that constituency?

A.—I think not.

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Q.—Was any other constituency mentioned? A.—I also tried to get some information with regard to Algoma.

Q.—And did you get any? A.—No, I did not get any.

Q.—Had he any? A.—He said he had not.

Q.—Then you went on to the Sault? A.—I went on to the Sault and I advised the candidate there to put a detective on to ascertain what had been done.

Q.—Then you reported at the Sault what you had heard and advised to have a detective put on to investigate along those lines, and what was done?

Mr. Ritchie: What have we to do with that?

Witness: I was informed it was done.

The Chancellor: I suppose we cannot follow that election. Nothing came of that, did it?

Mr. Riddell: Nothing came of that investigation. We know what did come, but it is a matter of history.

Q.—Do you know the class of evidence that was obtained in that election protest? Were you there? I refer to the Sault election protest?

The Chancellor: Is that relevant?

Mr. Riddell: Perhaps I had better not press that further.

The Chancellor: I do not know anything about it.

The Chief Justice: It is another place now.

Mr. Riddell: Now, Mr. Gamey says this. He is asked the question: "Did you tell Mr. Conmee in June, 1902 (page 307), at the Rossin House on that occasion that if the Ross people would carry out in practice the policy which they announced you would support them. He says, No, I did not." What do you say about that? A.—Well, I say he did make the statement which I have repeated here.

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Q.—Then he repeats that on page 308. Then he is asked, "Did you say to him you would run as an independent," and his answer is, "No, I did not." What did he say? A.—He

stated to me that he did not consider that he was bound to Mr. Whitney, that he had accepted the Conservative nomination on condition that he should be free to exercise his own judgment, and that that was well understood in his canvass, and that he got a large number of Liberal votes.

Q.—He is further asked on the same page (308), "You told him you had gone into it, speaking of politics, for the best development of the industries of New Ontario, and that alone." He is asked "Did you tell James Connée that?" He says, "I do not remember the words said to me exactly." What do you say about that? A.—He gave that as a reason for supporting the Government.

Q.—That is what as a reason? A.—That he thought it would be in the best interests of his constituency.

Q.—He says on page 310, "I do not know that I ever told Connée I was of the opinion to support the Ross Government in so many words." What do you say about that? A.—He certainly told me on the train that he had made up his mind to support the Government.

Q.—He is further asked, "Did you tell him," that is, did he (Gamey) tell you on that occasion, "You were quite independent of Mr. Whitney, that you owed your election to yourself, and not to the Conservative party." His answer is, "No, I never told him that." A.—He did say in his conversation at the Rossin House, that he had accepted the nomination as I have just stated, and that a great many people on the island knew and understood, and that he had so stated in the presence of Mr. Whitney.

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The Chancellor: What did he say in the presence of Mr. Whitney? A.—That he was not bound to support either political party; he was free to use his own judgment.

Mr. Riddell: He was also asked, "Did you say to him that you had tried to put them right," that is, put his party right, and had failed? A.—Yes, he did. That was in regard to Mr. Whitney's speech at Sudbury. He characterized it as ridiculous, and said it was not because they ought not to know better, because he had tried to get them to understand what would be a proper policy in regard to mining.

Q.—He is further asked, "That you were dissatisfied with Whitney's speeches, because he did not know anything about what he was talking about." His answer is, "I never said any such words." What do you say to that? A.—Well, he said a great many things, quite a few things about Whitney's

speech, because I was bringing it to his attention, as being a rather weak speech for that section of the country, and he had characterized it as ridiculous, and said it was evidence that Mr. Whitney did not understand the question.

Q.—Then that is also an answer to this. He was asked, "Did you say that Whitney's statement at Sudbury about the mining industry was absurd (page 311) and made without knowledge of the mining requirements of the country." What do you say about that? A.—Well, the answers I have given I think cover that—words to that effect.

Cross-examined by Mr. Ritchie:—

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Q.—When do you fix the date of the first conversation that you had with Mr. Gamey? I am speaking now before the election? What do you fix as the date of the first conversation you had with Mr. Gamey before the election? A.—Well, I had a great many conversations with him.

Q.—But the conversation which you detailed to my learned friend, when the question of the smelter was discussed? What was the date of that? A.—I cannot give you the date of it.

Q.—Give it to us approximately? As early as February of 1902, or January? A.—I think it would be later than February.

Q.—Would it be in March? A.—It might be.

Q.—It might be in March. At all events, it was long before Mr. Gamey was nominated? A.—I think so.

Q.—So that the question he was discussing with you was a question in which any resident of Manitoulin might be interested? A.—Quite so.

Q.—And knowing that you were interested in that district, he was discussing with you the question as to whether the Government would contribute towards a customs smelter or not? A.—I do not know that that was quite it. He knew that was the policy I had been advocating.

Q.—He knew that that was the policy you had been advocating. Had the Government decided to adopt your policy at that time? A.—No.

Q.—They had not. So that you did not think that the Government were pursuing a policy best calculated to serve the interests of that district? A.—No. I would not put it that way. They had not fully adopted the course I had advocated, but they seemed to be willing to adopt some such course.

Q.—But up to that time they had not adopted it? A.—No action had been taken.

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Q.—You thought they should adopt it? A.—I thought they should.

Q.—And you had been advocating it? A.—I had.

Q.—And knowing that, Mr. Gamey as a person interested in the district, saw you, to ascertain I suppose from you how far you could induce the Government to accede to your contention? A.—Well, I do not know that. We discussed that question. Q.—That was the subject matter of the discussion. Now what was the particular policy that you were advocating in respect of smelters? A.—At that interview we discussed the advantage that a customs smelter would be in the development of the mining industry in that section, as it would enable the small holders to bring their ores to the smelter and get a return, on the same principle that the farmer brings his grist.

Q.—Then the idea was that the Government should be at the expense of erecting this smelter? A.—Oh, no. I do not think so.

Q.—Who was to be at the expense? A.—That was discussed, as to whether it would not be a good policy if they did.

Q.—Getting interest on the outlay by the charges taken from those who brought ore to be smelted? A.—That matter has been discussed, if they should not establish a customs smelter.

Q.—And how long have you been advocating that? For about how many years past? A.—I have been advocating that for some years.

Q.—Five or six years? A.—Yes.

Q.—Has the Ross Government up to the present time adopted

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your views, and erected a customs smelter? A.—Not wholly.

Q.—Have they erected a customs smelter partially? A.—Well, they made some efforts, I believe.

Q.—What do you mean? Practical efforts? Has there been any progress towards the erection of a customs smelter? A.—There is none in operation as yet.

Q.—Is there any in course of construction? A.—I cannot tell you.

Q.—Do you know of any? A.—No.

Q.—So far as you know, there is none in course of construction, so that they have been very slow to adopt your views practically? A.—A little slow.

Q.—Five years you call a little slow. Then, did Mr. Gamey seem to agree with you in the policy you annunciated? A.—Quite.

Q.—And therefore he thought the Government was not right in refusing

to do this? A.—Well, I do not think it was put that way.

Q.—Well, I do not care exactly how it was put. That was the result of it? A.—No, that was not the result of it.

Q.—Was this the fact, that you and he agreed in your policy? A.—Agreed that it would be a good thing if there was a customs smelter.

Q.—And you agreed that the Government should make efforts to bring about the construction of a customs smelter? A.—They should encourage—yes.

Q.—And I think you went farther a little while ago and said you thought they even ought to be if necessary at the expense of erecting it? A.—Well, I did not say that I discussed it with

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Mr. Gamey in that way. I said in answer to your question, as to what I had been advocating.

Q.—Then, in your opinion, do you think the Government would have been justified in erecting a customs smelter? A.—Quite justified in my opinion.

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Q.—And you thought they ought to do it? A.—I do not know that I went that far.

Q.—Now, I am not asking what you told them. Did you think they ought to do it? A.—I frequently did discuss it with the members of the Government.

Q.—Did you urge it upon them from time to time? A.—I did.

Q.—Upon whom? A.—Mr. Hardy particularly.

Q.—He was the Minister of Crown Lands at that time, was he? A.—Yes, and he was afterwards Premier also.

Q.—Well, did you advocate it during the time he was Minister of Crown Lands? A.—I think I did. It was discussed as early as that.

Q.—And you had no doubt that during the time he was Premier you also discussed it with him? A.—I think I did.

Q.—Did you discuss it with the successor of Mr. Hardy in the office of the Crown Lands Department? A.—I think I have.

Q.—Who was his successor? A.—Mr. Davis.

Q.—But apparently without result? A.—They always expressed a willingness, if there could be a way shown that it would be a proper thing to do.

Q.—Expressed a willingness to do it but never did it. That is the position, is it not, up to the present time? A.—It is not in operation.

Q.—Is not in process of construction as you told us a little while ago. Now, that was the subject matter of the conversation before the elections to which you were referring when my learned friend examined you in chief? A.—I do not say that all these matters were discussed, but I do say that with

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Mr. Gamey the discussion was with respect to the estimate for a smelter.

Q.—And that question was apart altogether from his political attitude one way or the other? A.—I had reminded Mr. Gamey of the position of the Opposition, that it was adverse to the development, in my opinion, of that section of the country.

Q.—What you were pointing out was that Mr. Ross was not wholly to blame? A.—The Government was not as swift as it might be, but the Opposition was very bad.

Q.—That his political friends were as bad as Mr. Ross? A.—A little worse.

Q.—Then, you knew at that time what Mr. Gamey's politics were? A.—I always understood he was a Conservative.

Q.—And I suppose you heard, as most of the people from that district apparently heard, that on the platform during the election that he had denounced the Ross Government in no unstinted language? A.—Oh, I did not hear anything particular about that.

Q.—But you read it and knew it? I suppose you knew it from what you read or heard? A.—I do not know that I read it. I expected him to do so.

Q.—And it was generally known, was it not, that he was denouncing the mining policy, we are told, and the timber policy of the Government? You understood that? A.—I was not in the campaign. I did not have anything to do with it.

Q.—But at all events that is what you understood, that he was an out and out opponent of the Government?

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A.—I am speaking now of the first interview. Up to that time—

Q.—I am speaking now of the time of the election, his platform utterances? A.—At the time of the election I did not know anything about it.

Q.—But at all events before that you say you looked upon him as a straight Conservative? A.—I did. I understood he was a Conservative. He himself told me in the interview at the Rossin House that he was not an extreme party man, that he was looked

upon as such, but that that was a mistake, he was not an extreme party man.

Q.—Prior to the election you had understood him to be a Conservative, and at the interview he told you he was not an extreme party man. That was some time after the election? A.—Yes.

Q.—But you knew he had run upon the Conservative ticket? A.—Oh, yes.

Q.—That he was the nominee of the Conservative party? A.—Oh, I knew that.

Q.—And that there was a regular nominee of the Reform Convention opposed to him—Mr. Fraser? A.—I knew that.

Q.—And of course you knew there was a so-called Independent in the field up there? A.—Yes, I heard that.

Q.—And I suppose you took a sort of fatherly interest in the elections in Algoma, Manitoulin and the Sault district? A.—Oh, I had a desire to see them go the right way.

Q.—And with you the right way is the Grit way or Reform way? A.—I was strongly in favor of the Government policy.

Q.—Then did you not take charge of that district in a sense? A.—No.

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Q.—Giving general advice as to the conduct of the contests? A.—No, I did not.

Q.—Were you not consulted from time to time? A.—Not as to Manitoulin.

Q.—What? A.—No, sir, I was not.

Q.—Were you not consulted as to what candidate should be selected? A.—No, sir.

Q.—Was not that discussed with you? A.—No.

Q.—As to who would be the best man? A.—No.

Q.—Then what was your own constituency? A.—Port Arthur and Rainy River.

Q.—Is that a separate district known by that name? A.—Yes, an electoral district.

Q.—Then there was Manitoulin? A.—Manitoulin, Sault Ste. Marie, and Algoma, and Fort William and Lake of the Woods. That is another one.

Q.—That would make a fifth? A.—Yes.

Q.—And the two Nipissings? A.—And the two Nipissings.

Q.—And you have been one of the pioneers in that district? A.—Well, I have been up there a good many years.

Q.—You have been practically one of the pioneers, a man who has been taking an active interest in the locality for years? A.—I do not know about that. I have been busy enough.

Q.—And then there was some other discussion about water power at that time? A.—No, sir. If I am following you aright, you are speaking of the first interview?

Q.—Yes? A.—There was nothing of that kind at the first interview.

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Q.—When was the water power discussed? A.—That was after the election.

Q.—Then the discussion before the election was with reference to what you tell us about the smelter and the smelting policy? A.—The same thing was gone over in the second interview after the election.

Q.—What was the first interview that you had with him after the election? A.—That is the one I speak of as occurring at the Rossin House.

Q.—And how do you fix that date? A.—Well, because it occurred the first time I came east after the election.

Q.—And do you say that you have looked up the hotel register? A.—Yes, sir.

Q.—What do you find the date to be? A.—I find I arrived there on the 4th.

Q.—Of June? A.—Yes, and left on the 11th.

Q.—So that you say the first interview took place some time between these dates? A.—I would think so. Of course I was there afterwards. I can give you the dates of being there. I am positive the interview took place at one of those dates. I think it was at the earlier date. I arrived here on the 7th of July and I left on the 19th, so that it must have taken place at one of those interviews, and I think it is the earlier interview.

Q.—You arrived on the 4th June, 1902, and left on the 11th. Then you did not get back to Toronto till the 7th July? A.—No, sir.

The Chancellor: And left? A.—On the 19th July.

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The Chief Justice: You rather think it was the June interview? A.—Yes, I fix it as being the first time I came east after the election.

Mr. Ritchie: That is your recollection? A.—Pardon me, I want that back. (Referring to slip with dates on.)

Q.—I will give it back to you. Now then how did the conversation open on the 7th July or at the time of that interview in July? A.—Well, I do not fix it as the 7th.

Q.—Somewhere between the 7th and 11th? A.—I do not fix it in July at all.

Q.—I thought you had.

The Chancellor: No, in June.

Mr. Ritchie: June I should have said. Somewhere between the 7th and 11th June.

Mr. Blake: 4th to the 11th.

The Chief Justice: Yes, 4th to the 11th.

Witness: Mr. Gamey came to the Rossin House and we sat down on one of the benches and commenced to discuss matters.

Mr. Ritchie: That was in the corridor? A.—Yes, and the conversation which I have related took place.

Q.—Will you kindly tell me what was the first subject matter of conversation? What did he refer to first? A.—Well, I do not know that I could just give you what opened the conversation, but I fancy the first part of it was in regard to the election.

Q.—The elections were all over then?

A.—Yes, but they were still being discussed.

Q.—What did he say about the elec-

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tion? A.—Just discussing the election—a rather close result.

Q.—Said it was a rather close result? A.—Yes.

Q.—What else? A.—I do not know that there was very much of anything occurred until we commenced discussing the smelter.

Q.—Then, do I understand it was simply a general discussion about the election and you and he had agreed it was a close result between the parties? A.—And it drifted into the discussion of the smelter.

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Q.—Up to that time you had always looked upon him as a Conservative? A.—Yes, sir.

Q.—As being in Whitney's ranks? A.—Yes, sir.

Q.—When you were speaking of a close election, you were counting him as being in Whitney's ranks? A.—I did. That is when the interview commenced.

Q.—You certainly regarded him as a supporter of the Whitney party? A.—Yes, sir.

Q.—Then, after this general allusion to the closeness of the contest, you say the conversation drifted on to what? A.—The smelter.

Q.—And what was said about that? A.—Well, Mr. Gamey gave me another estimate. He had given me a previous estimate, and he gave me another estimate, more in detail as to the cost of the smelter.

Q.—Then, at the interview in March we will say, he gave you an estimate of what the smelter would cost, assuming it to have been in March of that year. A.—That is my recollection.

Q.—Do you recollect the amount that was then mentioned? A.—I think the amount was about \$8,000 in the first place.

Q.—Then, at this interview in June at the Rossin House, he gave you a more detailed estimate? A.—Yes.

Q.—And what was the total of that? A.—I think the building and machinery was about \$10,000 in that. Then there was a further reference to land and power, which would require a good deal more capital.

Q.—What was the total of his estimate at that time? A.—I could not recall the total of it. In the neighborhood of \$40,000.

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Q.—Did he at that interview claim that the Government ought, in the interests of the country, to make that expenditure? A.—No, I do not think he claimed that.

Q.—What did he claim about it? A.—Well, he thought that if a company would undertake it, and the Government would appoint an analyst, and pay him at their own expense, in order to create confidence in the public mind, that the ore that would be brought there would be properly treated, and the owners would get the right returns, it would be a great impetus to mining in that section, that the enterprise itself would be a remunerative one.

Q.—Was it Mr. Gamey who suggested the appointment of an analyst to be paid by the Government? A.—I do not think so.

Q.—Who did suggest it? A.—I think I told him that I had discussed that matter with the Government, and that I believed that they would do so, if a company would put in a reasonable amount of capital, and satisfy the Government that they could actually produce nickel—pure nickel.

Q.—Then let me ask you. Did you have any further discussion about the Government erecting this smelter at its own expense? A.—That was discussed in the first interview, as to whether it would not be good policy.

Q.—Was it also discussed at this interview in June of 1902 at the Rossin House? A.—It may have been.

Q.—What is your recollection? That it was? A.—No, I have no recollection.

Q.—Either one way or the other? At all events you had not changed your views, nor had he changed his views,

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as to the desirability of getting the Government to do this if possible? A.—I know I had not.

Q.—And so far as you know, he had not changed his views? A.—No.

Q.—And did you lead him to believe at that time that probably you might be able to convert the Government to your views? A.—No, I did not. I pointed out to him the difficulty. I pointed out—

Q.—Never mind what you pointed out. You did not tell him you thought you could get the Government converted to your views? A.—Not wholly. I thought if the company went on and put in a reasonable amount of capital, and were able to satisfy the Department that they could produce refined nickel, an article of nickel for commerce, there would be no doubt about them appointing the analyst, and that they would otherwise assist them so far as they could.

Q.—And that they might be induced to contribute at all events something towards the erection of the smelter? A.—I thought if the water power was obtained, they would probably ask only a nominal figure.

Q.—For the water power. Was this public analyst appointed? A.—No, sir. There was no occasion for appointing him.

Q.—Because the smelter has not gone up yet? A.—Neither the Government or the company have gone on.

Q.—Was there any company formed as a matter of fact? A.—Not that I am aware of.

Q.—It was simply a matter of talk? A.—Yes, sir, a matter of discussion.

Q.—Now, what else happened at this interview? A.—Well, Mr.

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Gamey stated, wanted to know if his being a Conservative, would I thought be any detriment to the interests of such an enterprise. I told him I did not think it would.

Q.—Wanted to know if his being a Conservative would be any detriment? A.—I told him I did not think it would.

Q.—A detriment in what way? A.—I do not know. That is the way he put it.

Q.—You are speaking now of the June interview? A.—Yes.

Q.—That is the way he put it? Wanted to know if his being a Conservative would be any detriment.

What did you mean? To his constituents? A.—No. To the enterprise, or would it in any way prevent the Government from assisting in the way of appointing this analyst.

Q.—What you mean then is, that being a Conservative, if he became interested as a member of the company? A.—Would that be injurious to the enterprise? It was then he stated he was not an extreme party man, and that he was prepared to give the Government an independent support.

Q.—That is a fair support, in respect to all good measures? I suppose that is what you understood? A.—I am repeating the words he used. He impressed me at the time with the idea that he intended to give a general support to the Government.

Q.—We will get the exact language. The first thing that led to it was his asking you whether you thought his being a Conservative, and belonging to a company formed for the development of this water power—whether that would militate against the company? A.—Whether it might.

Q.—That is, that he thought possibly the Government might not so readily assist a company in which a Conservative was interested as they

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would if there was no Conservative in it? A.—That might have been in his mind.

Q.—And apparently that was what he was endeavoring to convey to your mind, and asking your opinion? A.—Yes.

Q.—Now what opinion did you express? A.—I told him I did not think it would, that my experience with the Government was that they gave the Conservatives if anything the best of it.

Q.—I see. Your experience was, if anything, they gave Conservatives the best of it. And you believed that, of course? A.—I did.

Q.—You did. Have you any experience of that? A.—Well, I see Conservatives getting a good many things that puzzles the Liberals to get.

Q.—That puzzles the Liberals to get. A.—I do not mean to say, nor did I intend to convey to Mr. Gamey, that there was any favoritism, either one way or the other, but that a man being a Conservative, was no barrier to his being interested in any enterprise.

Q.—On the contrary, it seemed to help in most cases? A.—Well, that was perhaps in the way of banter more.

Q.—Was it in the way of banter? A.—Well, I think it was to a considerable extent.

Q.—Then did you think it would be just as well in the interests of the company, that he should continue to be a pronounced Conservative? A.—I certainly did not think it would do the company any harm.

Q.—And you so told him, I suppose? A.—I did.

Q.—Then, what did he say? A.—Oh, I do not know. I told you what he said already.

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Q.—He then said in answer, that he was not an extreme party man anyway? A.—He said he was not an extreme party man, and if the Government were going to carry out the policy, which Mr. Ross had announced, that he would give them an independent support. He used the word "independent" on some occasions, and on some occasions he did not.

Q.—Then what was the policy that Ross had announced? A.—Well, he had announced a policy of doing all that it was in the Government's power to stimulate the development in that country; the transportation, emigration, settlement, and development of the mines.

Q.—Had he announced any policy in respect to the erection of a customs smelter? A.—Not that I am aware of.

Q.—Now when was this policy announced by Mr. Ross? Prior to, or subsequent to the election? A.—Well, prior to and during the election, in his speeches.

Q.—So that during the time that he was a candidate running in the Conservative interests, he must have known full well the policy pronounced by Mr. Ross? A.—I should think so.

Q.—There was no different policy announced by Mr. Ross after the elections were over? A.—I do not think so.

Q.—Then that is as far as he went on that occasion? A.—I think I have repeated it.

Q.—That he was not an extreme party man, and that if Mr. Ross carried out his policy, he would give him an independent support? A.—That is my recollection. Something to that effect.

Q.—And I suppose you in your own mind left that that meant in respect of good measures? A.—Well—

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Q.—You did not think he was going to support bad measures profounded by the Ross Government? A.—I would not do that myself.

Q.—He would not accuse you of doing that. Then would you exercise an independent judgment as to what

was or what was not in the interests of your constituency? A.—Yes, sir. I told Mr. Gamey that I had followed an independent course, that I had accepted the nomination from the Liberal party on that condition only, and he was well aware that I had opposed the Government.

Q.—And, therefore, you and he both stood upon the same footing, both independent supporters? A.—Not on the same policy.

Q.—Not on the same policy, but you were pointing out to him that you were an independent, just in the same way that he was an independent? A.—I mentioned that fact. He knew that very well.

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Q.—You were independent just in the sense that you were going to exercise your judgment as to what were good and bad measures? A.—What I thought was in the best interests of my constituency.

Q.—Then you accepted your nomination upon these conditions, did you? A.—Yes, sir.

Q.—Was that made a condition before you accepted? A.—I made that statement.

Q.—But not a condition of your acceptance that they would assent to it? A.—Certainly.

Q.—Now, where did you make that statement? A.—In the convention.

Q.—That while you accepted the nomination of the convention that you reserved to yourself the right to exercise an independent judgment in respect of all matters that came up affecting your constituents? A.—Yes, or the Province, so far as that was concerned.

Q.—Then, when you were speaking of what Mr. Gamey says, he stated at some of his meetings, his statements were in the same line? A.—Yes.

Q.—His statements were in the same line, that while he was a nominee of the Conservative party and accepted the nomination, he reserved to himself just as you did the right to exercise an independent judgment upon what were good and bad measures in the interests of your constituents, and in the interests of the Province at large? A.—He did not put it in the way of good and bad measures. He reserved the right to support either political party as he saw fit. He was to use his own judgment.

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Q.—But that is exactly what you stated to your own convention, that

you were entitled to exercise an independent judgment as to supporting measures that might be proposed by Mr. Ross or by the Government? A.—Yes.

Q.—So that Mr. Gamey was doing just exactly what you did in substance? That is so, is it not? He reserved to himself substantially the same right as you, to exercise an independent judgment? A.—Well, I do not know about that.

Q.—Isn't that so? A.—I cannot tell you what was in his mind.

Q.—But if he did state that on the platform, he claimed that he was going to exercise an independent judgment, if he did state that he did not state any more than you did at the convention? A.—No, if it was put in that way. He stated to his friends that he accepted the nomination, but he was to be free to exercise his own judgment, to support whichever party he—

Q.—Didn't you state exactly the same thing at your convention, that while you accepted the nomination, you were to be free to exercise your own judgment? A.—Yes, something of that kind.

Q.—So that this was done at the convention in your case, and the only difference between you and him was that what he said was said to his friends outside of convention? A.—No, I did not so understand it.

Q.—Did you understand he said it at the convention? A.—I understood him so.

Q.—Did he tell you he had said it at the convention? A.—Yes.

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Q.—You swear he said it at the convention? A.—Yes. He told me he had said so. I do not say he did say so.

Q.—We are not at cross-purposes on that. He told you he said this at the convention. Did you tell him you had said the same thing at your convention? A.—I told him—I do not know that I did, but I told him I had pursued an independent course.

Q.—Did you tell him you had stated that you would pursue an independent course? A.—I think I did.

Q.—And as a matter of fact that statement you say was made at your convention? A.—Yes.

Q.—Before you accepted the nomination. Have you ever voted against the Ross Government? A.—I have on a great many occasions. I do not know that I have had occasion to vote against the Government since Mr. Ross has been Premier, but I have had on other occasions.

Q.—Voted against the Government. And have you gone onto the Opposition benches? A.—No, sir, not yet.

Q.—They still allow you to be classed as a good Reformer? A.—I do not know. That is for them to say.

Q.—You are still in good standing in the Reform party? A.—I hope so.

Q.—And hope to become Minister of Mines at no distant day in the Ross Government? A.—I have no desire.

Q.—But still if it was pressed on you in the interests of the country you might accept it? A.—I might not.

Q.—But you might. You will not put it stronger than that? A.—Well, I think it would be very doubtful.

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Mr. Riddell: Unless Mr. Gamey gets it. That seems to be his ambition.

Mr. Ritchie: So that whatever you might have done prior to Mr. Ross' time, since he has been Premier you have never voted against the Government? A.—I do not recollect of doing so.

Q.—Now, then, I suppose you have given us in substance all that happened at the interview that took place in June at the Rossin House? A.—I think I have.

Q.—Then let us follow on to the next interview. You told my learned friend that was on the train going between Sudbury and the Sault? A.—I saw Mr. Gamey.

Q.—That is what I am speaking of. You saw Mr. Gamey on the train and you told my learned friend that you thought that was in the latter part of June or possibly the early days of July? A.—Yes.

Q.—You are clear about that? A.—Well, I take it it must be that, from these dates.

Q.—But, apart from these dates, is that your recollection, that it was about the latter part of June? A.—That is my recollection.

Q.—Now, will you tell us what led up to the conversation that then took place? A.—Well, Mr. Gamey asked Mr. Brodie to let him say a word to me—Brodie was sitting there—that he had to get off at Cutler—Mr. Gamey had to get off.

Q.—And who was Mr. Brodie? A.—He is a gentleman that lives up there in that section—at Massey.

Q.—A politician? A.—Well, he was a candidate.

Q.—You are not sure whether he was a politician? A.—

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candidate in whose interests? A.—In the Liberal interests.

Q.—Running at what election? A.—The last General election.

Q.—What constituency? A.—Algonia.

Q.—Running against Miscampbell? A.—No, sir. Against Smyth.

Q.—Miscampbell was at the Sault? A.—Yes.

Q.—And did Mr. Brodie then vacate the seat he was occupying next to you? A.—He did.

Q.—Did Mr. Brodie hear the conversation that passed between Mr. Gamey and yourself? A.—Well, I do not know. He might have heard a word or two.

Q.—As far as you know, he did not hear? A.—He sat across the aisle.

Q.—And what was that conversation? A.—Well, Mr. Gamey had opened the conversation by saying he had not had time to look into the water power.

Q.—So that was practically a continuation of the discussion in June respecting water power? A.—Yes.

Q.—That he had not had time to look into it? What next? A.—That as soon as he could get around to do it he would look into it. Then he mentioned that there was a protest filed against him, or entered.

Q.—He then mentioned that there was a protest filed? A.—And following out he said, referring to our conversation in the Rossin House, in which he had spoken of giving the Government support, he said he had consulted his friends, and that they agreed with him, that he had got a large number of Liberal votes supporting him during his election, and that he had made up his mind to support the Government.

Q.—So that his statement in June was merely tentative apparently, about

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giving the Government an independent support? A.—Well, it was just as I told you. He used the words I say he did.

Q.—Then you say afterwards, when he saw you in the end of June? A.—He seemed to be more confirmed.

Q.—In his intention? A.—He certainly left the impression with me that he was in earnest, that he did intend to support them.

Q.—That he had consulted his friends and so on. What next was said? His protest was spoken of? A.—Yes, sir.

Q.—Why did he speak to you about the protest that was filed against him?

A.—He mentioned it. He said that he understood that there was a protest filed against him, and he did not think they could open his constituency, he did not know of anything. Of course, they might, nobody could tell.

Q.—At all events, his idea was that the protest would not succeed? A.—

Well, he did not express himself that way. I think he felt he had done nothing himself, so he expressed himself to me.

Q.—And I suppose he did not want to be put to the expense of defending that himself in connection with the protest? A.—Well, he wanted to know my opinion as to whether, in view of his supporting the Government, the protest would be pressed.

Q.—Did he ask your advice? A.—Well, I do not know that he did. I think he was wanting to get what I thought about it, if he was a supporter, if he was going to be a supporter, and had made up his mind to support them, he wanted to know if it was going to be pressed against him. I said I did not think so.

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Q.—If he made up his mind to support the Government? A.—He said he had made up his mind.

Q.—Having made up his mind? A.—Being a supporter, he was querying whether the protest would be pressed.

Q.—Having made up his mind to support them, he was querying whether the protest would be pressed or not? A.—He wanted to get my opinion on that subject. I told him I did not think it would.

Q.—You thought if he was a supporter of the Government he hadn't much fear from a protest? A.—That was my view.

Q.—And you intimated that view, conveyed that view to him? A.—Well, I think I told him I did not know, I had no authority, of course, but I simply gave it as my opinion.

Q.—Did he ask you to use your good offices in getting the protest withdrawn at that time? A.—No, he did not.

Q.—Did not ask you anything further than in view of the fact that he had intended or had become or was to become a supporter of the Government, whether the protest would be pushed? That is all he asked you? A.—That is what he asked me.

Q.—Did the subject drop there? A.—No, I said to him, well now, if that is correct, if you are supporting the Government, you can perhaps give me some information about the Sault, that constituency was unfairly won from the Liberals, and I would like to see it opened.

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Q.—What did he say? A.—He said he had no personal knowledge, but he had heard them talking coming down on the boat on one occasion, the parties that had been working in that election, that they were bragging a little

about how they had out-generaled the Liberals in the west end.

Q.—He talked about what they could do with two gallons of whiskey? A.—A few gallons.

Q.—Was that any news to you, Mr. Conmee, as to what might be worked with a few gallons of whiskey? A.—Well, it was.

Q.—Never heard of such a thing in your constituency? A.—Not in connection with the west end, at Sault Ste. Marie.

Q.—What about the other end, Thunder Bay end? A.—Oh, well.

Q.—Is that something that is resorted to for the purpose of influencing votes, the distribution of a few gallons of whiskey? A.—I have heard of such a thing.

Q.—Even in your moral constituency. Now, was there anything further said beyond the reference to the few gallons of whiskey? A.—I think the conversation ended about there because Mr. Gamey got off.

Q.—Apparently Mr. Gamey had got no information of any moment to convey to you if he had he did not convey it? A.—Just what I told you.

Q.—And nothing more? A.—I don't recollect anything more. I did try to get something in regard to Algoma, but he declared he had nothing.

Q.—Then in view of what he said at that time, did you communicate with the Premier or with any of the Cabinet Ministers? A.—Oh, no, not at that time. I think according to my recollection, I told Mr. Stratton when I

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saw him afterwards.

Q.—How long afterwards? A.—I could not say. That—

Q.—Some considerable time afterwards. Did you write to him? A.—No, I did not.

Q.—Did you write to Mr. Stratton and tell him what Mr. Gamey had told you? A.—I did not.

Q.—Did you write to anybody else to tell them? A.—No. I told Mr. Grant.

Q.—When did you tell Mr. Grant? The Chancellor? What Mr. Grant? A.—He is a solicitor in the city.

Mr. Ritchie: When did you tell him? A.—Some time afterwards.

Q.—How long afterwards? A.—I could not tell you.

Q.—Some time after the interview? A.—Oh, yes.

Q.—Did you believe your statement when you told it to Mr. Grant—did you believe Gamey's statement, assuming he made it to you? A.—I believed Gamey was in earnest when he was on the train, but in speaking to Mr. Stratton about—

Q.—Never mind that just now. Shortly after that you say that you told it to Mr. Grant? A.—Well, I told it to Mr. Grant some time afterwards.

Q.—How long afterwards? The first time you were in Toronto? A.—I think so, yes. It would be the first time.

Q.—And how did you come to discuss the matter with Mr. Grant at all? A.—Well, I told Mr. Grant that I had sent a man to Manitoulin to get information in regard to the election. I was telling him what the result of that was.

Q.—Then, were you also making inquiries in all the constituencies up

(2680)

there? A.—I was making inquiries in that constituency.

Q.—And also endeavoring to get from Mr. Gamey some thing with regard to Algoma and something with regard to the Sault? A.—Yes.

Q.—Were you then charged with the collection of information or evidence in these constituencies? A.—No, I was not.

Q.—Or was it something you voluntarily undertook? A.—I voluntarily undertook.

Q.—You voluntarily undertook that? A.—I had advised the Government to divide, give the new section more representatives, and I felt a little anxious, disappointed.

Q.—A little disappointed. It did not turn out exactly as you had calculated? A.—No.

Q.—Then, when you told Mr. Grant about the interview, you had, you believed it at that time, that he was a supporter of the Government? A.—I did. I thought Mr. Gamey impressed me as being in earnest. I think he was, or he would not have said to me what he did.

Q.—And Mr. Grant, I suppose, accepted your statement without question? He did not know anything about it himself? A.—Mr. Grant?

Q.—Yes? A.—No, he did not.

Q.—He accepted your statement? A.—I told him that it would be perhaps quite a different story when Mr. Gamey came down here and got amongst his Conservative friends.

(2681)

Q.—But still you believed him? A. I had my doubts.

Q.—You said you believed him? A.—I believed he was in earnest at that particular time.

Q.—There was nothing in the mean-

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time transpired to make you think different? A.—I did not see him afterwards.

Q.—You saw him shortly afterwards. A.—Saw who?

Q.—Mr. Grant. A.—Well, I did not see Mr. Grant after the interview on the train. I think it was after the interview at the Rossin House.

Q.—Then it was after your 4th June interview you saw Mr. Grant, was it? A.—I think so. I think I told him—

Q.—Did you tell Mr. Grant of the conversation you had in the latter part of June? A.—I did not tell Mr. Grant anything of the conversation at any time that I had with Mr. Gamey, more than Mr. Gamey had talked as though he might support the Government.

Q.—Let us fix the date. You say that at the interview in June he did not go—that is in the early part of June—he did not go as far as in the interview in the end of June? A.—Certainly not.

Q.—He did not go as far in the earlier conversation in June as in the later one. Now, was it after the earlier conversation in June, and before the later one that you saw Mr. Grant? A.—I think it was after the earlier one.

Q.—And before the later one in June. That what was the occasion of your seeing Mr. Grant? A.—I think I met him at the Parliament Buildings, if I am not mistaken.

Q.—Or were you at his office at all? A.—I was on one occasion.

(2682)

Q.—But were you on that occasion between the 4th and the end of June? A.—I think I was.

Q.—You think you were. Can you say whether you told him of the conversation that you had at the Rossin with Gamey at his office—told him at his office? Did you tell him at his office, or tell him at the Parliament Buildings? A.—I did not tell him at any time or any place the conversation I had with Gamey.

Q.—I understood you to say a little while ago, that you did tell him after the conversation that you had in June? A.—I told him I had sent a man to that constituency. I told him Mr. Gamey was talking of supporting the Government, but I never told Mr. Grant or anybody else of the conversation I had with Gamey. I regarded it as private.

Q.—You regarded your conversation with Gamey as private? A.—To some extent.

Q.—But then, when you told him that Gamey had been talking of supporting

the Government, you had reference to the conversation, in your mind—to the conversation you had at the Rossin House? A.—Yes.

Q.—That is the only conversation you had prior to that time? A.—That is my recollection.

Q.—Then, what was the occasion of the interview with Mr. Grant? A.—I told him in regard to what I had heard of the chance of getting evidence in that constituency.

Q.—Was that what you meant to tell him? A.—That is what I did tell him when I met him. I did not go to meet him at all. I met him accidentally.

Q.—You were in his office, as you told me? A.—Yes, sir.

(2683)

Q.—What for? A.—To see him, because I was asked to do so.

Q.—About what? A.—About the protest.

Q.—About what protest? A.—Protest in Manitoulin.

Q.—About protest in Manitoulin. That was the reason you went? A.—That was the reason I went.

Q.—Who asked you to go there? A.—Mr. Fraser. I saw Mr. Fraser, and I promised Mr. Fraser, if necessary, I would put up the deposit, and I went to see Mr. Grant for that purpose.

Q.—You went to see Mr. Grant for that purpose? A.—Well, in connection with that.

Q.—Anything else? A.—Well, I think not on that occasion.

Q.—Any other protest discussed? A.—Not on that occasion.

Q.—On any occasion, with Mr. Grant? A.—Well, I may have mentioned the Sault.

Q.—Did you mention Algoma? A.—I did, I think.

Q.—Any others of the New Ontario constituencies? A.—No.

Q.—But you did mention the Sault and Algoma? A.—I think I did.

Q.—What did you tell him about putting up deposits in these? A.—Well, I do not know that I require to go outside of this constituency.

Q.—Did you put up any deposits in these?

Mr. Riddell: We are not inquiring into that here surely.

Mr. Ritchie: We would like to know what he has been putting up.

Witness: I put up the deposit in this case.

Mr. Ritchie: Out of your own pocket? A.—Yes, sir.

Q.—When did you put it up? A.—I put it up sometime the latter part of June, or early in July.

(2684)

Q.—Were you in Toronto when you put it up? A.—Yes, sir, I think so.

Q.—Pay it by cheque? A.—No, I think it was by parcel.

Q.—By parcel, what? A.—Parcel of money.

Q.—Did you draw the money in Toronto? A.—Well, I might have drawn some of it. I had some of it.

Q.—I am not asking what you might have done. Did you? A.—Well, I made up the parcel.

Q.—Did you draw any portion of it in Toronto? A.—I think I did.

Q.—You are not sure? A.—No, I am not very sure.

Q.—Then, of course, if you are not sure, you cannot tell how much you drew of it in Toronto? A.—Well, when you speak of drawing it—

Q.—It is your own word. I did not first make use of the word. A.—I think you did. I had some money, a couple of thousand dollars I had had for some time.

Q.—Do you carry it around in large amounts? A.—Yes. I had drawn a couple of thousand dollars, or a little over that to pay some rent on mining lands.

Q.—When was that? When had you drawn it? A.—The other parties did not come up with their share, and I had the money about me for sometime.

Q.—Where did you get this couple of thousand dollars or more? A.—I got it. My recollection is that I got part of it by express orders that came, payments for some land I had sold in the west, and the other part I drew from the bank.

(2685)

Q.—Did you get that money in Toronto or some place in Algoma district? A.—I cashed the express orders in Toronto, and drew the balance from the bank, that is my recollection.

Q.—From which bank? A.—The Ontario Bank.

Q.—Here? A.—Yes.

Q.—How much did you draw from the Ontario Bank here? A.—I couldn't tell you.

Q.—No idea? A.—Well, it would be, maybe \$800 or \$900 or \$1,000. It might have been.

Q.—How long after you came here was it that you drew that? A.—I think I drew it right away when I came here first as I intended to make this payment.

Q.—When you came here first? When was that? A.—In the early part of June.

Q.—You drew it in the early part of June? A.—Yes.

Q.—How long after that before you paid it to Mr. Grant? A.—Oh, it was more than a month.

Q.—But you see you told us you came here on the 4th, and went away on the 11th of June? A.—Well, I did not fix the payment as on those days. I say I made the payment to Mr. Grant sometime in the latter part of June, or early part of July.

Q.—But this money, how much did you have at any time between the 4th and the 11th? How many thousand dollars? A.—I had a little over \$2,000. I had it in my pocket for a time, and then I had it in my trunk.

Q.—You had it in your pocket for a time, and then in your trunk. How long did you have it in your pocket, and how long in your trunk? A.—I couldn't tell you.

(2686)

Q.—I mean between the two? I am not asking you to separate? A.—I must have had it—I think I had it perhaps a month or three or four weeks.

Q.—Over \$2,000? A.—Yes, sir, a little over \$2,000.

Q.—Now, you left here on the 11th June? A.—Yes.

Q.—Where did you go to? A.—To the Sault.

Q.—And where did you go to from there? A.—I think I went to Port Arthur.

Q.—And where from there? A.—Well, I do not know just what my movements were. I went to Nepigon.

Q.—So that you were travelling around all this time? A.—I was not very long in one place. I returned to the city again early in—

Q.—7th July you got back to the city. Now you told us that from whatever time, between the 4th and 11th, that you had this \$2,000, and upwards, you carried that around with you during all your peregrinations, through the Sault, and up there to Nepigon, and until you got back to Toronto on the 7th July? A.—No, I did not tell you that.

Q.—If you did not, I would like to know what you did tell us. A.—I did not say anything about carrying it to Nepigon. I would not take my trunk with me to Nepigon.

Q.—You had that money for about a month you said, or over? A.—Yes.

Q.—And you said you had it either in your pocket, or in your trunk? A.—Yes, sir.

Q.—Either one place or the other, as I understood you? A.—Yes.

(2687)

Q.—Is that not so? A.—I think that is quite right.

Q.—So that that \$2,000 was either in your pocket, or in your trunk during

all that time? A.—Yes, sir. I might have used some of it.

Q.—Did you or did you not? A.—I think I did. I used what I wanted. If I wanted to pay out some money I would take some out of it.

Q.—And leave the rest in your trunk? A.—Or in my pocket.

Q.—Where was your trunk? A.—It would be in my room at the Rossin House, or at my home.

Q.—Your trunk went wherever you went on your journey? A.—No, not always. I do not always take a trunk. I sometimes take a valise.

Q.—When you took the valise, did you shift the money from the trunk to the valise? A.—No.

Q.—You would leave the trunk where? A.—I would leave my trunk at home, but—or I might leave it at the Rossin House here for a few days.

Q.—Or you might leave it at Nepigon? A.—No, I would not take my trunk there.

Q.—Did you leave your money in the trunk at the Sault? A.—Yes.

Q.—Just put away amongst the baggage in the ordinary way? A.—Oh, yes, I have often carried a good deal more, and carried it for a longer time.

Q.—Do you recollect what the denomination of the bills were? A.—No, sir, I do not.

(2688)

Q.—Cannot tell whether they were large or small? A.—No. They were not very small. Some of them were large and some small. It was not a very big parcel.

Q.—And, of course, for a man carrying large sums of money, you looked upon this as a small amount? A.—I know I had one part of it in my inside vest pocket and another roll in my pants pocket, and I was able to take care of it.

Q.—And you would have some of it in the trunk? A.—I put it all in the trunk when I did not want to be bothered with it.

Q.—At all events, for upwards of a month, this was where the money was, either in your trousers pocket, your vest pocket or in your trunk, just shifted as your necessities might warrant? A.—Just as it suited me—yes.

Q.—And you told us that you drew that money from the bank in Toronto, with the exception of some express orders that you got cashed. What amount came on express orders? A.—I think it was \$1,200.

Q.—So then you would have drawn upwards of \$800 out of the Ontario Bank? A.—I do not know that I made a cheque for the purpose. I was

paying out money all the time. I might have drawn a larger amount.

Q.—You drew to such an extent that you had over \$2,000 when you left here to go to the Sault? A.—I did not say that. I say I had a little over \$2,000, the sum necessary to make a certain payment.

Q.—You told us I think that you carried that around with you? Do you want to take that back? A.—No, I do not want to take anything back.

(2689)

Q.—Then, we will stick to what you did say. A.—If you will do that there will be no trouble.

Q.—Then, what did you do with that money after you came down on the 7th July? A.—Well, I do not know. I paid it out. I have not got it now.

Q.—No. How much did you pay out, and to whom? A.—I could not tell you that.

Q.—You paid \$1,000 of it to Mr. Grant? A.—I did not fix the 7th July as the date of payment.

Q.—But you say, after you came back on that trip? A.—I did not say that either.

Q.—Surely we want to fasten you down to something. You said you went away about the 11th June, and you carried that money around with you, and then you came back to Toronto? A.—I did not say I carried the money around with me.

Q.—It is taken down, what you did say. Then you came back on the 7th July to Toronto? A.—Yes.

Q.—Then, if you did not tell us when you paid Mr. Grant the money, tell us now? A.—Well, I am not so certain as to whether I paid Mr. Grant the money before I went away or after I came back.

Q.—Surely you can tell us that? A.—I am not going to fix an exact date.

Q.—You told us you took this money away with you? A.—I told Mr. Fraser when I met him he was thinking he would not get help with his protest. I told him if necessary I would put the money up for the protest.

Q.—Did Mr. Fraser give you any part of the money? A.—I have not got it yet.

(2690)

Q.—Did he give you any part of the money? A.—No. You mean to deposit?

Q.—Yes? A.—Oh, no, no.

Q.—But you say he has not reposed you anything in respect of it? A.—Not as yet.

Q.—Now, do you mean to tell us you cannot say whether you paid that

money to Mr. Grant in June or in July? A.—I would not like to fix the date.

Q.—What is your recollection? A.—My recollection is it was after I returned.

Q.—That is what I thought you said before. Your recollection is that it was after you returned to Toronto on the 7th July? A.—I make that statement for this reason. I had the money prepared for Mr. Fraser. I expected him to call again, but he did not call and I did not know who to give it to until I got a telephone from some one, asking me about it, and I went to Mr. Grant's office.

Q.—You say you had the money prepared, ready to pay over? A.—I expected Mr. Fraser to call for it.

Q.—Where? A.—At the Rossin House.

Q.—Was Mr. Fraser here at that time? A.—He was.

Q.—How long? A.—I am speaking now of I think June when I saw Mr. Fraser.

Q.—Then, he did not call? A.—He did not call.

Q.—So then you went back to the Sault without seeing him? A.—I must have done so, from the date I find on this slip.

Q.—You must have gone back to the Sault without seeing Mr. Fraser. That is what aids your memory now in saying it must have been when you came here in the early part of

(2690½)

July? A.—I would not say. I went to Mr. Grant's office in response to a telephone. Some one telephoned me about it.

Q.—Your best recollection is that owing to the fact that Fraser did not call, and that you took the money with you to the Sault, it must have been after your return?

A.—Well, I do not say I took the money to the Sault. I merely say I had some money with me all the time. I had a considerable sum of money. Whether I took it all to the Sault or not I do not say.

(2691)

Q.—Your best recollection is that it was on your visit in the early part of July, after your visit here, that you paid it to Mr. Grant? A.—I might have paid it to him before.

Q.—What is your best recollection? A.—I do not pretend to have any particular recollection as to date.

Q.—I thought a little while ago you reasoned it out that it must have been on the July visit, because you had the

money, and expected Fraser to call for it at the Rossin House, and he did not do it? A.—I expected Fraser to call for it after I had seen him and promised to give it to him, but he did not call for it, and I know I had the parcel for some little time before I got rid of it.

Q.—Was the parcel you speak of one containing \$1,000 exactly? A.—Yes, I put a thousand dollars in a parcel and rolled a paper around it.

Q.—Is that the one that you carried in your trousers' pocket, or coat pocket? A.—I think I carried that in my vest pocket.

Q.—So that you were bulging out with money all over? A.—No, I did not consider I was.

Q.—How long did you carry that in your vest pocket—\$1,000? A.—I could not tell you.

Q.—A week, or two weeks, or three weeks, or how long? A.—I had it in my pocket for some time. I took it out and put it—

Q.—How long were you carrying this thousand dollars around with you altogether—three or four weeks? A.—I could not tell you. I do not know.

Q.—Surely you can tell us whether it was three or four weeks? A.—No.

(2692)

I know I put it on one occasion, when I was dressing, changing my clothes, I put it in my trunk. Just when I took it out and used it again or put it in my pocket I cannot tell you exactly.

Q.—Altogether you might have been carrying it around? A.—I might not have made the payment until I came back, or I might have made it before I went away.

Q.—Then, if you did not make the payment until you came back, you must have been carrying that thousand dollars around for upwards of a month? A.—I was carrying a considerable sum, for I had money anyway.

Q.—You told us you had this thousand dollars separated from the rest and put in your vest pocket? A.—I told you I had two thousand dollars—a little over two thousand dollars.

Q.—Did you tell us a little while ago that you had the exact sum of one thousand dollars put into a roll, which you carried in your vest pocket? Is that so or not? A.—I told you I had separated it for the purpose of giving it to Mr. Fraser.

Q.—And did you say that probably if you did not give it to Mr. Fraser in June, then you probably carried that around in your trunk, or your vest, for over a month until you came back? A.—If I did not give it, I certainly carried it around until I did give it.

Q.—And your recollection is that you did carry it around for a considerable time? A.—My recollection is that I carried around quite a sum of money.

Q.—But I am speaking of this thousand dollars? A.—I am not fixing the date of the payment of the thousand dollars.

(2693)

Q.—So that you cannot pretend to say that you carried it for over a month or not—this thousand dollars? A.—Well, I would not fix the date.

Q.—And you would not pledge your oath as to whether you carried it for over a month or not? A.—That particular thousand dollars after I had separated it?

Q.—Yes, A.—I do not believe I had it that long.

Q.—Will you swear that you did not before you paid it over? A.—Well, I think I could do that.

Q.—It was not as long as a month? A.—I do not think so.

Q.—How long did you have it in the other parcel before you separated it? A.—I could not say. I had it for some little time.

Q.—A couple of weeks? A.—Yes, all of that.

Q.—You had it in the larger bundle before you separated it and put it in a bundle—this one thousand dollars? A.—It might have been that length of time. I cannot fix the time. I had it for some little time, anyway.

Q.—Two or three weeks, probably, in the larger parcel? A.—I might have had it two weeks, and I might not have had it two weeks.

Q.—But probably you did have it for two weeks before you separated it? A.—I might have.

Q.—Where did you make this promise to Mr. Fraser about putting up the money? A.—I met him first at the Parliament buildings.

Q.—When. A.—Some time in June.

Q.—That is on your early visit—June? A.—That is my recollection.

(2694)

Q.—You were only in Toronto once in June, or one visit, I mean? A.—I think so.

Q.—Then you met him at the Parliament buildings, and what was the discussion that you had with him? A.—Well, he was talking about his election, and thinking the seat could be opened if the protest was entered, he could not get much help. He was looking for help.

Q.—Did he ask you then if you would put up the deposit? A.—He asked me if I would help him.

Q.—What did you say? A.—I told him I would do it.

Q.—Did you have the money in your pocket at that time? A.—I think I had it in my trunk.

Q.—But you did not give it to him? A.—I understood he was to call, and he did not call.

Q.—And left town before you did, I suppose? A.—I do not know.

Q.—In whose office in the Parliament buildings was it? A.—I met him just on the steps. I was going out and he was going in. That is my recollection of it.

Q.—Any particular office? A.—No.

Q.—Did you have a discussion with him in the Parliament buildings in an office? A.—No.

Q.—Was that the only discussion you had with him about putting up the money? A.—No, he came down to the Rossin House.

Q.—When? A.—That same day.

Q.—And what was the discussion that took place then? A.—Well, the question was for him to make up his mind whether he would go on. He went away to see his solicitor.

(2695)

Q.—Had he made up his mind? A.—Not fully at the time. He said he thought he and his friends could raise the rest of the money to take care of the expenses of the solicitor.

Q.—Now, then, when he was down at the Rossin House, you had the money in your trunk at that time? A.—I could have given it to him if I had wanted to.

Q.—You did not give it to him? A.—No, he did not ask for it. He went to see his solicitor to make up his mind whether to go on.

Q.—You did not ascertain from him until after you left Toronto, whether he was going on with the protest or not? A.—No, I do not say that.

Q.—What is your recollection? A.—My recollection is that he did not come back after that, and ask me for the money, and, of course, I did not go hunting him up.

Q.—And up to the time that you left then, you did not know whether he had definitely decided to go on with the protest or not? A.—No, I did not say that.

Q.—Do you say that you did? A.—I say I might have. I was telephoned by the solicitor asking me if I had made some arrangements with Fraser, and I said yes.

Q.—Is that all you said? A.—Yes, and I went to see Mr. Grant. Now whether that took place before I left the first time in June, or when I came back the second time I am not going

to fix definitely, for I do not know. I have not got a definite recollection.

Q.—Do you know whether it was in June or July that you saw Mr. Fraser? A.—I am quite sure it was in June I saw Mr. Fraser.

(2696)

Q.—Did you have any conversation with Mr. Fraser in Gore Bay with reference to putting up the deposit? A.—No, I was not at Gore Bay.

Q.—Did you see him any other place besides the Parliament buildings? A.—I met him at the Parliament buildings, and I met him at the Rossin House.

Q.—But did you see him in connection with this matter any place outside the City of Toronto? A.—No.

Q.—You had no conversation with him outside the city of Toronto about it? A.—Not about the protest.

Q.—Did you have any correspondence at all with Mr. Fraser? A.—No.

Q.—Anything in writing pass between you? A.—Not with Mr. Fraser. I may have written him, but I do not recollect it, though.

Q.—Did you have any correspondence with Mr. Grant? A.—No.

Q.—Did you write to him, or get any letter from him? A.—No.

Q.—Where did you give the money to him? A.—In his office, sir.

Q.—A packet of bills? A.—Yes, sir.

Q.—Exactly \$1,000? A.—That is my recollection.

Q.—What denomination? A.—I do not know.

Q.—Was this the same packet that you had carried around in the vest pocket that you gave to him? A.—It might have been. I might have used some of it, and might have replaced it.

Q.—Can you say whether you used any of that thousand dollars that you separated and put into a package? A.—I think I did use some of it, and then replaced it again before I paid it over.

(2697)

Q.—Did you get any receipt for it? A.—No, sir.

Q.—Just handed it over? A.—Just handed it over.

Q.—Did not ask for a receipt? A.—No, sir.

Q.—Trusting and confiding about that? A.—Quite so.

Q.—Then on the 7th July you came back and remained over until what date? The 19th, was it? A.—Well, you have been asking me about letters. I think I had a letter from a solicitor at Gore Bay, Mr. Murray, if I am not mistaken.

Q.—I asked if you had any correspondence with Mr. Grant? A.—You

asked me if I had any correspondence about a protest.

Q.—I said with Mr. Grant. A.—I understood you the other way.

Q.—Did you have any correspondence with Mr. Grant? A.—No, sir, I did not.

Q.—If you have correspondence with anybody, let us see it. A.—I have no correspondence, but I say I have a recollection of hearing from someone at Gore Bay.

Q.—At all events, if you have not got the letters we do not want to go into them. A.—No.

Q.—Now, you drew the money you say from the Ontario Bank. Was that the Toronto branch? A.—I do not say that. I say I drew money from the Ontario Bank. I did not say I drew that particular money.

Q.—You drew money which apparently went to make up the package that you had? A.—It might not, or it might have.

(2698)

Q.—You are taking back everything you told me before.

Mr. Riddell: He is not.

Witness: I will not allow you to put it just as you want to put it. I want to give it my way, and not yours.

Mr. Ritchie: And I propose it shall come your way, but I want you to be consistent. You told us you got it in the first place money from the Ontario Bank. A.—I told you I had two thousand dollars, or a little over.

Q.—And part of that came from the Ontario Bank? A.—That was my recollection.

Q.—And the thousand dollars that you put into one parcel was produced from the larger parcel of two thousand dollars? A.—That is right.

Q.—Then, I think we have a right to assume that probably some of that came from the Ontario Bank? A.—I also told you—

Q.—Never mind that. A.—Pardon me. I also told you—

Q.—Answer my question, please. A.—I have answered your question, and I want to answer it fully, I am giving the evidence.

Q.—But you are not making speeches? A.—No. If you do not permit me I will ask their honours.

Q.—Your counsel will ask you.

Mr. Johnston: You should give him a chance to answer.

Witness: I wish to explain it.

The Chancellor: You had better make your statement now.

Witness: I also told you I had used some of that money and replaced it, and so on. As well as drawing from the Ontario Bank, I drew some

money from the Farmers' Trust and Loan, I do not know how much, but

(2699)

that might have been mixed with the other.

Mr. Ritchie: Anything else you want to add now? A.—No, I wished to correct you in that matter.

Q.—You have made your whole speech now? A.—No. I just simply wanted to put it right.

Q.—Where is the Farmers' Loan? A.—It is on Church street.

Q.—Is it the Farmers' Loan? Have you given us the right name? A.—Perhaps I have not.

Q.—I thought the Farmers' Loan had gone up? A.—The Home Savings and Loan.

Q.—I am trying to help you out. A.—Thank you.

Q.—But you are quite sure you got some money from the Ontario Bank on the occasion when you were here in June? A.—Oh, yes.

Q.—We can depend upon that? A.—I think so

Q.—From which office of the Ontario Bank in Toronto did you get it? A.—I usually go down to the head office, away down near Front street.

Q.—Wellington—corner Wellington and Scott? A.—Yes.

Q.—You say you usually go there. When you do not go there, what other branch do you go to? A.—I might give a cheque to the hotel, and have it cashed in that way.

Q.—That is not drawing money out of the bank? A.—Well, I think it is.

Q.—We will not discuss that. But did you ever draw money out of a branch bank? A.—In Toronto?

Q.—A branch of the Ontario Bank in Toronto? A.—Oh, no, I have no deposits in branches.

Q.—Have you an account in the Ontario Bank? A.—I have.

(2700)

Q.—Had you an account at that time? A.—I had.

Q.—How many years have you had an account there? A.—I have had an account there for a good many years, and also in their branch at Port Arthur.

Q.—And any moneys you would draw from the bank would be drawn from the office on the corner of Scott and Wellington? A.—Either that or drawn from the branch at Port Arthur.

Q.—I am confining myself to Toronto? A.—They would be drawn from that bank if they were drawn in Toronto.

Q.—Have you any other bank account here except in the Ontario Bank? A.—I have in the Home Savings.

Q.—Do you know whether you drew any money from the Home Savings to make up this thousand dollar parcel? A.—No, I have no recollection of that. My recollection is I did draw some money at that time, or about that time. It may have been mixed up with this.

Q.—At all events, it was drawn out of your own account in the Ontario Bank? A.—It was my own money.

Q.—Have you the cheque for that? A.—No.

Q.—But we can assume what the cheque was. Did you draw out more than one sum on that June trip? A.—I might have drawn several sums.

Q.—But did you draw out more than one large sum? A.—I cannot tell you that.

Q.—Your account is here, is it, in the bank? A.—I have an account here.

Q.—You understand what I mean. You do not go in and ask them to cash a cheque and charge it on the Port Arthur branch? A.—I have done that frequently.

(2701)

Q.—You know what I mean. I want to know if you have a deposit ledger account in both places? A.—Yes, I have.

Q.—Do you recollect in September last seeing Sheriff Jackson and Captain Sullivan at the Rossin House? A.—I recollect seeing Sheriff Jackson sometime last summer.

Q.—Do you recollect having a conversation with Sheriff Jackson at that time? A.—I do.

The Chancellor: Last summer?

Mr. Ritchie: September, my Lord. I ask him about September. A.—Well, I do not know. I would not fix the date.

Q.—You were here in July? A.—Yes, sir.

Q.—Were you here in August at all? A.—No.

(2702)

Q.—Were you here in September? A.—I was.

Q.—Now, I am instructed it was in September that the conversation took place about which I propose to ask you? A.—It might have.

Q.—At all events, you recollect seeing Captain Sullivan? A.—Oh, I have seen Captain Sullivan.

Q.—Frequently, I suppose? A.—I met him once in a while.

Q.—You meet him so frequently that the fact of seeing him would not

impress itself upon your mind? A.—I never recollect having any conversation with him.

Q.—Do you recollect Sheriff Jackson asking you, How about Manitoulin, at that time? A.—No, I did not. I recollect Sheriff Jackson talking about Manitoulin.

Q.—Do you recollect him saying anything about "How about Manitoulin"? A.—No, I do not.

Q.—Perhaps this will recall it to your mind. You were standing up and patting him on the back, and said, do not bother about that, we have got Manitoulin all right, do not worry about that, we have got Manitoulin all right? A.—I did not say that to him.

Q.—Did you say anything to that effect? A.—He told me he was quite satisfied that Mr. Gamey would support the Government.

Q.—I am asking what you told him? A.—Oh, well, what do you say?

Q.—I want to know what you say?

Q.—My question is, that he asked you about Manitoulin, that you reached out your hand, patting the Sheriff on the back, and saying, that is all right, do not worry about that,

(2703)

we have got Manitoulin all right, or anything to that effect? A.—No, I told the Sheriff that I heard or understood Gamey was going to support the Government and he told me, that he assured me, that he could vouch for it.

Q.—I am not asking what he told you.

Mr. Riddell: We will have it out.

Mr. Ritchie: My learned friend will not interrupt.

Mr. Johnston: The witness has a right to make his statement.

The Chancellor: You can ask him that on re-examination. Mr Ritchie does not ask him that. He asks what he told Jackson. He did not tell Jackson, he says, what is imputed.

Mr. Ritchie: Do you recollect who were present at this conversation between Sheriff Jackson and yourself? A.—I do not. I do not believe there was anybody.

Q.—You have no recollection of any particular person? A.—No, I have not.

Q.—Of any person from Manitoulin being there? A.—No, I have not.

Q.—At the same time? A.—No.

Q.—Did you know that that money—that that deposit had been paid back to Mr. Grant? A.—No, I was not aware of that.

Q.—Some time after the petition was dismissed? A.—I had no particular knowledge of that.

Q.—You knew that the petition was dismissed? A.—I understood so.

Q.—You understood that? A.—Yes, sir.

Q.—As far back as October last? A.—I do not know the date.

Q.—Do you tell us that you did not make any inquiry as to why this

(2704)

money was not refunded to you? A.—I had not seen Mr. Fraser.

Q.—But you had paid this money to Mr. Grant? A.—I assume Mr. Grant had paid it in on account of the protest. I did not know anything about that.

Q.—And I suppose you know enough about these protest matters, that he would have got it back? A.—I assume it would come back.

Q.—To Mr. Grant? A.—I did not know that.

Q.—You paid it to Mr. Grant? A.—I thought it would go to Mr. Fraser.

Q.—Did you expect Mr. Grant, as solicitor, would get it back? A.—I supposed Mr. Grant was acting for Mr. Fraser.

The Chancellor: Do I understand that no part of this money has been refunded to you yet? A.—No, my Lord.

Mr. Ritchie: He has never asked for it? A.—I never saw Mr. Fraser until he was here as a witness.

Q.—You never asked Mr. Grant for it either? A.—No.

Q.—And up to the present time you have not got a dollar back? A.—No.

Q.—Now, can you tell us this. You had a conversation you say with Mr. Gamey in the latter part of June of last year on the railway train, when he said to you or led you to believe? A.—June or July?

Q.—You said the latter part of June or the first few days of July? A.—I think so.

Q.—Now, was it before or after that conversation that you paid this \$1,000 to Mr. Grant. A.—It was before that conversation.

(2705)

Q.—It was before that conversation you paid that to Mr. Grant? A.—That is my recollection.

Q.—Then didn't it occur to you to at once communicate with Mr. Grant and tell him not to go on with the protest, to withdraw it, because you had the assurance of Gamey that he would give an independent support to the Government. A.—I took that for what it was worth. I did not discuss that with Mr. Grant. I did say to Mr. Stratton that Gamey said he would support the Government.

Q.—I did not ask what you told Stratton. You had put up your money. You had given it to Mr. Grant. You had this conversation subsequently with Mr. Gamey in which he said he was going to give the Government an independent support. I ask you why then you did not communicate with Mr. Grant and tell him that there was no necessity of going on with the protest? A.—I told Mr. Grant I had sent a man to Manitoulin—after his making inquiries that that man's report was that he could not get very strong evidence against Mr. Gamey.

Q.—You told us before that the conversation about sending the man to Manitoulin was in June, when you were here? A.—Well, I am not fixing the date of it now.

Q.—I am trying to fix the date by particular circumstances. Could you tell us now that it was before your interview in the latter part of June or the beginning of July, that is the interview on the railway train? You say it was before that that you paid the money to Mr. Grant? A.—Yes.

Q.—We are clear about that? A.—I think so. That is my recollection.

(2706)

Q.—Then in the latter part of June you say you had the assurance of Mr. Gamey that he was going to give the Government an independent support? A.—Yes.

Q.—I ask you then, why did you not at once communicate with Mr. Grant and tell him the conversation you had and suggest that it might not be advisable to go on with the protest? A.—Well, I did not do so. I did not think it was my business to do so.

Q.—Can you give me any reason why you did not? A.—I had my own doubts about it. I thought when Mr. Gamey got with his Conservative friends he might not be so courageous as when he was alone.

Q.—You have already sworn in the box, and I asked you that advisedly—you swore that you did believe Mr. Gamey when he made that statement to you? A.—I say so now. I think Mr. Gamey was in earnest on that day.

Q.—And your believing it, why did you not at once communicate with Mr. Grant and tell him what he had said, and ask about the advisability of going on? A.—I had already conveyed to Mr. Grant that I did not think there was very strong evidence in that case.

Q.—All the more reason then, was there not, that you should intimate to him that in view of Gamey's statement the protest should not be proceeded with? A.—Well, I did not see him.

Q.—You did not write him? A.—I was not looking after that part of the business.

Q.—But your money was up? A.—Yes.

Q.—Your \$1,000? A.—Yes, sir.

(2707)

Q.—Without security? A.—Without security. I thought it was all right.

Q.—And yet you pledge your oath that although this money was up, and you had no security for it, that when you got the assurance he was going to give an independent support to the Government, you did not communicate with Mr. Grant to whom you had paid the \$1,000? A.—I did not say that.

Q.—I am asking you did you communicate? A.—I thought my money was perfectly safe.

Q.—I am asking you, did you as a fact communicate with Mr. Grant and tell him? A.—I did not.

Q.—Then you have already said that what led to the conversation in July was the protest, or in June I should have said—the conversation in the latter part of June on the railway train? A.—That was one of the matters.

Q.—That was one of the matters discussed, and it was in the course of discussing that matter that he made the statement, was it not, about seeing some of his friends, and he was going to give an independent support to the Government? A.—He told me he had seen his friends since our interview at the Rossin House, that he had seen his friends, and that he had told them what his intentions were, in supporting the Government, and that they had agreed with him, and that he had made up his mind to do so.

Q.—Couldn't you as well have answered my question? I asked you, did this statement he made at that time—did that arise out of the discussion of the protest? Was it in connection with that? A.—I can answer that. That was one of the matters discussed.

(2708)

Q.—Was it in connection with that? A.—It was in connection with that, and with the discussion of the smelter and so on.

Q.—It was in connection with both, that this statement was made? A.—I do not place any particular connection. I think it was more in reference to the protest than anything else.

Q.—I should think so. It was more in reference to the protest than anything else, because you say you went on to tell him that if that were so, then it was likely that the protest would not be pushed? A.—I gave him that as my opinion.

Q.—You knew of course at that time the protest had been put in against him. Why didn't you write? A.—I did not know. I knew I had furnished the deposit. I knew that Mr. Fraser was intending to go on, but what had been done I did not know until I met Mr. Gamey. He told me it had been entered.

Q.—He told you the protest had been entered. That being so, did you tell him that you had put up the money? A.—No, I did not.

Q.—Did you lead him to believe you did not know anything about the protest, or was any statement made by you about it? A.—I did not make any statement to him about it, other than what I have said in answer, that I expressed the opinion that if he was a supporter of the Government, as he said he was, that it would not be pressed.

Q.—And then it did not occur to you, in view of that—in view of your belief in the honesty of his statement, that you ought to have written to

(2709)

Mr. Grant to inform him of the statement that had been made to you? A.—No, I did not. I thought Mr. Gamey would look after that himself. I did not have any charge of it. I did not think of it and did not do it.

Q.—Do you know of any one who was aware, up to the 7th July, that Mr. Gamey's election was to be protested? A.—Well, I thought I was. I understood from Mr. Fraser that he was going to go on with the protest.

Q.—Outside of this, do you know any person who knew it?—outside of yourself and Mr. Grant and Mr. Fraser? A.—No.

Q.—Was there a protest against you in the election? A.—No.

Q.—Did you tell any person about that?

Mr. Riddell: About what?

Mr. Ritchie: Did you tell anybody prior to the 7th July that Gamey's election was to be protested? A.—I do not know. I might have.

Q.—Prior to your second visit to Toronto? A.—I have no recollection of doing so. I do not recall it.

Q.—To the best of your recollection, you did not? A.—I might have said so.

Q.—Now, you say in June you had a conference or consultation with Mr. Grant? A.—Yes, I met Mr. Grant at the Parliament Buildings.

Q.—That was in your early June visit? A.—That is my recollection.

Q.—And then you say, without mentioning Mr. Gamey's name, you told

him at that time you had heard that he was likely to give an independent

(2710)

support to the Ross Government? A.—I do not think that I did tell him on that occasion at all. I did not say anything about it.

Q.—Then am I mistaken? A.—I think you are.

Q.—I certainly thought that was my recollection, that you told him in the early June visit when you were speaking— A.—When I was here in June, I did not fix it as being the date I first met Mr. Grant. I rather think that was when I saw Mr. Grant the second time at his office.

Q.—I was speaking of the interview. Did you have any interview with Mr. Grant between the 4th and 11th June? You said, yes, you had. You had one at the Parliament Buildings. And you told me you were afterwards in his office? A.—Yes.

Q.—Am I right in that? A.—I think you are right in that.

Q.—Then, at the Parliament buildings what was discussed? A.—Oh, the question of these protests.

Q.—The Manitoulin protests? A.—Yes, it was mentioned.

Q.—What was said about it? A.—I cannot tell you.

Q.—Now, give us your best recollection of that.

The Chancellor: What is that? What he told Mr. Grant?

Mr. Riddell: Yes, my Lord, at the Parliament Buildings. You say you met him at the Parliament Buildings. What did you say about the Manitoulin election? A.—I think I told him that the information I had did not show there was very strong evidence.

Q.—Now, did you at that interview say to him that you had heard that Mr. Gamey might give an independent support to the Government? A.—I have no recollection of it.

(2711)

Q.—Did you at the interview you had with Mr. Grant in his office say anything about that? A.—I don't recollect that, but I think it would be quite likely I should.

Q.—Do you recollect? A.—No, I do not recollect.

Q.—My recollection is that you stated most positively before that it was at your June visit to Toronto some time during the June visit to Toronto that you told him that you understood or had heard that Mr. Gamey was to give an independent support to the Ross Government? A.—I do not think I put it that way.

The Chancellor: What he did say before was this: "What I told Grant was that Gamey was talking as if he was going to support the Government."

Witness: Yes, my Lord. He is putting in the word, "independent" support.

Mr. Ritchie: I am not putting it in for that purpose. I am fixing the time you gave the intimation? A.—It was common rumor at the time of the election or before the election that Gamey was likely to support the Government. I heard it before I met Gamey.

Q.—There is no necessity of having so much put down upon the notes. I want to fix in your mind a certain communication in order to test your memory as to what happened on a certain other event. Was it in June you had this conversation when you intimated to Mr. Grant that there was a possibility, that you had heard there was a possibility, if you like to put it in that way, of Mr. Gamey giving an independent support or that he had been talking that way? A.—Well, I think it was before the 7th July.

(2712)

Q.—Then, if it was before the 7th July it would follow it must have been in the early June visit? A.—I do not put it in your language. I simply say that I said to Mr. Grant, in an incidental way, that Gamey was talking of giving the Government support.

Q.—That will do. Do not go one step further. Was that during your June visit? A.—I think it was.

Q.—Now, did you pay—can you fix in your mind whether you paid the money to Mr. Grant before or after you had that conversation with him? A.—Well, I think it was at the time or about that time.

Q.—You think it was about that time. You swear to that? A.—Well, I think it was before the 7th June.

Q.—Before the 7th June? A.—7th July, I mean.

Q.—You think it was before the 7th July. Have you an independent recollection of having paid it to him at that time? A.—I have not. I will not swear to the date I paid it.

Q.—Whom did you send up to Manitoulin? Who was the man that you sent up there to hunt up evidence? A.—Well, I can give the name if it is proper I should do so.

Q.—Is there any objection to giving it? A.—The man might not care to have his name mentioned.

Q.—There was nothing wrong about sending up a man?

Mr. Riddell: How is that evidence here?

The Chancellor: Mr. Grant mentioned the name.

Mr. Riddell: This is another name, my Lord. It surely cannot be evidence here.

Mr. Blake: Let us have both names.

The Chancellor: I do not suppose it is necessary to have it, if Mr. Con-

(2712½)

mee objects.

Witness: I would tell my learned friend, my Lords, if there is no objection to that.

Mr. Riddell: I know the name and will tell my learned friend.

Mr. Ritchie: Then if you have no reason why it should not be made public, I have no reason, and I do not know why the man himself should care.

The Chancellor: Counsel says he will tell you.

Mr. Ritchie: Was he from Toronto? A.—No, he was from Port Arthur.

Q.—You told us before you put up two other deposits of \$1,000 each? A.—I did not.

Q.—That you had put up another? A.—I did not tell you that. I do not know that you have a right to ask that question.

Mr. Riddell: I do not think that is evidence.

Mr. Ritchie: I asked him if he put up two other deposits of \$1,000 in connection with the election.

Mr. Riddell: I object to that.

The Chancellor: I do not think you should go into that.

Mr. Ritchie: I was going to follow it up by asking him whether he knew these monies came from a general campaign fund? A.—I will answer that. I know they did not—any money I put up.

The Chancellor: If it is restricted to the time between August and September and on until March, the period this inquiry covers, you can go into it.

Mr. Ritchie: Take it from August on. Did you know that there was a campaign fund in August? A.—I did not.

(2713)

Q.—A general campaign fund? A.—I did not.

Q.—Had you heard of it? A.—I had not.

Q.—So you pledge your oath so far as your knowledge goes that so far

as your recollection goes there was no general campaign fund? A.—Oh, no. I say I did not have anything to do with any general campaign fund, or know anything about it.

Q.—So far as your knowledge or information goes there was none? A.—I can simply say I did not know of it.

Q.—Then you do not say you did not have information about it? A.—I had no knowledge of it.

The Chancellor: We have assumed there was a campaign fund. The inquiry is the condition of it in August, September and on until March, the period which this inquiry covers.

Mr. Ritchie: If that is covered by your Lordship's ruling of yesterday, I shall not go further into it.

The Chancellor: The period over which this inquiry extends. According to Mr. Gamey he was first approached in August. We have covered the whole period.

Mr. Ritchie: Of course your Lordship's ruling also covers the question as to whether he had made subscriptions to a fund after August.

Witness: I made no subscriptions after August.

Mr. Ritchie: Or any in July?

Mr. Riddell: That is already ruled out.

(2714)

The Chief Justice: "After the 1st of August." can be asked.

The Chancellor: And down to March inclusive, down to the meeting of the House. That is the period for investigation.

Witness: I can answer his question if he wants me to.

Re-examined by Mr. Riddell:

Q.—What was the scheme as to the smelter? Was it that the Government was to build the smelter, or how was it? A.—A general discussion, the result of which was that there was some talk of Mr. Gamey forming a company, interesting some parties with himself, for the purpose of building one.

Q.—And the Government were to assist in the way you speak of? A.—There was no understanding with the Government, but I expressed the opinion that the Government might be induced to do so.

Q.—Then you were asked what you had heard as regards Mr. Gamey's position before and during the election. What had you heard about that? A.—I had heard not very much before, but after the election I had heard that Mr. Gamey was regarded by a great many Liberals as an Independent.

Q.—A great many Liberals where?
A.—On Manitoulin Island.

Q.—Had you heard that before the conversation which you had with him in June? A.—Yes, I had, general rumor.

Q.—Then on that interview which you had with him on the train, do you remember where he got on the train? A.—No, I do not. I do not remember where he got on.

Q.—Do you remember where the train was when he first spoke to you? A.—I was in the seat, in the passenger coach,

(2715)

Q.—But I mean whereabouts on the line between Sudbury and the Sault? It was on the line between Sudbury and the Sault? A.—We were somewhere between Whitefish and Cuttler.

Q.—That is the station at which Mr. Gamey got off? A.—I think Mr. Gamey got off at Cutler.

Q.—Then what was it that was stated to Mr. Grant as regards Mr. Gamey's position? A.—I think it was previous to that that I had said to Mr. Grant.

Q.—And what was it that you did say to him? A.—Oh just that there was a talk of Gamey supporting the Government.

Q.—Did you say anything else? A.—No.

Q.—You said something to my learned friend about him getting among his political friends. A.—He told me after the interview which we had had in the Rossin House, which was previous to the time I met him on the train, that he had seen his political friends, and discussed with them the question of whether he should or should not in the interests of the constituency support the Government.

Q.—When you were talking to Mr. Grant were you of the belief then that Mr. Gamey was certain to support the Government? A.—Not at all.

Q.—What did you say? What was your idea? A.—I have not even got a definite recollection that I did discuss that feature with Mr. Grant, but I say to the best of my recollection I passed the remark that there was talk of Mr. Gamey supporting the Government. I did not say to Mr. Grant that I personally had had a conversation with him.

Q.—You told my learned friend Mr. Ritchie that on the train you believed that Mr. Gamey was sincere. What do you mean by that?

(2716)

The Chancellor : In earnest he said.
Witness : He impressed me that

way, or I do not think he would have said to me what he did in respect to the Sault Election.

Mr. Riddell : He was in earnest at that time? A.—That is what I thought.

Q.—Then what did you say to Mr. Stratton? A.—Well, when I met Mr. Stratton, I do not recollect the date—but I said to him that Gamey was talking of supporting the Government, and that he had told me that he intended to support the Government, but at the same time I think I mentioned to him that when he got down here amongst his friends, that he might not stay with that resolution as well.

Q.—Now, had you said anything of that kind to Mr. Grant, as to Gamey getting down among his political friends? A.—I never mentioned that to Mr. Grant.

Q.—Are you in the habit of carrying large sums of money about with you? A.—I have frequently carried considerable sums—yes.

Mr. Blake : All northern people do.

Mr. Riddell : Now we will have a clack of laughter when we get an answer of that kind.

Mr. Blake : All northern people do I suppose.

Mr. Riddell : If you really mean it, I will take that statement.

Q.—Are you frequently at the Parliament Buildings? A.—Frequently when I am in the city.

Q.—Can you recollect who was present at that interview with Sheriff Jackson? A.—I cannot. I do not think there was anybody.

(2717)

Q.—Tell us what did take place at that interview? A.—Well, Sheriff Jackson—I met him at the Rossin House, and I knew the man before, but I did not recognize him at that time, and he introduced himself. He let me know who he was. And then we commenced discussing Manitoulin, and he stated—he told me that he was quite satisfied from what Gamey had told him that Gamey would support the Government.

Q.—And was there anything else said that you recall—anything said by you? A.—Well, I understood from Mr. Jackson that he was encouraging Mr. Gamey in that course.

Q.—Naturally in the right course. A.—And I think I rather commended him for that perhaps.

Q.—Then do you remember when that was? A.—I do not fix the date. Sometime during the summer.

Q.—A gentleman who has been called, Captain Sullivan, has been spoken

of. Was he present at that interview?
A.—He was not.

Mr. Ritchie : There was something I did not ask you about. When was this you made any statement to Mr. Stratton?

Mr. Riddell : You asked him about that.

Mr. Ritchie : I did not ask him the particulars. I stopped his answer.

Witness : I could not say, sir.

The Chancellor : He has not fixed the time in either case.

Mr. Ritchie : You had a list of your dates.

The Chancellor : "I told Mr. Stratton afterwards when I saw him what Mr. Gamey had said." That is what he told you.

Mr. Ritchie : But he did not give the details. I stopped him.

(2718)

The Chancellor : And he did not give the time either.

Mr. Ritchie : You were not at the Rossin House during August? A.—No, sir.

Q.—And then the next time you were at the Rossin House would be the 17th September? A.—Yes, sir.

Q.—So that it would be probably at that time in September you had the discussion with Stratton? A.—It might be—yes.

Q.—You cannot say? A.—I would not want to fix the time.

Q.—You cannot put it any nearer than that? A.—It might have been on towards the last of July. I was here up to the 19th.

Q.—Or it might have been in September? A.—It might have been in September.

Q.—You cannot fix it either way? A.—I would not want to fix the date.

Mr. Riddell : That will do, Mr. Conmee, thank you.

(2719)

Mr. Johnston : Now, unless your Lordships think that any evidence as to any other facts should be given by us, or should be produced by us, this closes our evidence in reply to the evidence in support of the charges made by the prosecution. We have a great many witnesses, a large number of facts have been investigated. After considering it, on the rising of the court yesterday, we concluded that no good end could be gained by prolonging the investigation, and by bringing in perhaps a great deal of evidence that could only be, if I may use the word, ornamental, more than anything else. As to any other branches of the case, any collateral branches, they

may perhaps be dealt with at some future time. On consideration, we thought it would be proper to close the evidence with Mr. Conmee's testimony, unless, as I said, your Lordships think some other witnesses should be called, or any other facts should be spoken to.

The Chancellor : There is one matter charged in this investigation with respect to Jones of Beeton, and evidence has been given by Gamey on that point. That is a matter I thought, and my brother thinks, should be cleared up.

There is also another matter with reference to the receipt of the Aylesworth letter by the Premier, which has not been cleared up. It reached him in some way, we do not know how.

Mr. Johnston : Excepting that we traced the letter.

The Chancellor : We do not know when it reached his hands, or how it reached his hands. There is a gap in the evidence at that point. We do not know whether it was by mail or by

(2720)

interview. I forget exactly how Gamey put it. I forget exactly what Gamey says he did with the letter. He rather put it on Frank Sullivan. There is a haze about it. The Premier might clear that up.

Mr. Johnston : Or perhaps his private secretary.

The Chancellor : It reached the Premier's hands, and was found there. I refer to the Aylesworth letter.

Mr. Johnston : Then the next point your Lordships spoke of was Jones.

The Chancellor : He has been aspersed in some way, and a gloss put upon his letters, that there was a hidden meaning underneath them, and that he was referring to somebody as the "acting manager." Gamey said that was some individual of the Government. I forget who.

Mr. Riddell : Mr. Harcourt, I think, he said.

The Chancellor : I think we would probably call Mr. Jones, if counsel did not intervene. We would examine him ourselves.

Those are the only two matters that occur to me at present, as material on the face of these charges. The Jones' matter has special attention given to it from the statement in the House.

Mr. Riddell : As regards Mr. Jones, we would desire to cross-examine ourselves.

The Chancellor : Well, put him in the box.

Mr. Johnston : I may say we have considered the question of the Jones' matter, and we thought there was absolutely no evidence whatever connecting Mr. Jones.

The Chancellor : No, it is collateral. It is a sort of cul de sac. It runs out there. Still there it is, and we are to report upon it.

(2721)

The Chief Justice : The Jones' letter is set forth at large in the statement in the House.

The Chancellor : And he was subpoenaed here to produce, and did produce papers at one time. I supposed he was in attendance, or has been.

Mr. Riddell : He was called by my learned friend Mr. Blake, and produced what letters he had. I do not know whether my learned friend has received any further letters from him.

The Chancellor : If he is here he can be called, and he can clear the matter up.

Mr. Johnston : We shall be very glad to follow out your Lordships' suggestion.

The Chancellor : We hope to be assisted by argument of counsel on both sides. If anything develops during the argument, and anything is needed, it would be well to have the witnesses examined by counsel, and not leave it to us to examine them. Of course, it is a large field of inquiry, there are a great many intricate details. I have followed it as well as I could from day to day, but I may have overlooked a great deal. Those two things seemed to be matters that should be covered in some way.

Mr. Johnston : We did consider very carefully the Jones matter, and we are not just at the moment prepared to call evidence on that particular point.

The Chancellor : We shall probably call Jones ourselves at some stage of the inquiry, if you do not call him on either side.

As to Frank Sullivan, I do not think it is necessary, speaking for my-

(2722)

self—I do not see that it is necessary to call him, because at the start Gamey says he proposed nothing. There was some dispute about what was said. He disappeared from the scene and did not appear to be an actor, even according to Gamey's own statement afterwards.

Mr. Johnston : If your Lordship will pardon me a moment, I will see Mr. Blake, and see just what he says. (Counsel confer.)

The Chancellor : I do not wish to interrupt your conference. It just occurred to us that progress will be made if we adjourn until Monday. You have these bank accounts to go into very fully, that could be done, and the

argument of the case could proceed next week, and follow after the close of this additional evidence. This adjournment until next Monday might expedite the closing of the evidence. I only suggest that.

Mr. Johnston : We would be prepared to go on with the case, and with the argument as your Lordship suggests.

(2723)

The Chancellor : I suppose counsel could prepare. There would not be much additional evidence.

Mr. Blake : Would your Lordships say Tuesday, if we are going to have the arguments follow immediately afterwards?

The Chancellor : I suppose Mr. Gamey's re-examination will be taken.

Mr. Blake : That is one of the matters I desired to confer upon.

The Chancellor : He will require to be here, whether you want him or not, on some points.

Mr. Blake : Then, if that is necessary, we will see that he is in attendance at any time. Then, does your Lordship think we should then proceed and finish our evidence, and at the close of that evidence the argument? Is that the desire?

The Chancellor : I suggest that, if counsel think that is not too onerous on them. You could overtake this evidence.

Mr. Johnston : Well, it will not be too burdensome, I fancy, unless some question arises out of the bank investigation.

Mr. Riddell : That may be subsequently considered.

Mr. Blake : Yes, my Lord.

The Chancellor : Unless something unexpected turns up you can go on on Tuesday and close.

Mr. Johnston : I think so.

Mr. Ritchie : There is one matter I would like to mention. I had supposed that probably all the Ministers would have been put formally into the box. I had no reason, perhaps to

(2724)

suppose so. There have been some communications, some anonymous and some from parties of substance, saying there was a feeling that this money might have come out of the Treasury, large sums being there, or else out of the Crown Lands Department. Instead of bringing the parties here, I thought possibly your Lordships might allow some gentleman like Mr. Clarkson, or Mr. Cross, to investigate these accounts at that particular date, and see if there is any foundation for any suggestion of that kind.

The Chancellor: Instead of calling the Ministers, you mean?

Mr. Ritchie: I thought they would probably have been put in by my learned friend, formally, to deny everything. There are Departments in which there is a large amount of money. The money was apparently got a few minutes after Mr. Gamey says he met Mr. Stratton. He says he went out and evidently came back, and he thought it might have been got from some of the other Departments.

The Chancellor: It seems to me it would be well to give that evidence. Of course, we do not conduct the case. It is very much a matter of feeling and sentiment. Of course, we only deal with the matter from the legal aspect. Mr. Johnston will consider whether he will put the Ministers in, or allow the investigation.

Mr. Ritchie: I do not want to trouble the Ministers to come here, if they are not to be called if an investigation is allowed by some one like Mr. Clarkson.

Mr. Riddell: That would be a very wise thing to do, of course.

(2725)

Mr. Johnston: Oh, we will arrange as to that. The reason we have not thought of calling the Ministers is that so far as we can judge there is nothing to answer. It is idle to put the Ministers in.

The Chancellor: You would have a non-suit in a civil investigation, I suppose.

Mr. Johnston: Quite so, if there was a civil investigation, there would be a non-suit as regards them.

The Chancellor: That is one aspect of the case.

Mr. Johnston: I wish it to be understood that we are not here altogether for the purpose of meeting public sentiment or presenting any phase politically.

The Chancellor: We are trying to prevent that aspect being brought in. It is a judicial investigation.

Mr. Blake: Quite so.

The Chancellor: I do not suggest calling the Ministers or any one else. If you call them the evidence will be taken, but this course, Mr. Ritchie suggests is a very reasonable one, and satisfactory.

Mr. Riddell: Take some first-class man.

Mr. Ritchie: I got a letter this morning concerning two witnesses from Pembroke. I understand their evidence will be very short. I understand they are both here. We might take them at two o'clock. I have not read over the letter yet.

The Chancellor: Then we will adjourn until two o'clock.

Mr. Blake: It will be understood that the arrangements that are suggested will be carried out, with the exception of the examination of these two witnesses, my Lord.

The Chancellor: Yes. Then we will adjourn until two o'clock.

(Adjournment 1 until 2 p.m.)

(2727)

AFTERNOON SESSION.

May 6th, 1903.

Mr. Johnston: In view of what your Lordship said, we have sent for the then Private Secretary of the Premier, and with your Lordships' permission, we will put her in the box now and see what is to be said about the letter.

Carrie J. Jeffreys, sworn. Examined by Mr. Johnston:—

Q.—You remember the Premier's visit to England in the summer of 1902? A.—I do.

Q.—Do you remember when he came back—about what time? A.—He came back on the 23rd August.

Q.—And at that time where was his Private Secretary? A.—He was in the old country, too.

Q.—His name? A.—L. V. Percival.

Q.—And he got back about what time? A.—About the 1st of October.

Q.—And during his absence who acted as private secretary to the Premier? A.—I acted.

Q.—You had been in his office for a considerable time? A.—Yes, sir, a great number of years.

Q.—And more or less I suppose trusted by him with reference to matters? A.—I have been.

Q.—Now, look at Exhibit 3. A.—Yes.

Q.—Partly in writing, and partly in typewriting? A.—Yes.

Q.—Do you remember seeing that letter? A.—I do.

Q.—Do you remember about what time you saw it? A.—Well,

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the early part of September.

Q.—What was your duty in regard to receiving the correspondence? A.—When the letters came in I opened the mail, and then carried them to the Premier.

Q.—The Premier suffers very much from rheumatism? A.—He does.

Q.—Unable to do anything of that kind—opening letters, and so on—conveniently? A.—Yes.

Q.—Then you open the letters and

take them in, and lay them open before him? A.—Yes.

Q.—And you remember you say this letter of the 10th September? A.—I remember it.

Q.—How did that reach you? A.—Through the mail in the usual way.

Q.—And what did you do with it and the other letters? A.—I followed the usual practice, opened the letter and took it to the Premier.

Q.—Then, after that, did the Premier do anything with it, or ask you to do anything with it? A.—He asked me to put it away.

Q.—Where? A.—In a special drawer.

D.—Did you put other letters in a special drawer? A.—Yes, where I put several other letters.

Q.—And that was what was done with it? A.—Yes, sir.

Q.—Do you remember your attention being directed to this particular letter?

A.—Well, I remembered that the address was written by a pen, which was unusual.

The Chancellor: What address? Not on the envelope, but on the letter? A.—On the letter.

(2729)

The Chancellor: The address on the letter was written in writing.

Mr. Johnston: And from that time on did you see it after you put it away in the drawer? A.—I never saw it afterwards.

Q.—That is a private drawer, where he keeps other private correspondence? A.—A private drawer.

Cross-examined by Mr. Macpherson.

Q.—When last did you see that letter before you saw it in the box here? A.—I just saw it when the Premier told me to put it away. I have never seen it since.

Q.—Did you see it to-day before it was shown to you in the box here? A.—No.

(2730)

Q.—Did you see any papers since you came into the building? A.—No, I just came in.

Q.—Did you read the letter? A.—Well, I glanced over it. There were a good many other letters, and I just glanced to get the purport of it.

Q.—Was any reply sent to it? A.—None whatever.

Q.—Or any entry made in any book? A.—No.

Q.—Is it your practice in your department in the Premier's correspondence to make any entries about letters received? A.—No.

Q.—How many letters were received

in the Premier's correspondence at the time in September you say this was received? A.—I couldn't say.

Q.—About how many? A.—Do you mean during that one day?

Q.—Yes, on the same occasion this was received? A.—Well, I should say about twenty-five letters.

Q.—Do you remember who any of the others were from? A.—No, I do not.

Q.—Do you remember whether any letter that was received that day was in an envelope that was addressed in typewriting or handwriting, or how? A.—No, I could not remember.

Q.—You cannot remember anything about any letter? A.—No.

Q.—Nor about this particular one? Can you remember about this particular one? A.—The reason I remember—

Q.—Can you remember about this particular one? A.—I do not understand your question.

Q.—What I ask you is this, can you remember whether the twenty-five letters that you received that day—whether any of them were addressed on the envelope in typewriting or in handwriting? A.—No, I do not remember.

(2731)

Q.—You cannot recall any particular one? A.—No, I cannot recall.

Q.—They might all have been addressed in typewriting, might they, that day, as far as your memory carries you? A.—Yes.

Q.—Or they might all have been addressed in handwriting? A.—They might.

Q.—You cannot say which? A.—No.

Q.—Do you remember where any of the letters you received that day were mailed from? A.—I do not.

Q.—Do not remember whether any of them were postmarked at Toronto or not? A.—No.

Q.—Or from Gore Bay? A.—No.

Q.—Or Sudbury? A.—I couldn't say.

Q.—Or any place else? A.—No.

Q.—No recollection at all? A.—No.

Q.—Did this particular letter come in the mail—through the mail? A.—Yes, it came in the usual way through the mail.

Q.—It had been posted some place and delivered by the letter carrier? A.—Yes.

Q.—Do you remember at what time of day? A.—Well, I think it came on the morning's mail.

Q.—Have you any memory of it at all, or just guessing? A.—No, I am not guessing.

Q.—Have you any memory? A.—I think I have a memory.

Q.—Now, can you tell me the day in September that it came? A.—No.

Q.—How near can you tell me to the day? A.—I know it was early in September.

(2732)

Q.—Would it be the first half of September or the latter half? A.—The first half.

Q.—How do you fix that? A.—Well, the fact of the Premier telling me to put it in this private drawer fixes it in my memory.

Q.—Any other way that you fix it in your memory besides that? A.—No.

Q.—And had you ever received any order from the Premier to put anything in that private drawer before that? A.—I had.

Q.—And since that? A.—Well, I was—

Q.—Have you also received orders from him to put other letters in that same private drawer since you were ordered to put this one in the private drawer? A.—I do not remember.

Q.—You cannot recall that? A.—I cannot.

Q.—How many letters have you been ordered to put in that private drawer before you were ordered to put this one in there? A.—I remember two.

Q.—Do you remember where from? A.—There was one from Sir Wilfrid Laurier and one from Sir Richard Cartwright.

Q.—And were those two letters in the same drawer with this one? A.—Yes.

Q.—Were there any other letters in that drawer besides those two and this one? A.—I do not know.

Q.—Were there any others there at the time you put this in than the one from Sir Wilfrid Laurier, and the one from Sir Richard Cartwright? A.—There were.

(2733)

Q.—How many more? A.—I do not know.

Q.—Many more? A.—I do not know.

Q.—You cannot remember? A.—I cannot remember.

Q.—Where was that drawer? A.—It was in the Private Secretary's desk.

Q.—Any label on it? A.—No.

Q.—Well, was the drawer locked? A.—It was.

Q.—Had you the key? A.—I had.

Q.—Anybody else a key to it besides you? A.—No, not at that time.

Q.—Mr. Percival was still in England? A.—Still in England.

Q.—And the Premier had returned on the 23rd August? A.—Yes.

Q.—When did the Premier go away? What was the date of his departure? A.—He went away in July.

Q.—Do you remember the date? A.—No.

Q.—Or was it in June? A.—I may be mistaken there. I do not know, I am sure.

Q.—But it was the 23rd August he returned? A.—Yes, I remember that.

Q.—Now, you were telling me, that it fixed itself in your memory, the date of the receipt of this letter, the Premier directing you to put it in the private drawer? A.—Yes.

Q.—How does that help you to conclude that that instruction was given to you at a particular time? A.—Well, because there are not many letters put in that private drawer.

Q.—That is practically the only one you were ever ordered to put in that private drawer? A.—I think the one from Sir Richard Cartwright came in

(2734)

about the same time.

Q.—Was that before or after this one? A.—It was before.

Q.—How long before? A.—Well, a few days.

Q.—A week or two weeks? A.—I couldn't say.

Q.—You have no recollection of that at all? A.—No.

Q.—But you do remember that the one that was placed there from Sir Richard Cartwright was prior in date to this one? A.—Yes.

Q.—And was Sir Wilfrid's letter prior in date too? A.—I could not say.

Q.—You do not remember whether Sir Wilfrid's was prior to Sir Richard Cartwright's or not? A.—I do not know.

Q.—But you know they were both there at the time this letter was put there? A.—I do.

Q.—Did you take in a large number of letters to the Premier at the time this was taken in? A.—The usual number.

Q.—You took in all your morning's correspondence? A.—Yes.

Q.—And did you remain there while the Premier read them? A.—I did.

Q.—How long were you there while he was engaged in reading them? A.—Oh, about a half an hour, I think.

Q.—Did you take any dictation from him? A.—I did.

Q.—Were any remarks made about this particular letter? A.—None whatever only to put it away.

Q.—Will you tell me just what was said about that? A.—Well, Mr. Ross

said for me to put it away in the private drawer.

Q.—Anything besides that? A.—Nothing.

(2735)

Q.—Did you know from that instruction what drawer was meant? A.—Yes.

Q.—And I think you told my learned friend that you had never seen the letter from that date until it was shown to you here to-day? A.—Yes, sir.

Q.—Have you any hesitation in identifying the letter? A.—No.

Q.—Could you possibly be mistaken in the letter? A.—No, I think not.

Q.—Now, let me show you another letter. Did you ever see that letter before? (Exhibit 13.) A.—No.

The Chancellor: You say you did not? A.—No.

Mr. McPherson: Never have seen that? A.—No.

Q.—Nor heard anything about it? A.—No.

Q.—Do you know whether that letter (Exhibit 3) was at any time taken out of that drawer? A.—I think not—not to my knowledge.

Q.—Has the Premier a key to the drawer? A.—No.

Q.—Had not at that time? A.—No.

Q.—Do you know whether he has since Mr. Percival returned, or not? A.—No, it is always kept in the Private Secretary's drawer. When the desk is locked it is locked in the drawer.

Q.—The Private Secretary, I suppose, has one of these roll top desks? A.—Yes.

Q.—And where in that desk is the key to this particular drawer kept? A.—Kept in the top drawer.

Q.—And then when the Private Secretary goes out does he pull the desk to? A.—Pulls it to.

Q.—And that locks it? A.—Yes.

(2736)

Q.—And is that the only key there is in existence to that drawer? A.—That is the only key in existence that I know of.

Q.—And that private drawer the Premier spoke of in that particular desk—is it part of that desk? A.—It is part of the desk.

Q.—Did you read this letter at all? A.—I glanced over it.

Q.—Did the Premier tell you to glance over it? A.—I always do in opening the letters, so as to tell him the purport of the letters.

Q.—Did you tell him the purport of this letter? A.—He did not ask me.

Q.—How is it that you omitted to tell him the purport of his letter? A.—Well, it is only in case he asks me that I will be prepared to tell him.

Q.—Then when you glanced that over, it was before you took it in to him in the morning? A.—Yes.

Q.—Was there any person else there? A.—No.

Q.—Just the two of you? A.—Yes.

Q.—And have you looked at the letter since, after he gave it to you, to put it in the drawer—did you re-read it? A.—No, I did not.

Q.—Then can you tell me anything that was in the letter, from your memory? A.—Well, it was a letter from Mr. Gamey, saying that he would support the Government, that is as far as I remember.

Q.—Have you read any part of the evidence that has been given at this investigation? A.—I have read it but not closely.

Q.—Read any of the documents that have been published in

(2737)

the newspapers? A.—Do you mean evidence?

Q.—Yes. A.—Well, I have read it but not closely.

Q.—You have formed an idea of it as you read it, I suppose? A.—Yes.

Q.—And you understand what the investigation was going on about—A.—I did.

Q.—And you knew, while it was going on, that one of the things in issue was whether Mr. Gamey had written letters undertaking to support the Government? A.—Yes, sir.

Q.—Did you know of his having written more than one such letter? A.—I only know of one.

Q.—Which one is that? A.—The one you showed me.

Q.—And do you know what the date of that is? A.—Well, I saw the date just now.

Q.—What date? A.—10th September.

Re-examined by Mr. Johnston:—

Q.—Let me make it clear. You were only private secretary or acting as private secretary from the time of the Premier's return until some time about the 1st of October? A.—Yes.

(2738)

Q.—And then your duties as such ceased entirely? A.—Yes.

The Chief Justice: When did you surrender the key? A.—I put the key back in the drawer when Mr. Percival came back.

The Chancellor: Then, that closes your evidence, does it?

Mr. Johnston: Yes, my Lord. But, I am considering the question with my colleagues as to having Mr. Jones here at your Lordship's suggestion.

The Chancellor: Very well. Then we will go on with these Pembroke witnesses.

Mr. Ritchie: We will call Mr. Campbell.

The Chancellor: You will call him in reply, I suppose.

Mr. Ritchie: I do not know whether it is strictly in reply. My position is simply this. Parties have communicated with me and have said these gentlemen know something about it. They are here, and I thought I ought to attend to it.

The Chancellor: Very well.

Mr. Riddell: I think we ought to know what it is.

The Chancellor: "Called by Mr. Ritchie."

Robert A. Campbell, sworn. Examined by Mr. Ritchie:—

Q.—You are the Registrar at Pembroke? A.—Yes, sir.

Q.—Registrar of Deeds? A.—Yes, sir.

Q.—And you were formerly member of the local Legislature for South Renfrew? A.—Yes.

Q.—You resigned. I believe at the time Mr. Latchford came to public life? A.—Yes.

(2739)

Q.—And do you know Mr. Alexander Barnett? A.—I do.

Q.—Where does he reside? A.—Renfrew.

Q.—What is his business? A.—A.—Lumber merchant.

Q.—Do you know a son of his? A.—I do.

Q.—James E. H. Barnett? A.—Yes.

Q.—And where does he reside? A.—In Renfrew also.

Q.—Is he engaged in partnership with his father, or interested in his father's enterprises? A.—Well, I do not know.

Q.—You do not know? A.—No, I do not know.

Q.—Then, perhaps you can tell us what the son does. What his business is? A.—Well, he is a lumberman also.

Q.—And you do not know whether he is interested in the lumber business that his father carries on or not? A. I do not know whether they are partners or not.

Q.—Do you know whether they have separate establishments? A.—No, I do not know.

Q.—You do not know that. And how long have you known the Barnetts? A.—Well, I have known Mr. Barnett I suppose for thirty years.

Q.—Do you recollect, or did you hear at any time of any claim made by the Government against either of the Barnetts for trespass in cutting timber on certain lands? A.—Is that lately?

Q.—Yes, within the last two or three years. A.—Mr. Barnett told me—

Mr. Riddell: You had better not tell us what Mr. Barnett told you.

Witness: That is the only way I can tell.

Mr. Ritchie: You did hear there was a claim made by the Government for

(2740)

a sum of money? A.—For a sum of money?

Q.—For damages for trespass, or compensation for trespass on Government land? A.—Yes.

Q.—I understand they had licenses there that apparently trespassed beyond the particular limits? A.—I do not know.

The Chancellor: He does not know.

Mr. Ritchie: Were you in any way engaged by the Barnetts to look after their interests? A.—Well, I was not engaged. I assisted Mr. Barnett in trying to define a boundary line as commissioner.

Q.—You assisted Mr. Barnett in trying to define the boundary line? A.—Is was a boundary line around a piece of timber that he had purchased from the Government, I think in 1878, but I am not sure. It was while I was representing South Renfrew, any way.

Q.—Then, when did you assist him in attempting to define the boundary line? A.—On several occasions I was with him.

Q.—What is the most recent occasion? A.—Some time last fall. I do not know the date.

Q.—Before or after September? A.—Well, I could not swear, I cannot swear positively whether it was before or afterwards.

Q.—Then, you were doing this simply as a friend of his? A.—Simply as a friend of his.

Q.—Were you endeavoring to arrive at an adjustment of the difficulties between himself and the Department? A.—So far as the line was concerned.

Q.—That was the Crown Lands Department? A.—Yes.

(2741)

Q.—And what was the name of the land, or the name of the limit, or the description? A.—I think he called it Pogamminising.

Q.—I suppose the reporter can take that down? A.—Pogamminising. I am not very sure. I am not clear.

Q.—In what situation would that be on the line of the C.P.R.? A.—I do not know, but I think they get off at Straight Lake.

The Chancellor: The Canada Atlantic line? A.—The C.P.R.

Mr. Ritchie: What station did you say? A.—Straight Lake I think. I think that is the station, but I am not positive.

Q.—That is what I am informed. What district would you call that? A. I do not know. I suppose it is in Algoma. I am not sure.

Q.—Then you are aware, you have been informed that a claim was made by the Government in respect to a trespass alleged to have been committed by the Barnetts.

The Chancellor: He has said that. Witness: Mr. Barnett told me that.

Mr. Ritchie: Did you know the amount claimed? A.—No.

Q.—Did you know if any settlement was ever arrived at? A.—No, sir. I do not know.

Q.—Did any sum of money ever pass through your hands in connection with it? A.—No, sir, not a cent.

Q.—Did you ever receive from either of the Barnetts any sum or sums in connection with this to be transmitted to anybody? A.—No, sir, never.

Q.—And you did not transmit any sums of money to anybody in connection with that? A.—No, sir, I did not.

(2742)

Q.—Do you know whether the Barnetts transmitted any or not? A.—I do not know, sir.

Q.—Never heard anything of that kind? A.—No, sir.

Q.—Were you here in Toronto during the Exhibition of last year? A.—No, sir.

Q.—You were not here either in August or September? A.—I do not know, but I was here in August. I am not sure. I may have been.

Q.—You may have been here in August? A.—Yes. I would not swear whether I was here in August or September, but I was here I think in August, but I am not positive.

Q.—What time in August? A.—I could not tell you because I am not sure whether I was here in August or September.

Q.—You were here either one or the other? A.—I was here—as least I think it was one of those months.

Q.—The Exhibition I understand commenced about the latter part of August, and extends for ten days or two weeks in September. Can you say whether you were here during the Exhibition time? A.—No, I do not think I was here Exhibition week at all.

Q.—Where were you staying? A.—I was staying at my office I think.

Q.—I mean in Toronto? A.—I usually stay at the Palmer House. I think I was at the Palmer House.

Q.—That would fix the date of course? A.—Yes, sir.

Q.—Was anybody with you? A.—No, sir. Yes, Mr. Barnett was with me I think on that occasion—I think so.

Q.—Mr. Barnett was with you on that occasion. Which Mr. Barnett?

A.—Mr. Alexander Barnett.

(2743)

Q.—That is the old gentleman? A.—Yes.

Q.—Did you both come from Pembroke together? A.—No, Mr. Barnett I think came from Peterborough. I think he got on the train at Peterborough, if I remember right. I think he met me at Peterborough.

Q.—Had you arranged that you were to meet in Toronto? A.—Yes, sir.

Q.—When did you arrange that? A.—Well, probably some days before that. I do not know.

Q.—Before the time you came here? A.—Yes, sir.

Q.—And what were you to meet him in Toronto about? A.—To discuss the boundary lines with the Commissioner.

Q.—To discuss it with the Commissioner? A.—Yes, sir.

Q.—You and he had had several discussions before that between yourselves? A.—Yes, and with the Commissioner also.

Q.—Before that? Where? At Toronto? A.—Yes.

Q.—And who was the Commissioner? A.—The Honorable Mr. Davis.

Q.—And where did Mr. Barnett stay? A.—At the Rossin House.

Q.—Did you both reach here the same day? A.—I do not remember.

Q.—Did you both leave Pembroke together, or Renfrew? A.—No, I do not think we did.

Q.—Did he leave there before or after you? A.—I think probably he left there before me, I am not sure.

Q.—Why? Did you know where he was going? A.—Yes, certainly I knew.

Q.—You knew he was going to Peterborough? A.—Yes, he told me so.

Q.—Who was he to see in Peterborough? A.—I presume his son-in-law.

(2744)

Q.—Who is his son-in-law? A.—Mr. McAllister.

Q.—What does he do there? A.—I think he is in the flour and milling business.

Q.—Do you know if he saw Mr. Stratton in Peterborough? A.—I do not know.

Q.—You did not understand he was going to see him there? A.—No.

Q.—Did Mr. McAllister go to Toronto with him? A.—No, sir, not that I know of.

Q.—Then so far as you know, his visit to Mr. McAllister had nothing to do with this Barnett claim of the Government? A.—Nothing that I know of.

Q.—You and he went to see the Commissioner in Toronto? A.—Yes, sir.

Q.—Can you fix the date when you saw the Commissioner? A.—No.

Q.—Was this the last occasion upon which you saw the Commissioner relative to this particular business? A.—Yes, the last occasion on which I saw the Commissioner, I think—yes. Mr. Barnett was with me when I saw the Commissioner.

Q.—And you met the Commissioner at his office? A.—In the Parliament Buildings.

Q.—Was any settlement arrived at that time as to the claim for trespass? A.—The trespass was not spoken about at all, not in my presence at least.

Q.—What was spoken about? A.—We were speaking about the boundary line.

Q.—You knew of course there had been a claim for trespass? A.—Mr. Barnett told me so.

(2745)

Q.—Was there no discussion before the Commissioner? A.—None whatever.

Q.—What was the discussion then about the boundary line? A.—There was a misunderstanding between the Commissioner and Mr. Barnett as to the boundary line around this territory, and Mr. Barnett claimed it was one point, and the Commissioner thought it was another, and there is where the dispute was.

Q.—How long had this dispute been existing? A.—It had been existing I think from the time he purchased the limit—I think so.

The Chancellor: From '78? A.—I think so. It had not been finally settled.

Mr. Ritchie: And did disputes arise between that time and the time of your interview as to his cutting outside the limits? A.—I do not know anything about that.

Q.—Do you say there was no dispute whatever while you were there before the Commissioner as to the claim of the Government for payment for trespass? A.—No, sir.

Q.—Money was not mentioned at all? A.—No, sir, no money was mentioned at all.

Q.—And then how long did your interview take? A.—Well, probably 20 minutes or 25.

Q.—Did you have more than one interview with him? A.—We had.

Q.—I am speaking of this occasion in August or September? A.—Yes, sir.

Q.—How many did you have? A.—I think we had two. I think so.

(2746)

Q.—On either occasion was anything spoken of outside the boundary? A.—No.

Q.—Money not mentioned on either occasion? A.—No, sir.

Q.—Nor trespass? A.—No, sir.

Q.—On settlement for trespass? A.—No.

Q.—Who was present besides yourself and Mr. Barnett? A.—The Commissioner.

Q.—Anybody else? A.—No.

Q.—Nobody else? A.—No.

Q.—Did you on the occasion of that visit see any other Minister of the Crown with reference to this matter? A.—No.

Q.—You did not see any other Minister of the Crown at all? A.—I did I think. I think I saw the Attorney-General.

Q.—Did you see the Honorable Mr. Stratton? A.—I did not.

Q.—Did your visit to the Attorney-General have anything to do with this Barnett matter? A.—No, sir.

Q.—Mr. Barnett was not with you when you called upon the Attorney-General? A.—No, sir.

Q.—Then when did you leave for home? A.—Well, I do not remember the date, but I think we were here either two or three days.

Q.—And that was the object of your visit here? A.—Yes.

Q.—Did Mr. Barnett go back with you? A.—No, we did not go back together.

Q.—Then I understand you to say, without any mental reservation of any kind, that you had not directly, or in-

directly, any discussion with Mr. Barnett, or with the Commissioner, or anybody else about the payment of money in respect of this trespass claim? A.—No, sir, none whatever.

(2746½)

Q.—And that you had nothing to do with any money paid directly or indirectly? A.—Nothing whatever.

Q.—And you did not have any considerable sum of money with you at that time? A.—No, sir; unfortunately I have not got very much to carry.

Mr. Johnston: Registrars never have.

James E. H. Barnett, sworn. Examined by Mr. Ritchie:—

The Chancellor: I understand this is information sent to you, Mr. Ritchie.

Mr. Ritchie: Yes, my Lord. I have never seen either of the witnesses. I do not know anything about them.

Mr. Ritchie: Q.—What is your business? A.—Lumbering, sir, specially.

(2747)

Q.—You are interested in some large enterprises in connection with your father? A.—I am not a partner of his.

Q.—You are interested in companies? A.—Not financially, no more than in a very small way—not in the lumbering business.

Q.—Are you interested in the Renfrew Mill Company? A.—The Renfrew Roller Mill Company.

Q.—Is your father also interested in that? A.—No.

Q.—Are you interested with him as a partner in a large cattle ranch? A.—He has no interest in a cattle ranch.

Q.—That is your own? A.—No, sir. I am only in the company. I am President of that company.

Q.—And you are interested largely in lumber? A.—Not this year.

Q.—But you have been? A.—I have been—yes.

Q.—You know of this limit that has been spoken of by the last witness? A.—I do.

Q.—We need not go over it. You know of it? A.—Yes.

Q.—Who had the license for that? A.—Well, although the license or the permit was in my father's name, it was I who purchased it.

Q.—And there has been a long-standing dispute, I believe, between you and the Department of Crown Lands as to the boundaries? A.—As to the south-west boundary.

Q.—And did the Government make a claim against you or your father for alleged trespass beyond your own limits? A.—They did not make a claim. I had a notice, that it was in some

way reported that there was a trespass made.

The Chancellor: Some complaint was made? A.—Some complaint was made.

(2748)

Mr. Ritchie: There was a complaint at all events? A.—Yes.

Q.—And I suppose you got notice from the Commissioner in some way about that? A.—From the assistant Commissioner.

Q.—He notified you, did he? A.—Simply a notice that it was reported, and as I understood from them, and as I remember now, my recollection was they were going to make an investigation.

Q.—And I suppose that is in writing? That letter? A.—It was.

Q.—Have you got that with you? A.—No.

Q.—Can you tell me when that was made—the first complaint? A.—To the best of my recollection about a year and a half or two years ago.

Q.—At all events, it came from your department, so that the duplicate letter will be on file there? A.—I think so.

Q.—Then after that what was done? A.—I met Mr. Campbell one day and I told him that I had had a memorandum of some kind to say I had made a trespass.

Q.—Why did you go to Campbell? A.—I did not go to him, I met him.

Q.—Why did you speak to him? A.—We were particular friends and he did represent or had represented South Renfrew. I merely said I was accused of making a trespass and I considered it an insult; that such was not the case.

Q.—We will not follow out the whole conversation. The claim was made that you had made a trespass and you denied it? A.—I denied it.

(2749)

Q.—Then, what action did you take with reference to the complaint made by the department? A.—I do not know that I ever took any particular action.

Q.—Did you go to see the Assistant Commissioner, or the Commissioner? A.—I am not positive. I would not swear that I did, but I think I mentioned it one time that I had been accused of a trespass, but there was nothing in it.

Q.—Whom did you mention that to? A.—I think I mentioned it to Mr. Whyte.

Q.—Aubrey Whyte? A.—Yes, sir, the Assistant Commissioner.

Q.—Was that in Toronto? A.—I think so. If I mentioned it at all it was in Toronto.

Q.—Did you ask Mr. Campbell to go to Toronto? A.—I did not.

Q.—To see him? A.—I did not.

Q.—Did you go with him to Toronto at any time? A.—Not in connection with anything of that kind, nor have I in the last two years.

Q.—Do you know whether your father did, or not? A.—Not to my knowledge. I asked him when going to Toronto if he would see if they were going to define that southwest boundary.

Q.—Was any claim made—any sum mentioned? A.—No sum whatever.

Q.—Neither directly nor indirectly? A.—Neither directly nor indirectly, nor even the number of feet or trees.

Q.—So that there was, you say, no specific claim in respect of trespass? A.—No specific claim.

(2750)

Q.—Just a general statement that they claimed you had trespassed, but they had not stated any number of feet? A.—They did not claim I had. They said it was reported I had made a trespass.

Q.—There was no correspondence between you and the department apart from this one letter? A.—That was all that had passed.

Q.—Did you ever reply to the letter in writing? A.—I candidly do not believe I did. If I did I never kept a copy.

Q.—Did your father? A.—I am satisfied he did not.

Q.—Then, that being so, you could not have discussed in any way with Mr. Campbell or with any officer of the department as to an amount that might be accepted in settlement? A.—I never spoke to anyone about any amount as a settlement, because I did not consider there was any settlement necessary.

Q.—And you never admitted it for a moment? A.—Never admitted there was a trespass.

Q.—On the contrary, you always denied there was? A.—I do not believe there is yet, and I claim I have timber yet to cut on that corner.

Q.—You never conceded they were entitled to ask for anything as damages? A.—They were not entitled.

Q.—That is your stand? A.—That is my stand.

Q.—The claim has not been settled? A.—The claim has not been settled.

Q.—The amount has not even been discussed? A.—There never was an amount discussed.

(2751)

Q.—Has there been in respect of any other limits, any claim for trespass? A.—Never with me, or with my father, that I have any knowledge of, or ever heard tell of.

Q.—So that if there is any claim it would be in respect of this one? A.—We did make a claim for trespass upon us.

Q.—But I am speaking of a claim made by the Government for trespass by you? A.—Not to my knowledge, sir; never heard tell of it.

Q.—So that the information that we have received is absolutely incorrect? A.—There is nothing in it.

Q.—You never directly or indirectly had any discussion with the Government about a settlement of the claim? A.—Neither directly nor indirectly with the Government or with anyone else.

Q.—Do you recollect making a statement to anybody and producing a roll of bills, that those were the last of the bills in connection with the settlement with the Government, that you guessed Gamey had got the other ones? A.—I made a statement, showing \$50 bills, that they were the kind of bills Mr. Gamey was supposed to have received. I made a statement to that effect.

Q.—You were showing \$50 bills? A.—Because I was approached and asked for money, for what is supposed to be, or what I have heard spoken of, as a corruption fund, and I did not wish to subscribe any money to that end. I thought I could use my own money to suit myself better.

The Chancellor: That is the origin of your information, probably?

Mr. Ritchie: Possibly, my Lord.

(2752)

Q.—You had a roll of \$50 bills? A.—I had not a roll. I had one or two, and some twenties, too.

Q.—And did you have some hundreds? A.—I do not remember of having a hundred or any hundred at that time.

Q.—What bank were they on? A.—I think they were Ontario and Merchant Bank bills.

Q.—And you say you made this statement, that they were some of the bills, or bills similar, to what Gamey had got? A.—That I guessed these were the kind of bills Gamey had got.

Q.—Did you say that was the last of the little pile, after giving the \$3,000 to Gamey? A.—I do not remember of saying it like that.

Q.—Will you swear you did not? I am told you did? A.—I will not swear

that I did say so. I do not remember saying so.

Q.—Will you contradict it? I am instructed you did, in the presence of at least two, on different occasions? A.—I will not say, because I do not remember exactly what I said.

Q.—Were you a jollier? A.—I was jollying, I admit, and I will further state that I have used the expression, that the Crown were holding the trespass over my head, and not to ask me to subscribe any money, that I did not want to, that it might possibly get me into trouble.

Q.—You say you may have made these statements, but if they were made they were not correct? A.—I will not say that I made the statement as you say.

Q.—So that the result is, that you have made some statement that has has given you a trip to Toronto? A.—I have had a trip to Toronto much at my displeasure.

(2753)

The Chancellor: Do not make any more jokes of the same kind. They will get you into trouble.

Witness: I will not promise that, either.

The Chancellor: Then we will adjourn now, until 10 o'clock on Tuesday.

(Adjournment 3 p.m., May 6th, until Tuesday, the 12th day of May, 1903.)

(2754)

TWENTIETH DAY.

May 12th, 1903, 10 a.m.

The Chancellor: We are ready to proceed with anything that is ready.

Mr. Ritchie: I may say, my Lord, with reference to the investigation of the Ontario Bank books, and the vouchers, we all supposed Mr. Barwick would have had all the vouchers collected together so that we could put the witnesses in the box to-day. Mr. McPherson has received a letter from him in which he says:—

"I beg to acknowledge the receipt of yours of the 9th inst., asking whether I have thought of the name of some expert, with a view to his examining the bank's book and vouchers.

"You have already been informed that the bank will not agree to exposure of its customers' affairs to any outsider. Upon receipt of your letter of the 6th inst., which followed the meeting of the Commissioners on that day, steps were at once taken to procure the information asked. This,

however, necessitates the examination of eighteen branch offices, and is a work requiring some time. I believe that the work will be on to completion by Wednesday next, when I shall be prepared to appear with the General Manager before the Commissioners to lay before them the information which has then been obtained."

The Chancellor: That is Wednesday morning?

Mr. Ritchie: Yes, my Lord. Then we wrote to him at once, to say what

(2755)

we wanted would be the books and vouchers, so that we could see them ourselves in Court. Of course, if he has collected all the vouchers together, that would facilitate matters very much, and ought to cut the examination very much shorter.

The Chancellor: Then we will assume you will be ready with some information to-morrow that you can get on with. What else can you do now?

Mr. Johnston: In the meantime, my Lords, allow me to put in a report which we have been asked for.

The Chancellor: That is about the Treasury Department?

Mr. Johnston: No, my Lord. It is in reference to the lock-up—the Manitoulin lock-up. It is Dr. Chamberlain's report. We were asked to produce that.

Mr. Blake: That is the recent one?

Mr. Johnston: No, July 7th, 1902. I will see if my learned friend wants anything subsequent to that. The first page is an inspection of the lock-up by Mr. Aikens, who is an officer of the Prisons and Charities Department, approved by Dr. Chamberlain, and refers to a number of repairs; also states that two prisoners were in custody shortly before his visit, both of whom escaped, after breaking the windows and smashing the doors.

Then, attached to that is the letter of Dr. Chamberlain of the 31st July, 1902. "It appears that the lock-up keeper at Little Current, Mr. Sims, is now running a hotel in that village, and it is rumored that parties on becoming intoxicated are transferred to the lock-up to get sober. It is also suggested that he is not a proper person to act as lock-up keeper under the circumstances. The salary is \$200 per year."

(2756)

Then he refers to other reports he has made, and then to Mr. Heeks of the city, Mr. Chamberlain sends the report with reference to the repairs. Mr. Heeks it appears is the gentleman who has charge of making the repairs.

That is the correspondence and the only correspondence.

The Chief Justice: What is the date of the last document?

Mr. Johnston: 31st July.

The Chief Justice: Exhibit 78.

Mr. Johnston: Those are all the reports we have been able to discover or produce. My learned friend Mr. McPherson asked me to put that in.

Mr. McPherson: I asked you to produce them here. You put them in without our seeing them at all.

Mr. Johnston: There is nothing in them one way or the other. We cannot make any use of them, and I do not suppose you can.

Mr. Blake: They are asked for, and they are produced.

The Chancellor: That man was there apparently at a subsequent date. There was no change made apparently?

Mr. Johnston: It was left in abeyance.

The Chancellor: Then you have no evidence of any report after January.

Mr. Johnston: I will look for that. We were asked only for reports prior to that time.

The Chancellor: According to the evidence, he was asked to make a report after January.

Mr. Blake: Yes, my Lord.

Mr. McPherson: Our request was for these subsequent ones as well as

(2757)

as the ones previous.

The Chancellor: You can put that in. There is plenty of time to look up any subsequent ones. That is for this year, 1903?

Mr. Johnston: We will ascertain. Now, my learned friend and myself have been discussing the question of the argument.

Mr. McPherson: There has been no report made since.

Mr. Blake: They could not get up in the winter time or spring, and this matter supervened; it just remained.

Mr. Johnston: Then, there is nothing in it one way or the other.

The Chancellor: Very well. Then you had better close the evidence before we talk of the argument.

Mr. Blake: We wanted to try and look a little ahead.

The Chancellor: Very well.

(2758)

The Chancellor: Very well.

Mr. Blake: Your Lordship will understand we have pulled out of all our work for the last three weeks. There are some matters so pressing, if we should see a little daylight, it would be a great advantage to us. I have been

obliged to go into another case for four days, and there is another matter very pressing. My learned friend has some matter also. We wanted to try and look a little ahead. It possibly might be convenient to your Lordships also. Of course, I am greatly disappointed at our not being able to complete the evidence this morning.

The Chief Justice: Is there any viva voce evidence?

Mr. Blake: There is, I believe, my Lord. I was going to suggest the argument on Thursday, but my learned friend seems to think we shall not, unfortunately, have the evidence closed then.

Mr. Johnston: If we had been able to go on to-day, I think we could have closed to-morrow, as to the evidence.

The Chancellor: The arguments I suppose will take two days?

Mr. Johnston: Two days; a day each.

Mr. Blake: I think so. I think we will be able to cover everything in that time.

The Chancellor: If it could be in any way finished this week we would like it. We could sit on Friday and Saturday. If not, I would like to take the Brockville Court on Monday.

Mr. Blake: If your Lordship will put it in that way, that if we can get the evidence closed to-morrow, we will

(2759)

take the arguments on Friday and Saturday? Would that be convenient?

The Chief Justice: If you are not too sanguine in your estimate of the time to be occupied.

The Chancellor: Suppose we resumed on Wednesday, the arguments would surely be finished.

Mr. Blake: Unless your Lordships think, the possibility of it being prolonged, it had better be fixed definitely for Thursday.

The Chancellor: We can either finish it this week, if possible, or finish it next week.

The Chief Justice: It is not well to have such a long adjournment in the middle of an argument. It would be better to commence the argument at mid-day on Thursday and then you could go through on Saturday.

Mr. Blake: Or say 11 o'clock.

The Chancellor: 10 o'clock on Thursday. Then we would certainly close it.

Mr. Blake: Then, will your Lordships say that, and we can act upon it?

The Chancellor: That is, following the completing of the evidence. You are not speaking of this week?

Mr. Blake: Oh, no, my Lord, that would be impossible.

Mr. Ritchie: I thought you were speaking of this week.

Mr. Blake: Oh, no.

The Chief Justice: I was misunderstanding you then.

The Chancellor: If we could finish it this week, argument and everything, that would be the best thing possible,

(2760)

but if it appears the argument cannot be finished this week it is better not to commence it. Then, take the argument on Thursday of the following week.

Mr. Blake: My learned friends are good enough to take the branch of the case to be gone into this morning. That relieves me. That is the reason I wished to speak to it.

Mr. Ritchie: My learned friend Mr. McPherson has some witnesses from Manitoulin. Perhaps it would be as well to have them examined and let them get away. I do not know whether they are going to be short or long.

Mr. McPherson: Perhaps we can make some arrangement about a gentleman from Peterborough. He wants to go up to the Private Bills Committee.

Charles Cavers, sworn. Examined by Mr. Ritchie:—

Q.—You are a reporter? A.—Yes, sir.

Q.—On the staff of The Toronto World? A.—Yes.

Q.—Do you know Mr. Sullivan? A.—Yes, sir.

Q.—Frank Sullivan? A.—Yes.

Q.—Do you know Mr. Stratton? A.—I know him to see him. I have spoken to him.

Q.—Do you recollect seeing Mr. Stratton and Mr. Sullivan together at any time this year? A.—Yes.

Q.—Any conversation? A.—Yes.

Q.—Can you fix the date? A.—Yes, sir. I was going up to the Parliament buildings between the 16th January and the 10th February of this year; it was during that time.

Q.—You were going up to the Parliament Buildings for what purpose?

The Chancellor: Between what time?

A.—16th January and 10th February. I was doing the departments for the paper. That is, going around to the various departments.

(2761)

Mr. Ritchie: Getting information which was published in The Toronto World? A.—Yes.

Q.—Are you quite sure it was between these dates that you saw him? A.—Yes.

Q.—Where did you see him? A.—Saw them near Mr. Stratton's private

entrance. Sullivan was with me when Mr. Stratton passed us. Sullivan left me and followed Mr. Stratton up towards his private entrance, and remained in conversation with him for about five minutes I should judge; it was fully that long.

Q.—Fully five minutes. Of course you did not hear the conversation? A.—No, sir.

Q.—Is there anything to fix it upon your mind—the fact of the conversation having taken place? You fix the date as between the 16th January and the 10th of February, because you say that is the time you were doing this Parliamentary work? A.—Yes.

Q.—Was there anything that impressed the interview upon your mind? A.—Yes.

Q.—Was it referred to afterwards by Sullivan? Do not tell us what was said? Did he say anything to you? A.—Not afterwards—no, sir. Previous to that Mr. Sullivan told me—

Q.—Never mind what he told you. That was before the conversation? A.—Yes. You do not want me to tell what he told me.

Mr. Riddell: Never mind that, please.

Mr. Ritchie: That will do.

(2762)

Cross-examined by Mr. Johnston.

Q.—What day was it on? A.—I could not tell you.

Q.—Give me the month? A.—I think it was in February—yes, sir.

Q.—Apparently what time in February? A.—Between the 1st and 10th of February.

Q.—Go nearer than that? A.—No, sir.

Q.—What day of the week was it? A.—I could not tell you that. I was up there every day in the week except Saturday.

Q.—Nothing unusual about these two men speaking, or any other two men speaking? A.—There was something unusual about that, if I am allowed to say.

Q.—You are anxious to say it, perhaps? A.—No, sir, not particularly. If I am asked to say it I will.

Q.—I am asking if there was anything unusual about two men speaking together? A.—Yes, there was about that.

Q.—I see. Did you ask to be introduced to Mr. Stratton? A.—No, sir.

Q.—Did Sullivan say something about introducing you? A.—Yes.

Q.—And that is what fixed it in your mind? A.—Yes.

Q.—And he said he would introduce you to Mr. Stratton? A.—Yes.

Q.—And went apparently for that purpose? Went apparently for that

purpose? A.—Well, I do not know what he went for. I said I was talking with Mr. Sullivan—

Q.—Listen to me for a moment. He went apparently for that purpose, so far as you know? A.—No, I do not know that he did.

(2763)

Q.—What other reason did he go for, as far as you know at that time? A.—Mr. Sullivan previously to that had said he would introduce me to Mr. Stratton, and take me to his office—to his private office.

Q.—On that occasion what other reason did you suppose he had for speaking to Mr. Stratton, except to introduce you, or see whether he might introduce you? Do you know of any other reason? A.—No, sir.

Q.—There is no apparent to your mind at that time, that that is what he went to speak to Mr. Stratton about, was it not? A.—I do not know that I thought of it.

Q.—Did not think of it? What did he say to you when he left you? A.—We were talking—

Q.—What did he say to you when he left you? A.—I do not know that he said anything. Mr. Stratton passed, and he went up to Mr. Stratton.

Q.—Did he say, Mr. Cavers, I will introduce you to Mr. Stratton? A.—No, he did not.

Q.—What were you going to be introduced to him for? A.—Frank and I have been friends, and he said he would help me out around the buildings, and would take me in to Mr. Stratton and show me around, and Mr. Stratton probably would give me any news he had.

The Chancellor: Any items for the papers? A.—Yes, sir.

Mr. Johnston: But Mr. Stratton did not seek the introduction, apparently? A.—Apparently?

Q.—Apparently, yes. A.—I did not get the introduction.

(2764)

Q.—Apparently Mr. Stratton did not allow the introduction to be made? A.—Mr. Stratton—

Q.—Apparently Mr. Stratton did not allow the introduction to be made, did he? A.—I do not know anything about that.

Q.—You were not introduced to him? A.—No, sir.

Q.—You are the gentleman with the scare lines in *The World*? Were you the man that was referred to? A.—Yes, I think I was. I did not put any scare lines in.

Q.—And now you come along with a scare conversation? A.—I do not

think it is a scare conversation.

Q.—What were you doing at this time of day that you cannot name? What were you doing? A.—I was talking with Frank Sullivan.

Q.—What were you doing during the time Mr. Sullivan and Mr. Stratton were talking together? A.—Waiting for Sullivan to return.

Q.—Waiting where? A.—In the corridor.

Q.—Standing how far apart? A.—I suppose fifteen or twenty feet.

Q.—And saying nothing? A.—No, sir, I was not.

Q.—Watching? A.—Not particularly watching. I was waiting for Sullivan to come back.

Q.—Generally watching? A.—No, sir, I saw they were together. I was not watching.

Q.—And you paid no attention to the time? A.—I can fix that.

Q.—Oh, yes, you can fix a great deal perhaps. A.—For this reason, it was late in the day, and I wanted to get down town, and I thought I would leave before Sullivan got through, that I could not wait for him.

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Q.—You do not know what they were talking about? A.—No.

Q.—Talking out in the corridor? A.—Yes.

Q.—For fifteen or twenty minutes? A.—Yes.

Q.—Conspirators? A.—I do not know anything about that.

Q.—You do not know anything about that? A.—I am not saying they were.

Q.—What time of the day was it? A.—It was between—I should think about 5 o'clock—between 4 and 6 o'clock.

Q.—Between 4 and 6? Lights lit? A.—I would not say.

Q.—Oh, come? Mr. Cavers of *The World*? Scare lines? Were the lights lit? Come now? A.—I do not know whether they were or not.

Q.—Don't know? A.—I was not there looking for information.

Q.—Don't know whether it was daylight or not? A.—It was in the winter time, and I should say the lights would be lit about 5 o'clock.

Q.—Do not reason. Tell me as a matter of memory? A.—I will not tell you anything I do not know, Mr. Johnston.

Q.—Was it daylight or not? A.—I think it was dusk—between daylight and dark.

Q.—The charming hour. Were the lights lit? Can you recall that to your memory? A.—No, sir, I cannot.

Q.—Who else was there at the time?
A.—Who else was there?

Q.—Yes, that is the question. Who else was there? A.—There were three of us there, I do not know that anyone else was there. Probably Mr. Chase, or the young man

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who sits with him was there.

Q.—Did you see them? A.—I saw them right along. I was not looking for them then.

Q.—How far were Mr. Stratton and Mr. Sullivan away from Mr. Chase?
A.—Just the length of Mr. Stratton's private door and Mr. Chase's box.

Q.—What do you say that is? A.—I do not know. I am not able to judge that.

Q.—30 feet? A.—I should say 30 feet.

Q.—30 feet on the one side and about ten or fifteen on the other. Is that right? A.—On what other?

Q.—On your side? A.—I should think I would be about fifteen feet.

Q.—About five steps away. And the conversation went on for a few minutes. I suppose you felt the time long because you were in a hurry? A.—That is it.

Q.—You felt the time long because you were in a hurry. Did you look at your watch? A.—No, sir.

Q.—You did not time the conversation at all? A.—No sir. I had no reason to time it.

Q.—Of course not. No reason to time it. And Sullivan came back and joined you, did he? A.—Yes.

Q.—And went down town with you? A.—I do not know that we went out together. I have met him several times at the Parliament buildings. I do not know what we did on that occasion.

Q.—It was going to be rather a kindness to you if he would introduce you to Mr. Stratton, from a newspaper point of view? A.—Yes.

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Q.—He thought so? A.—I thought that too.

Q.—You thought that too? A.—Yes, sir.

Q.—And you were willing to be sacrificed to the extent of the introduction? A.—I did not see any sacrifice in it.

Q.—Were you waiting around there to be introduced? A.—No, sir, not particularly. We did not expect to see Mr. Stratton that day.

Q.—Did he tell you he would introduce you the first time he would meet

him? A.—No, sir, he did not. He said some day he would.

Q.—But that important event has not yet taken place? A.—No.

Q.—Now, when was this thing first called to your mind? A.—When I heard Mr. Stratton say that he had not seen Frank Sullivan from the 9th September until the day before the House met.

Q.—Let me have the book, Mr. McEvoy, please. When you heard Mr. Stratton say he had not seen Mr. Sullivan from the 9th September until the House met? A.—Yes.

Q.—Now, let me tell you that Mr. Stratton never said anything of the kind? A.—Well, what did he say?

Q.—And you recollect what Mr. Stratton said a few days ago, I suppose, quite as well as you recollect the time of this conversation, do you? A.—I recollect the time of the conversation. I was not here when Mr. Stratton was cross-examined. I did not hear it at all.

Q.—It is in volume 7. Now, this is what he said, notwithstanding the newspaper man. Page 2607. "Now, Mr. Stratton, are you sure that you did not see some person to whom you spoke

(2768)

about Mr. Gamey about three weeks before the meeting of the House? that over, and tell me whether you did think that over, and tell me whether you did not? A.—In what respect, Mr. Blake?

Q.—Meet some person in one of the corridors, two or three weeks before the opening of the House; a memorandum that I have states that you had an interview with Mr. Frank Sullivan in the corridor near your office, two or three weeks before the 11th March? A.—No, I had no interview with Mr. Sullivan.

Q.—You swear absolutely to that? A.—I do."

Now, Mr. Blake was speaking there about an interview of a formal character, and with reference to Mr. Gamey. Now, will you swear, having heard that evidence read, that Mr. Stratton had such an interview with Mr. Sullivan as referred in that evidence? Will you or will you not? A.—That was two or three weeks before the House?

Q.—I am not caring about the time. Will you swear that Mr. Sullivan had such an interview with Mr. Stratton as is referred to in Mr. Stratton's evidence I have read? A.—I do not know anything about that. I know what I know. I do not know what anybody else knows.

Q.—I am not asking you that. You are a newspaper man, and you know what a question means. I have read you what Mr. Stratton has sworn to. I am asking you, if you will swear that Mr. Stratton ever had such an interview as that referred to in his evidence before the 11th day of March? Will you swear to that? A.—I cannot swear to what—

Q.—Cannot swear to anything of that kind? A.—I did not say that.

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Q.—Will you swear that Mr. Stratton had an interview with Frank Sullivan such as is referred to in the evidence I have read to you? Will you swear to that as a fact? Now, I want yes or no. Will you swear to it as a fact? Never mind your explanation? Will you swear to it as a fact upon your oath? A.—I do not care to swear to anybody else's evidence.

Q.—Will you swear as a fact, on your oath, as I have read to you from this evidence, that that took place between Sullivan and Stratton? Will you or will you not? A.—That says two or three weeks before the House met.

The Chancellor: The subject of the conversation asked there was with reference to Mr. Gamey.

Mr. Johnston: Certainly.

The Chancellor: You cannot tell what the subject of the conversation was? You have told us that? A.—No.

Q.—And it was not two or three weeks before the meeting of the House as you put it. It was a month before the meeting? A.—Yes, it was a month.

Mr. Johnston: I will not trouble about the time, because it might be 3 or 4 weeks, and counsel might very easily say two or three weeks or three or four or four or five.

The Chancellor: Oh, yes.

Mr. Johnston: I am covering this particular interview. Mr. Stratton swore he had no interview with Mr. Frank Sullivan with reference to Gamey 2 or 3 or 4 or 5 weeks, for that matter, before the House met? A.—That is not so, I do not think, if you stretch it that far.

Q.—Can you contradict that? A.—Yes, if you are not particular about 2 or 3 or 4 or 5 weeks.

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Q.—You do not understand what I say. Can you contradict what Mr. Stratton says, that he had no interview with reference to Mr. Gamey with Frank Sullivan two or three weeks or four weeks before the 11th

March? A.—With reference to Mr. Gamey?

Q.—Yes. A.—No, sir, I do not know what they were talking about.

Q.—You do not know what they were talking about? A.—No, sir.

Q.—Do you know whether it was an interview or was it a mere casual conversation?

The Chancellor: He has told us, Mr. Johnston. You need not ask him to define whether it was an interview or a casual conversation.

Witness: I could not define it.

The Chancellor: Whether a casual talk, or pre-arranged, he does not know.

Mr. Johnston: Then, what Mr. Stratton swore to, as you supposed, was what called it to your mind? A.—Yes.

Q.—And then you went and either wrote a letter or made a statement to the other side, as to what you knew about it? A.—Yes.

Q.—Volunteered the information? A.—I—

Q.—Did you volunteer the information? A.—Yes, I volunteered it.

Q.—To whom did you volunteer the information? A.—I spoke to several people about it, said I knew Mr. Stratton was wrong.

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Q.—But you see I have shown you that you do not know anything about it? A.—Is that so?

Q.—I am asking you now. You did not know apparently what Mr. Stratton had sworn to? To whom did you volunteer the information? A.—I said I was not in the Court when Mr. Stratton was cross-examined.

Q.—To which one did you refer your information? To whom did you refer it? To whom did you write about it? A.—Well, I wrote a statement two or three days ago, but I had told both Mr. Ritchie and Mr. McPherson previous to that.

Re-examined by Mr. Ritchie:—

Q.—Then, what you understood from what you saw in the papers was that Mr. Stratton had stated he had not had an interview with Sullivan from the 9th September until the day before the meeting of the House? A.—Yes.

Q.—Now, that is what you understood at all events from the reports in the papers? A.—Yes.

Q.—Now, whether you call it an interview or a conversation, can you fix the period of time that Mr. Stratton and Mr.—

Mr. Johnston: That was in chief.

The Chief Justice: He has done that most definitely.

(2772)

Mr. Ritchie : I did not catch it.

The Chief Justice : Between those two dates, between the 16th January, and he thinks between the 1st and 10th February.

Mr. Ritchie : I was referring to the length of the conversation.

The Chancellor : He told you that ; about five minutes.

Witness : I would not swear to the time, but I thought about five minutes.

The Chief Justice : "Fully five minutes" was the expression.

Witness : Yes.

The Chancellor : The time might have seemed long, he says, waiting to get away. You are not clear about the time ? A.—No.

Mr. Ritchie : Did you on that occasion ask to be introduced to Mr. Stratton ? A.—Not on that occasion.

Q.—Did you tell him whether you wanted to be introduced at that time ? A.—Never told him at any time I wanted to be introduced to Mr. Stratton.

Q.—So that there was no indication of any refusal on the part of Mr. Stratton to meet you ? A.—No, sir, not at all.

Mr. Ritchie : In connection with that last matter, your Lordships will allow me to refer to page 2445, which bears out exactly what the last witness said (volume 6), at the top of the page, and the bottom of the preceding page :

Q.—"Then did Frank Sullivan see you at all after the

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time that you spoke of on the 9th day of September ? A.—Yes, he saw me the day before the House opened.

Q.—I do not want to go to that. I mean up to the time of the opening of the House, or about that time, had he seen you during all these intervening months ? A.—No, he had not. He had not spoken to me.

Q.—That is what I mean, because the letters indicate a very intimate knowledge ? A.—He had not spoken to me, or written to be."

William H. Hurst, sworn. Examined by Mr. McPherson :

Q.—What is your occupation ? A.—Practicing barrister and solicitor.

Q.—At Sault Ste. Marie, Ontario ? A.—Yes.

Q.—Were you in the electoral district of Manitoulin during the campaign preceding the election of the 29th May ? A.—I was for a time.

Q.—Speaking at meetings on behalf of Mr. Gamey ? A.—I spoke at three meetings on his behalf.

Q.—Can you tell me about when that was, beginning at the first ? A.—It was the week preceding the election. I think I spoke on or about the 20th May.

Q.—Where ? A.—At a place called the Township of Gordon. I think in Orange Hall in that township near Gore Bay.

Q.—Was Mr. Gamey present ? A.—He was.

Q.—Did Mr. Gamey deliver an address to that meeting ?

Mr. Riddell : I do not see very well how far my learned friend can go into this. He can contradict our witnesses

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who tell us of particular meetings, but as to his general address to his constituents, he cannot go into that.

Mr. McPherson : It is a direct reply.

Mr. Riddell : We admit he ran as a Conservative.

The Chief Justice : I think we ought to take this evidence.

Mr. McPherson : Gamey spoke at that meeting on the 20th May ? A.—I think that is the date—about that anyway.

Q.—And can you, without attempting to recite everything that Mr. Gamey said, give their Lordships a general idea of the address, as to whether it was of a Conservative, or an Independent tendency ? A.—He announced himself and appealed to the electors for support as a straight Conservative. There was nothing in his address indicating that he was appealing as an Independent in any way.

Q.—Were you there at the meeting during all the time he was speaking ? A.—I was there during the whole meeting.

Q.—And if he had said anything of the kind, would you have heard it ? A.—I would.

Q.—Was there anything said from which a reasonable deduction could be drawn—

Mr. Johnston : No, that is not proper.

The Chief Justice : It is evidence, unless the question is leading, and suggests an affirmative answer. Let us hear the question.

Mr. McPherson : Was there anything said from which a reasonable deduction—a reasonable or fair deduction could be drawn that Mr. Gamey, if he was elected, would give an Independent support to the Ross Government ?

(2775)

The Chief Justice : I think that is entirely within the rule.

Witness: There was nothing said that would create that impression to my mind.

Mr. McPherson: Were you present at any meeting addressed by Mr. Gamey after the 20th May? A.—I was at a meeting on the following night at Little Current, and also a meeting the following night at Manitowaning.

Q.—Before we pass from the meeting in the Township of Gordon on the 20th May, were the speakers there all on Mr. Gamey's side? A.—No, there were two speakers on behalf of Mr. McMillan, who was the Socialist candidate.

Q.—Was there anything said by any speaker on Mr. Gamey's side looking to Mr. Gamey, or promising on his behalf that an independent support would be given to the Ross Government if he was elected? A.—Nothing.

Q.—Or anything from which that could fairly be deduced? A.—Nothing to my mind.

Q.—Did you hear all the speakers who addressed the meeting on that night or on behalf of Mr. Gamey? A.—I did.

Q.—Then coming to the meeting at Little Current on the following night. Did Mr. Gamey on that occasion, without going into minute details again—did he take a position from which anybody could reasonably infer that if elected he would give the Ross Government an independent support? A.—He did not say anything at any of the three meetings of that character, that I have referred to.

Q.—Did anybody else on his behalf? A.—No, they did not.

Q.—Then what was the third meeting that you attended where Mr. Gamey spoke? A.—Manitowaning.

(2776)

Q.—What night? A.—That would be I think the 22nd May. It was the third of the three meetings.

Q.—The last of the three meetings? A.—Yes.

Q.—What was the nature of the appeal made by Mr. Gamey to the electors at those three meetings, speaking of them generally—classing them together? A.—Well, he specially condemned the mining policy of the Administration, spoke largely on that question; he also condemned their timber policy, spoke of the hardship to the settlers on the north shore; he dealt at some considerable length condemning the pulpwood concessions; these were perhaps the chief themes of the discourse at these three meetings.

Q.—Was there any discussion at all as to the Government, in connection

with election funds? A.—There was certainly by Mr. Gamey, or some of the other speakers, I am not so clear just which one of the speakers dealt at greatest length with that.

Mr. Johnston: That is not evidence.

Mr. McPherson: I will not press that. What was the nature of it.

The Chancellor: He does not know.

Mr. McPherson: Then I will not press that.

Q.—Who were the other speakers on Mr. Gamey's behalf at the Little Current meeting on the 21st May? A.—

—Dr. Fell was the only other speaker besides myself, as I remember.

Q.—And who else spoke on behalf of Mr. Gamey at Manitowaning? A.—The same three speakers.

Q.—Mr. Gamey, Dr. Fell and yourself? A.—Yes.

(2777)

Q.—Can you tell the Commissioners relatively the number of people that attended those meetings? Were they large important centres, considering the whole constituency—were those three places important centres in the constituency? A.—Yes, they were the three perhaps chief centres in that riding, the town of Gore Bay, Little Current, and the village of Manitowaning, and the Township of Gordon—that is a very important township.

Q.—About how many people would you think were at the Township of Gordon meeting? A.—It was a fair-sized hall, and was very full. It would be hard for me to estimate correctly. I should say about 150.

Q.—And at the Little Current meeting? A.—That was a large meeting. There was a large hall there. There would be some hundreds of people.

Q.—And at the Manitowaning meeting? A.—The house was crowded, they could not all get in. I should judge there must have been a couple of hundred. The building was not very large.

Q.—You are familiar with that as an electoral district, are you not? A.—I am.

Q.—Having yourself been a candidate in that section of the country? A.—I was at one time.

Q.—Now, will you tell me for the information of the commissioners the distance between Sudbury and Sault Ste. Marie along the Sault line of the C. P. R.? A.—About 180 miles—I think 170 is the exact distance by rail.

Q.—Supposing a man were going from Toronto to meet a man who resided at Sudbury, and wanted Mr.

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Gamey to be present, Mr. Gamey say

being in Gore Bay, what route would he take to go to Sudbury? A.—Mr. Gamey would go to Cutler, a station on the Sault branch of the C. P. R., and from there to Sudbury.

Q.—How far is it from Cutler to Sudbury? A.—In the neighborhood of 70 miles. I could not say exactly.

Q.—How far is it from Cutler to Sault Ste. Marie? A.—It would be something over 100 miles.

Q.—Supposing any person living in Toronto desired to meet any two persons in that section of the country, one of them residing at Sudbury, and the other in the neighborhood of Gore Bay, which would be the more convenient place of meeting, Sudbury or Sault Ste. Marie? A.—Sudbury, certainly.

Q.—By a considerable degree? A.—A party coming from Toronto would have to go through Sudbury, and 179 miles past, to reach Sault Ste. Marie, and the man coming from Gore Bay—it would be more convenient for him to go to Sudbury than Sault Ste. Marie.

Q.—Do you know Mr. W. R. Smyth, M.P.P., for Algoma? A.—I do.

Q.—Where does he reside? A.—At a village called Ridal Bank, near Bruce Mines station, on the Sault branch of the C. P. R.

Q.—How far is it from Ridal Bank to Sault Ste. Marie? A.—It is about 35 or 36 miles on the Sault to Bruce Mines, and Ridal Bank is about five or six miles from the station—back of Bruce Mines.

Q.—Supposing any person wanted to meet Mr. Smyth, and Mr.

(2779)

Gamey, where would be the most convenient point of meeting them when they were both at home—any person leaving Toronto—where would be the most convenient place, Sudbury or Sault Ste. Marie? A.—For Mr. Gamey and Mr. Smyth, taking their combined interests, I would say Sault Ste. Marie.

Q.—How many hours run is it by the railway from Sudbury to Sault Ste. Marie? A.—About five or six. I cannot speak positively, only from my recollection of the run.

Cross-examined by Mr. Johnston.

Q.—That would depend, of course, entirely upon what the nature of the business might be, as to whether you might meet at Sudbury or not? A.—I was only speaking from the geographical position of the places.

Q.—You are only speaking, I suppose from the different points, the convenience of reaching any particular place by mileage? A.—Certainly.

Q.—And that we could ascertain for

ourselves, as well as a resident of the Sault could? A.—Quite as well, from the time tables.

Q.—And the question of whether a man making an appointment at Toronto to meet at the Sault or at Sudbury is a matter depending entirely upon his own ideas and his own business, whatever it may be? A.—I presume that would be so.

Q.—Now, do you know that Mr. Gamey had a sympathy for Mr. Lyon at one time? A.—I do not know anything about it.

Q.—You heard so. You had heard he had been a supporter of Mr. R. A. Lyon? A.—I do not think I ever heard it, excepting. I think I have seen it in the proceedings in this investigation.

(2780)

Q.—And it did not surprise you when you heard it? A.—I do not know that that occurred to me. Mr. Lyon had many supporters on the island; he was a local man.

Q.—Many men, both Conservatives and Liberals, supported Mr. Lyon in his candidature? A.—I think that was true in the earlier days at all events.

Q.—He was then a resident of the island? A.—He was at that time.

Q.—And politics, from a Manitoulin standpoint, have a good deal to do with the contest? A.—Well, the local man always has an advantage.

Q.—Manitoulin, as a factor in politics, has a good deal to do with it, quite apart from the partisan? A.—I do not quite catch your question.

Q.—The interests of Manitoulin? A.—Oh, yes, certainly, the same as any other part of the riding.

Q.—Let me put this question to you. I want to get at the feeling up there. You know that the newer constituencies, are more dependent upon a Government in power than outside constituencies—older constituencies? A.—They are for some things—yes.

Q.—They are for all municipal matters where they have not regularly organized municipalities, roads, bridges and so on. A.—They are for roads.

Q.—And bridges? A.—Yes.

Q.—And general development. Timber, for instance, and mines would affect a new constituency a good deal more than they would the constituency of York or Peel? A.—Yes, they certainly would.

(2781)

Q.—Because we have no timber here. Then we have the roads, and bridges, and timber, and mines—we have those four elements that would be important factors in an election in a

new constituency that would not affect us much in the County of York locally? A.—It would not affect you as much locally. The affect would be more indirect perhaps.

(2782)

Q.—I am speaking of the direct local effect. A.—Yes.

Q.—That is so, is it not? A.—That would be so.

Q.—Then a Government that has the right policy for mining, timber, is liberal in its grant towards the proper development of a new constituency, might fairly claim to get the independent support of a candidate whose party might be usually opposed to those matters? A.—I would say yes, adding this remark, not only liberal appropriation, but the proper expenditure of money.

Q.—When I say liberal I mean not niggardly, and I mean proper. A.—But I wanted to add to that "the proper expenditure of it."

Q.—Exactly. A.—I say that simply because that is one of the great grounds of contention.

Q.—It would not be much object to a man, elected for a new constituency, to sit in Opposition, as far as this constituency is concerned? A.—I cannot say as to that.

Q.—You never sat in Opposition? A.—No.

Q.—You know enough about a new constituency to know that, as a political fact? A.—I have read the opposite given in testimony here.

Q.—I do not understand what you mean? A.—I was reading Mr. Conmee's evidence the other day. He says the Opposition can get more than the supporters.

Q.—That was Conmee's facetiousness.

The Chancellor: That was Conmeeism.

Mr. Johnston: You know as a fact what I state to you to be nearly correct? A.—I know that is always claimed by the Government supporter.

(2783)

Q.—And by the Government supporter on either side of the wall? A.—I suppose it would be claimed. What the result would be I am not prepared to say.

Q.—Now, at that time of course Mr. Gamey expected that Mr. Whitney would be elected? A.—He certainly did. He so expressed himself.

Q.—And he was looking forward then to supporting the Government under Mr. Whitney? A.—I think he was.

Q.—And he was then taking the position of being a Strong Conservative? A.—He was.

Q.—And I suppose the meetings that you have referred to were Conservative meetings? A.—Entirely so, so far as the speakers were concerned.

Q.—And as far as the audience apparently was concerned largely Conservative? A.—Well, it would be so at perhaps two of them anyway, but the other I would not say that the majority—

Q.—Which one? A.—At Manitouwaning; it is a stronger Reform centre.

Q.—I am speaking about the personnel of the meeting. When Mr. Hearst appeared on the platform he was received with applause? A.—A certain amount.

Q.—And generally from the hall, at all these meetings? A.—That is true.

Q.—And Mr. Gamey the same way? A.—Yes.

Q.—There was no dead silence showing a large Liberal vote in the hall when Mr. Gamey or Mr. Harris got up to speak? A.—There was certainly a large or a considerable number of Liberals at both Little Current and Manitouwaning.

(2784)

Q.—There was no dead silence over the hall when you gentlemen got up to speak? A.—Oh, no.

Q.—An enthusiastic meeting? A.—I think we were well enough known to get some applause from Manitoulin Reformers as well as Conservatives.

Q.—No doubt about that; but the tenor of these meetings was very unanimous in support of the speakers on that line of policy? A.—Fairly so, yes.

Q.—So that speaking to a Conservative meeting, at any rate in two of the places, largely Conservative—you will correct me if I am wrong—and a meeting called by the Conservative candidate, you would naturally expect the man to talk Conservatism and Whitneyism? A.—I would expect him to talk his policy.

Q.—You would expect that? A.—Oh, yes, I would expect that by a Conservative candidate.

Q.—Were you at any meetings that were composed largely of Reformers at which Mr. Gamey spoke? A.—I was at no meetings except the three.

Q.—But wait. I do not understand the local sentiment as well as you do. Were you at any meetings that were composed largely of Reformers at which Mr. Gamey spoke—that is, where the majority were Reformers? A.—Oh, I would not like to say whether the majority at the Manitouwaning

meeting would be Liberal or Conservative. As you have stated, naturally that would induce more applause, because there were no Opposition speakers.

Q.—Now, let us see what your view is. Supposing that the Ross policy was the proper policy for Manitoulin, the

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best policy suggested by the Ross Government, and the measures introduced by the Ross Government were the best measures for the country generally, and for Manitoulin particularly, what would Mr. Gamey's position be, judging from his meetings on that point? A.—I could scarcely answer such a question as that.

Q.—Were his Conservative principles so determined that he would not support measures coming from the Ross Government that were in the best interests of the country, or particularly for Manitoulin? A.—Oh, I would not expect that any man would not support a motion of that kind, if it was consistent with the policy that he had announced as being a supporter of Mr. Whitney.

Q.—And therefore his whole conversation, his whole talk rather, and speech, was upon the assumption that Whitney was going to be returned to power? A.—Yes, practically so.

Q.—Now, was he asked any questions at all at any of these meetings? A.—I think not.

Q.—Just had it all your own way? A.—Had it all our own way pretty well.

Q.—And I suppose the more he condemned the Ross Government the more applause; the stronger the points were put the more cheers? A.—That was in the main true.

Q.—So that a man cultivating enthusiasm at a meeting of that kind, cultivating applause and cheers, would naturally strike straighter and harder if he wanted to make an impression? A.—I think he would on Manitoulin Island.

Q.—It is a place where they strike straight and hard? A.—They like that kind of fighting.

(2786)

Q.—Now, you do not know anything about any promise or statement made by Mr. Gamey apart from these three meetings? A.—I do not.

Q.—You do not know, for instance, how he approached the man who was wandering upon the border line between the two folds? A.—I know nothing about Mr. Gamey's personal

canvass at all. I was only on the Island three days, and heard nothing of his personal canvass.

Q.—Did you hear him say anything about Mr. Beatty of Parry Sound? A.—Never heard his name mentioned by him that I am aware of.

Q.—Anything mentioned about the former member, Mr. Campbell? A.—Mr. Campbell was not the former member.

Q.—A former member? A.—I have heard him speak of him. I do not think I did on the platform, but no doubt he has been discussed between Mr. Gamey and I.

Q.—That Campbell, going down to sit in Opposition, was really no good to the Island? A.—No, I never had any conversation of that kind with Mr. Gamey.

Q.—Never heard him say that? A.—I do not think so; I don't recollect of it.

Q.—Did he put the case to the electors in this way, "Now, you support me, Whitney is going to be elected; it is an advantage to have a Government supporter there, and the Ross Government is going to be defeated; no object in supporting Fraser"? Not in those words, but that line of argument? Was that line of argument adopted by him? A.—He certainly stated that he had no doubt that Mr. Whitney would be successful, and that he would be supporting the Government—to that effect.

(2787)

Q.—I am not quite taking it in that way. I want to get at the actual facts? A.—I have no desire but to give them, Mr. Johnston.

Q.—I am treating you, I hope, in that view. He assumed that Mr. Whitney was going to be returned to power; that his Government was going to be the Government for the next four years, and that it would be an advantage to the people of Manitoulin to have a supporter of that Government? A.—I do not recollect that part of it, Mr. Johnston—the closing part of your question.

Q.—Was that impression conveyed by the tenor of his speeches, that it would be an advantage to have a supporter of the Government, because Whitney was going to be the governing power for the next four years? A.—I think that may have been put in this way.

Q.—Then put it as it was put. A.—It was a stock argument of the Government supporters to say it would be no use to send an Opposition member.

(2788)

I think in meeting that Mr. Gamey replied that if there was any force in that argument you should support me, because the Ross Administration will not be continued in power, and I will be the man that will be on the Government side.

Q.—And whatever advantage was to be gained for the Island would be gained in that way? A.—If there was an advantage.

Q.—That was the argument to the people? A.—Exactly.

Re-examined by Mr. McPherson:—

Q.—From your knowledge of the Island, how does Manitowaning, as a centre, compare with other places as to Liberal strength?

Mr. Johnston: He has spoken about that.

Witness: Will I answer?

(Reporter reads last question.)

Witness: As one of the important centres, I always understood it to be somewhat Liberal. It was not looked upon as a Conservative centre, as Little Current, or Gore Bay. That was of my knowledge. I am not intimate for the last year as much as I used to be.

Q.—My learned friend asked you with reference to the expenditure of moneys for bridges and roads, and colonization purposes, and you intimated that one of the matters which was of considerable moment to the constituency was as to the proper expenditure of that. Can you say what was said at any of these meetings with reference to that? A.—Charges were made—

Mr. Johnston: We had that in chief.

Witness: Charges were made that the money was not properly expended,

(2789)

that the best return was by no means obtained for the amount of the money granted.

Mr. McPherson: And in order to obtain those returns Mr. Gamey should be elected? A.—Yes.

Q.—How many years ago was it that Mr. Lyon was a candidate or member representing a portion of that constituency? A.—Mr. Lyon last ran against Mr. A. F. Campbell, who was spoken of. Mr. Campbell defeated him; it would be over twelve years ago. Mr. Farewell was member for eight years, for two Parliaments, and Mr. Campbell for one.

Q.—Mr. Campbell was just in for the one?

Mr. Johnston: Mr. Lyon retired sixteen years ago, I think.

Witness: I think it would be only about thirteen, Mr. Johnston.

Mr. Johnston: He was Registrar of Deeds sixteen years ago.

Witness: That you will find is the fact, that he contested the riding with Mr. A. F. Campbell, who was at one Parliament, and Mr. Farewell at two.

Mr. McPherson: If the fact was that Mr. Gamey had ever supported Mr. Lyon, it would simply be a very long time ago when he was a very young man? A.—Certainly would be. I did not know him in politics, at all events, at that time.

Q.—Was there at any of those meetings any endorsement of the policy of the Government?

Mr. Johnston: That has been asked in chief.

Witness: There was none.

(2790)

Dr. James H. Fell sworn. Examined by Mr. McPherson:—

Q.—What is your occupation? A.—Dentist.

Q.—Where do you reside? A.—At present my family reside on St. Joseph's Island, Richard's Landing.

Q.—Is that in the electoral district of Manitoulin? A.—It is not. It is in the electoral district of Algoma, Mr. Smyth's riding.

Q.—But immediately adjoining the electoral district of Manitoulin. Are you pretty well acquainted in the electoral district of Manitoulin? A.—Pretty well.

Q.—You are there in the course of your practice? A.—Yes, I have lived there until last fall. I lived at Manitowaning.

Q.—Were you present at some of the meetings held in Mr. Gamey's interest during the campaign preceding the general election? A.—I was.

Q.—Can you tell me what meetings you were present at? A.—That is associated, speaking with Mr. Gamey, and in his presence?

Q.—Where Mr. Gamey was also present, and spoke? A.—Gore Bay, Little Current, Manitowaning, Silver Water, I think, if my recollection serves me, Township of Mills, Township of Bidwell.

Mr. McEvoy: What name?

(2791)

Mr. McPherson: Bidwell, and what others? A.—A settlement known as the Slash settlement.

Q.—And what other places?

The Chief Justice: That makes seven meetings, anyway.

Mr. McPherson: Were you at Barry Island? A.—Yes, sir.

Q.—Were you at Long Bay? A.—I was at Long Bay and spoke with Mr. Gamey there.

Q.—Did he speak there? A.—He did.

Q.—Can you tell me now, without giving details, speaking generally, upon what line of policy did Mr. Gamey appeal to the electors for their support at these meetings? A.—I should say the most truthful answer I could give to that would be, as a straight Conservative candidate.

Q.—Were you present at each of these meetings during the time Mr. Gamey was engaged in speaking to the electors? A.—I was.

Q.—And heard what he said? A.—I did.

Q.—What attitude did he take in reference to the Government—the Ross Government—I mean favorably or opposed to them? A.—Certainly not favorable.

Q.—In speaking in general terms, how would you characterize his attitude towards the Ross Government at these meetings? A.—Well, if you will allow me to say, I have spoken in a number of constituencies, and I do not know that I heard anyone more bitter or severe upon the major portion of the Ross Government's policy in new Ontario than Mr. Gamey. I spoke outside in old Ontario and other places.

Q.—Was there anything said by Mr. Gamey or by any speaker on his behalf

(2792)

at any of the meetings you have referred to from which a reasonably fair deduction could be drawn, and Mr. Gamey, if elected, would give an independent or any support to the Ross Government or their measures? A.—If their Lordships would permit, I would like to answer that question at some length, not by yes or no. I think there has been some misapprehension on the part of truthful and honest people, possibly in reference to that kind of thing. That is, every candidate who addressed the electors from the hustings, be he Grit or Tory, generally uses some stereotyped phraseology, wherein he says that he will give Mr. Ross or Mr. Whitney a fair and reasonable measure of support, but reserves to himself the right to vote for good measures, or the paramount good of his constituency.

Mr. Johnston: We had all that.

Witness:—If you have all that, then that is all I ever heard Mr. Gamey promise in my presence.

Mr. McPherson: Did Mr. Gamey, in your presence, ever promise to support the Ross Government? A.—No.

Q.—Or appeal to the electors for support on that basis? A.—No, not in my presence.

Q.—Were you present at the convention at which Mr. Gamey was nominated as a candidate? A.—I was.

Q.—Will you tell their Lordships about the date of that approximately? A.—I did not know what I would be asked that. I think it was about the 13th March. That is the date that occurs to me now. I might be wrong about that.

Q.—Can you tell their Lordships what attitude Mr. Gamey then took in

(2793)

reference to the acceptance of the nomination which was tendered to him? A.—The other nominees withdrew in Mr. Gamey's favor, and his nomination was made unanimous, and he arose and addressed the delegates briefly.

Q.—Was it a straight Conservative meeting? A.—A straight Conservative delegation.

Q.—Were there any qualifications in any way of Mr. Gamey's acceptance of that nomination? A.—He was neither asked for nor did he volunteer any stipulations as to any policy, if I understand your question. That is, the delegates did not bind him, do you understand. He just took the nomination unanimously after two retired.

Q.—Were there any resolutions passed in reference to the sense of the meeting as to Mr. Whitney's policy? A.—Yes, there was, I think.

Q.—Resolutions passed there? A.—Yes, endorsing the policy of Mr. Whitney.

Q.—Endorsing him as leader and endorsing his policy? A.—Yes, I think so.

(2794)

Cross-examined by Mr. Johnston:—

Q.—Then I understand that if Mr. Whitney was returned to power, and was doing that which was injurious to the constituency of Manitoulin, particularly injurious to Manitoulin, and subversive of the interests of the country at large, that Mr. Gamey was at liberty to exercise his own judgment in dealing with that question, as to whether he would support him or not? A.—That is a long question, but it means he was to support any measure, do you understand—

Q.—No, it does not mean anything of the kind. A.—No.

Q.—We will try and make it shorter. You have told my learned friend that the delegates did not bind him, and he did not bind himself at the convention? A.—I do not think it was thought worth while. He did not bind himself.

Q.—He was left free to act, if he saw fit, according to the dictates of his own conscience? A.—Exactly.

Q.—And his own political views, as matters came up in the future? A.—I think so.

Q.—That is right. So that he could not have been in any better position if he had said, "I am an Independent member, I am an Independent candidate"? A.—He might have been in a good deal cooler position.

Q.—He could not have been in any better position as regards political trammels, that he was at that convention, because they seemed to have dealt fairly by him, and he dealt fairly by them? Is that not so? He could not have been in any better position as regards his own actions if he had been an Independent member? A.—Well, I do not know what answer you expect me to give.

(2795)

Q.—I only want the answer that strikes you as being nearest the truth? A.—I have already said how he was brought out.

Q.—We are using terms, we are talking about Conservatives and Reformers, and Independents, and so on. I suppose you perhaps agree with me that, strictly speaking, there are neither Reformers nor Conservatives in the Provincial Parliament? Politically speaking, perhaps you agree with me in that? A.—I will not agree with you very long politically, I fancy.

Q.—I am not asking you to agree. So far as parties in the House are concerned, there is no dividing line between the two parties, making them Grit and Tory, as there are in other Parliaments? A.—No sane man goes to Parliament nowadays bound hand and foot as a slave to serve any party.

Q.—Certainly not, and I would have been surprised if you had given evidence to the contrary. Now then, what I say is, that Mr. Gamey was not bound by the delegates, and he did not bind himself? A.—That is correct.

Q.—You have told us that? A.—That is correct.

Q.—Then I want to know in what better position a man could be in who came out as an Independent? A.—That I do not know.

Q.—That you do not know? That is a puzzle that you cannot answer? A.—I cannot answer.

Q.—Now, supposing a man had come before that convention, or before any nominating convention and said, "I accept your nomination, but I reserve my rights to shape my own

(2796)

political course for the good of the Province generally," could he have been in any better position than Mr. Gamey placed himself in at that convention? A.—Their Lordships are thoroughly seized of the whole matter. I am not here to put an interpretation upon any hypothesis that you may put in.

Q.—You put the hypothesis? A.—I did not put the hypothesis.

Q.—You stated to my learned friend that there was no ground—no reasonable conclusion to be drawn that he was elected as an Independent, or that he was taking an Independent position. Now, I want to know what difference there is between the position that he took at the convention and the convention took towards him, and an Independent? A.—You will have to draw that for yourself.

Q.—You cannot do it? A.—No, I will not do it.

Q.—You cannot do it? A.—I am not interpreting any hypothesis that you may draw.

Q.—Can you do it? A.—No, nor I won't attempt to do it.

Q.—You cannot do it, and will not attempt to do it. If you cannot do it, you won't attempt to do it? A.—The simple story is, no pledges were taken by any candidate; that is all there is about it.

Q.—You used the word "independent." I wanted to know what you meant by the word "independent." However, you say you cannot draw a distinction.

Re-examined by Mr. McPherson:—

Q.—What was your understanding of the attitude Mr. Gamey took on the acceptance of that nomination?

(2797)

The Chancellor: I think you can hardly ask that from what Dr. Fell has said. He has told you what happened. You can draw your own deduction.

Witness: I understood he was a straight—

Mr. Johnston: Wait, please.

Mr. McPherson: I think that is all then, doctor.

John W. Kinney sworn. Examined by Mr. McPherson:—

Q.—What is your occupation? A.—Farmer.

Q.—Where do you reside? A.—Gore Bay.

Q.—Have you any official position in Gore Bay? A.—Clerk of the town.

Q.—Did you attend some of Mr. Gamey's meetings during the campaign preceding the general election? A.—Seven or eight.

Q.—Tell their Lordships what meetings you attended where Mr. Gamey was present and spoke? A.—Ice Lake, Silver Water, Meldrum Bay, Burpee, Township of Mills, Poplar Postoffice I think, Brittonville, and at Grimes Thorpe, Providence Bay.

Q.—And Gordon Township? A.—Gordon Township and Gore Bay. I think that is about all. Orange Hall, Gordon Township.

Q.—How many in all were you present at, can you tell me? A.—Eight or nine.

Q.—You have given us ten, I think. Did you hear Mr. Gamey's address to the electors at each of these meetings you have detailed? A.—I did.

Q.—Can you tell their Lordships in a general way upon what basis or footing Mr. Gamey appealed to the electors for their suffrages?

(2798)

A.—He appealed to them as a straight Conservative, condemning the Ross Government.

Q.—Condemning the Ross Government? A.—Yes.

Q.—What attitude, speaking generally, did Mr. Gamey take as regards the Ross Government? A.—Well, he denounced their timber policy, their mining policy, the way they expended their colonization road money—

Q.—Anything about pulpwood? A.—Pulpwood concessions, and timber.

Q.—Campaign funds?

Mr. Johnston: My learned friend has no right to suggest.

Mr. McPherson: It is only a matter of saving time.

The Chancellor: It will not save time bringing in collateral matters. We have not gone into campaign funds.

Witness: I do not remember going into campaign funds.

Mr. McPherson: I do not mind about that. Did Mr. Gamey at any of these meetings say anything from which a reasonably fair deduction might be drawn that, if elected, he would support the Ross Government, or their measures? A.—He did not.

Q.—Or that he would give them an independent support? A.—No, he did not.

Q.—Or that he would support whatever party got into power? A.—No.

Q.—What attitude did he take at his meetings in reference to Mr. Whitney and his policy? Was he supporting Mr. Whitney? A.—He was supporting Mr. Whitney.

Q.—And what attitude did he take in relation to Mr. Whitney's announced policy? A.—He claimed that

was the policy for new Ontario; that Whitney would be the coming Premier.

(2799)

Q.—Was he seeking their suffrages on that footing? A.—On that footing—yes.

Q.—Were you present at the convention when Mr. Gamey was nominated? A.—I was.

Q.—What kind of a convention was that? A convention of whom? A.—Conservatives.

Q.—Was it largely attended? A.—There would be 90, I should judge, or 100.

Q.—Was that a pretty representative meeting? A.—It is.

Q.—Was it held under the auspices of the Conservative Association of Manitoulin? A.—Yes.

Q.—Some others, I understand, were nominated at the convention besides Mr. Gamey? A.—Yes. There were a number.

Q.—What happened to the other nominees? A.—They resigned in favor of Mr. Gamey.

Q.—And was there a contest over the nomination? A.—No.

Q.—Was there anything said by Mr. Gamey after the nomination was made? A.—He made a few remarks, and it was adjourned until evening. The speeches were in the evening.

Q.—A public meeting held in the evening? A.—Yes.

Q.—Did he in his acceptance of that nomination endorse Mr. Whitney or his policy? A.—He did.

Q.—Were there resolutions passed at that convention along the same line?

Mr. Johnston: You had better have the resolutions.

Witness: I do not remember.

The Chief Justice: They may not have been necessarily in writing.

(2799½)

The Chancellor: He does not remember that there were any.

Mr. Johnston: They were in writing, as a matter of fact, I understand, at this convention.

Mr. McPherson: Did Mr. Gamey in his acceptance of that nomination speak with any reservation of qualification as to his support of Mr. Whitney, or his policy? A.—Not that I remember.

Q.—Were you present at a public meeting addressed in Gore Bay in the evening? A.—Is that the night of the convention, or the night afterwards?

Q.—The night of the convention? A.—I was.

(2800)

Q.—Did Mr. Gamey speak? A.—He did.

Q.—Did he then say anything from which any person could reasonably draw the deduction that if elected he would support Mr. Ross or his Government, or their measures? A.—He did not.

Cross-examined by Mr. Johnston:—

Q.—He started out, I suppose, with the rest of his friends, that Whitney was going to be elected to power? A.—Oh, yes.

Q.—And that is what you all believed? A.—Yes.

Q.—And therefore if he said he was going to support Whitney, he was going to support the Government in power? A.—That would be in power—yes.

Q.—And of course you all knew that was in the best interests of Manitoulin, to support the Government that was in power, anyway? You look upon it in that way? A.—We do not get much when we put in the Opposition man; we knew that.

Q.—You had had one experience of the Opposition man? And you all knew that the best way to do was to send a man to support the Government in power—that that would be an advantage to the riding? There is no doubt about that? A.—That is right.

Q.—You had Campbell there, and he did not do anything for you? You had Farwell, and he did a good deal? A.—I could not say that Farwell did a good deal.

Q.—He did more than Campbell did apparently? A.—He did.

Q.—And the feeling was that in a new constituency it was better to send a man that was going to support the Government in power, you expecting that Government to be Whitney's?

(2801)

A.—Yes.

Q.—And at the convention Dr. Fell has told us, and I suppose you will not contradict him, that Gamey was left free to act according to the best policy for Manitoulin and the Province? A.—Well, I do not remember him being bound at the convention—at the Conservative convention.

Q.—Just try and recollect? A.—I tell you that. I do not remember him being bound.

Q.—Dr. Fell tells us that as a matter of fact he was left absolutely free in that sense. What do you say as to that? A.—Well, so far as I know I think that was it.

Q.—So that if he had gone to Toronto, and the Whitney party had been

defeated, and the Ross Government sustained, so far as that convention was concerned, if the measures appealed to him, coming from the Ross Government, as being in the interests of Manitoulin, would you blame him if he supported them? A.—That was a Conservative convention.

Q.—I am asking you if you would have blamed him if he had supported them, assuming he had approved of the measures coming from the Ross Government, the Ross Government being returned to power, and no obligation? A.—Oh, he was not bound.

Q.—He was at liberty to do that if he wanted to? A.—Yes, he was at liberty.

Q.—He was at liberty to do that if he wanted to. Not that he would do wrong, but if he thought they were in the best interests of Manitoulin, you could not have objected? A.—Oh, yes, we could have objected.

Q.—You did not bind the man? A.—No, we did not. We had confidence enough in him.

(2802)

Q.—You did not bind him. He was at liberty to act as his conscience dictated? A.—That is right.

Q.—If measures came from the Ross Government that met with his approval, and he voted for them, and they were in the best interests of the constituency, would you have blamed him? A.—If they were in the best interests of the Province.

Q.—Taking the whole thing? A.—No, but you are taking the constituency.

Q.—Then I will take the constituency and the Province? A.—If in the best interests of the Province that would be all right.

Q.—Would you have blamed him if he had supported the Ross Government under those circumstances? A.—I would, yes.

Q.—You are a pretty strong politician? A.—I am a Conservative.

Q.—You would not have him vote for the Ross Government under any circumstances, no matter how good they were? A.—Not for that constituency alone.

Q.—But for the Province? A.—If they put in a good law for the Province, that would be all right.

Q.—Are you one of those men who see no good in Israel at all? A.—Oh, they are all right, I suppose, in their place.

Q.—Then their place is in power? A.—I doubt that.

Q.—Will you tell me this. Just let me get your mind back to the point

again. You have a man who is not bound, and you do not seek to bind him? A.—Well, I claim—

(2803)

Q.—Wait a moment. He is elected for Manitoulin, the Ross Government is returned to power, the measures and policy which they bring in are in the best interests of the Province, according to that man's judgment, when they bring down their measure and their policy, his judgment is that they are in the best interests of the Province, he votes for them. Would you blame him? A.—No.

Q.—No. That is right. But if you were there you think you would have to swallow a good deal before you voted even for that? A.—Oh, no.

Q.—You yourself would vote for them? I am taking it that he was not elected as a— A.—He was bound outside of what the convention did. That is what I mean. There was no resolution passed, but that Conservative convention, I claim, was binding upon any man.

Q.—Then he told you, I think—according to Dr. Fell he told the convention he was not going to bind himself; that if he accepted the nomination he wanted to be left free to judge for himself? A.—I will answer it—

Q.—Will you say he did not say that? A.—I did not hear it, I say.

The Chief Justice: He said there was simply no pledge, nothing but the nomination.

Mr. Johnston: Will you say that Mr. Gamey did not state at that convention, "Now, if I accept this nomination I must be left free to judge for myself"? Will you swear he did not say that? A.—No, I will say I was there, and I did not hear it.

Q.—But you cannot say whether he said that or not? A.—No.

(2804)

Q.—But the talk was along that line, that he was to have a pretty free hand if he took the nomination, and was elected? A.—Along the line of the Whitney policy.

Q.—I am asking you a simple question. If he was elected did he take this position, that he was to be left free to judge for himself? That is what I understood Dr. Fell to say. I may be wrong? A.—I do not think he did take that.

Q.—Will you swear he did not? A.—No; I cannot swear to the words he used.

Q.—Then I cannot get any information on that point from you? A.—I do not know the exact words he used.

Re-examined by Mr. McPherson:—

Q.—Is it usual at a Conservative convention, when a man accepts a nomination to take a pledge from him?

Mr. Johnston: That is objected to.

The Chancellor: I do not think you can go into what is usual. Manitoulin is a peculiar constituency; anything usual will not run there.

Mr. McPherson: I do not think, with great respect, it is peculiar in any way.

The Chancellor: I do not think you can go into that.

Mr. McPherson: If nothing was said as to Gamey being free or being bound, what would his obligation be to that convention?

Mr. Johnston: That is objected to.

The Chancellor: Is not that a nice question, which is a matter for either the Judges or the Legislature to say? This witness cannot say that.

(2805)

Mr. McPherson: The witness is one who is entitled to say.

The Chancellor: Very well ask him and see what it is worth.

Mr. McPherson: If nothing was said about Gamey being free to exercise his own will as to what Government or measure he might support, what would his obligation be by accepting the nomination of that convention? A.—To follow the Conservative party.

Q.—The Whitney policy?

The Chancellor: That is as Campbell did, you mean?

A.—Yes.

Q.—Vote against the Government in everything? Is that what you mean? A.—I do not know whether Mr. Campbell voted against everything.

Q.—I am asking you now, whether his obligation would be to vote against the Government in everything? A.—No, I do not think so.

Q.—When would he not vote against the Government? A.—In anything that was to the benefit of his constituency.

Q.—In anything he thought for the benefit of his constituency? A.—Anything for the benefit of his constituency.

Q.—His obligation would be, then, to vote for what he thought right? A.—That is as I understand it.

The Chancellor: That leaves us where we were.

Mr. McPherson: After Gamey had accepted that nomination, if he had not supported the Whitney policy, what would have followed?

Mr. Johnston: That is objectionable.

(2806)

The Chancellor: You can get the witness' view.

Mr. McPherson: If after accepting the nomination of that convention, he had gone on and supported something which was opposed to the Whitney policy, what would have followed so far as the convention was concerned? A.—We would have condemned him.

Mr. Johnston: Of course you only speak for yourself? You do not know what is in any other man's mind? A.—Oh, no.

James A. Kinney, recalled by Mr. McPherson:—

Q.—Were you present at any of the public meetings held in Manitoulin preceding the general election? A.—Yes.

Q.—Can you tell me what meetings you were present at where Mr. Gamey was present and spoke? A.—I was at the Gore Bay meeting the night after the nomination, and at the Ice Lake meeting, the Kagawan meeting, at the Gordon meeting, the town hall, and at another Gordon meeting on the 6th line of Gordon before the campaign opened, that Mr. Gamey was at.

Q.—Did Mr. Gamey speak at each of the meetings you have referred to? A.—Yes.

Q.—What attitude did he take in appealing for the suffrages of the people at those meetings? A.—Well, he spoke as a strong Conservative, endorsing Mr. Whitney's policy.

Q.—What attitude did he take in reference to the Ross Government? A.—Well, he severely condemned their policy in new Ontario as regards min-

(2807)

ing and lumbering, and the road expenditure—the expenditure of money on the roads.

Q.—Was anything said by Mr. Gamey or by any speaker on his behalf at any of the meetings you have referred to from which anybody could reasonably deduce that, if elected, he would support the Ross Government or their measures? A.—No, sir.

Q.—Or that he would support whatever Government was elected to power? A.—He ran as a straight Conservative.

Q.—Were you present during all the time he was addressing these various meetings? A.—At the meeting at Kagawan I was out of the hall for half an hour while he was talking on his mining policy. I had heard it several times. I left and went across to the hotel.

Q.—With the exception of that were you present during all the meetings? A.—Yes.

Q.—All the time he was making his address. Were you present at the convention at which he was nominated?

A.—No, sir, I was not present at the convention. I was at the meeting at night.

Q.—What position did Mr. Gamey take at that public meeting that night in reference to appealing for the suffrages of the electors? A.—As I say, he spoke as a straight Conservative. I could not draw anything else from his speech. Very strong. Endorsing Mr. Whitney in every particular.

Q.—What position as regards the Ross Government? A.—Well, he condemned them. He did not speak of their policy as being suitable to new Ontario at all.

(2808)

Cross-examined by Mr. Johnston:—

Q.—What was the date of the convention? A.—I do not know the date.

Q.—What was the date of the Gore Bay meeting held the same evening?

A.—I could not say as to that either.

Q.—Cannot you give me any idea? A.—No.

Q.—You remember all that was said at those meetings, do you? A.—The beginning of May or first or second week, I suppose.

Q.—Did you take any shorthand notes of what was said? A.—No, I am not a shorthand man.

Q.—Did you meet the next day, or a few days afterwards, and write down a summary of what took place? A.—No.

Q.—Did you hear all that was said at the meetings? A.—I heard quite a lot.

Q.—Were you behind the piano during any part of the meetings? A.—No.

Q.—You were in front of the piano at the meetings? A.—I guess so.

Q.—And did you do a little talking yourself? A.—Considerable, yes.

Q.—Then of course you condemned the Ross Government pretty strongly? A.—Yes, certainly I did.

Q.—And you had no use for any man that did not? A.—Oh, yes.

Q.—What? A.—Yes.

Q.—Would you have any use for a man like this, for instance: A man goes to Toronto as a member for Manitoulin, and the Ross Government was returned to power; they bring in a good policy, good measures for Manitoulin and the Province generally:

(2809)

would you have any use for a man that would vote for a Government like that? A.—Well—

Q.—Would you have any use for him at all? A.—I will answer if you will let me.

Q.—Say yes or no. A.—No, I will not say yes or no. I will answer it the way I like.

Q.—What objection would you have to a man who did that? A.—Well, I would have the objection that if a man was sent as a Conservative member, and fell right in with the Ross policy, and supported them, I would condemn him.

Q.—That is not my question. Does your mental attitude enable you, apart from politics, to understand my question? A.—I think so, if you give it in English.

Q.—Listen to it again. A man is elected for Manitoulin—I do not care which party; he goes to Toronto, and the Ross Government is in power, and they bring in good measures, a good policy for Manitoulin and the Province generally, and he is satisfied—it satisfies his conscience—and he votes for them; have you any use for a man of that kind? A.—It just depends upon how he would be satisfied.

Q.—I say he is honestly satisfied. Any use for a man of that kind? A.—If it was totally against the Conservative policy for the district, I would not have any use for him.

Q.—I thought not. No matter how good the policy or how good the measures? A.—I said if it was not suitable to the Conservative interests of the riding.

Q.—Not suitable to the Conservative interests of the riding; but supposing it was suitable to the public interests of the riding and the public in-

(2810)

terest of the Province, what would you say then? A.—If it was a good measure for the Province and the district I think it would be all right to support it.

Q.—And if the Government returned to power brought in that policy and continued in that good line of measures, it would be all right to support them? A.—We have not seen the good line.

Q.—Would it be right to support them in your judgment? A.—If it was good enough it would be.

Q.—Although he was elected as a Conservative? Will you go that far? A.—Why, it is all right.

Q.—It is all right? A.—If there are certain measures brought in by the

Opposition suitable to our country, it is not necessary for a man to vote against every measure that is brought in by either party.

Q.—You see the Opposition has not the power to bring in measures for the moment. However, we will not trouble you about that. The last witness is what relation of yours? A.—A brother.

Q.—Any more brothers of the family in Manitoulin? A.—Yes, we live there.

Q.—How many more brothers have you got? A.—Two.

Q.—Besides the one that was here? A.—Yes.

Q.—Are they here, too? A.—No.

Q.—Just yourself and the gentleman who was in the box a moment ago? A.—Yes.

Q.—And the Government candidate was appealing to the people on the ground that the Ross Government would be returned to power, and therefore it was in the interests of

(2811)

the Island to support him? He made that plea we have heard? A.—I guess he did.

Q.—Did you got to any of his meetings? A.—Yes.

Q.—And you heard him speak? A.—Yes.

Q.—So you will know whether he did without guessing? A.—Any meeting I was at Mr. Fraser spoke very briefly.

Q.—Those who spoke for him, in his presence, and with his approval, was that the position they were taking? Was that one of the arguments? A.—Yes, I heard that argument.

Q.—And that was, as I understand it, an argument on your side, Whitney is going to be elected to power, and therefore if you return me as a supporter, Mr. Gamey, you will have all the advantages that can be derived from having a Government supporter? A.—I think that was spoken of.

Q.—And put pretty strongly and directly to the people in that way? It is usually done in elections? I do not know how you do it up there? A.—We do the very same up there.

Q.—Do it the same way up there? But the contingency of Mr. Whitney, not being returned to power, and the Ross Government being sustained, does not appear to have struck that side at all? That was not discussed, was it? A.—No, I do not think so. We thought the Conservatives would be certainly elected.

(2812)

Q.—Sure. You were sure of that at that time? Reasonably sure? A.—Reasonably sure—yes.

Q.—Of course. And it was upon that basis you were all going, namely, that the Conservative party would be elected to power? A.—We felt confident that the Conservatives would be elected.

Q.—Was it upon that basis you were all working, and going, confident that they would be returned to power? A.—We worked before, and they did not go in, and we worked the same.

Q.—I am not asking you that. Can not you answer my question? You were working upon the basis that Whitney would be returned to power? A.—I answered you, and said yes; we thought the Conservatives would be in power.

Q.—And that was the ground you were working upon? A.—Not the whole ground.

Q.—Were you working to send a man to be in Opposition? A.—We would send him, and if it would be in Opposition it would be all right.

Q.—Manitoulin would send one member of the Opposition if the Opposition consisted only of the one man, according to your theory? A.—Why, yes.

Q.—Of course. A.—It would not be a very good policy to let all Reformers go in.

Q.—Now, the Government candidate used this argument, too, I am told—you will correct me if I am wrong: Look at what position you were in when A. F. Campbell was member; what did he ever do for you? You should support me, because I am a supporter of the Government; the Government will be returned

(2813)

to power. Was that argument used? A.—I could not say that I ever heard it in that way on the platform. It is often spoken of through the district.

Q.—Did you hear A. F. Campbell's name mentioned? A.—I do not think so; not on the platform.

Q.—Do you recollect whether it was or was not? A.—I cannot say.

Q.—Can you say whether that condition of things was discussed on the platform or not? A.—No, I cannot say that it was discussed. It was discussed through the district, and often mentioned.

Q.—It was often used as an argument to get an individual voter? A.—Yes.

Q.—By both sides, I suppose? A.—Yes, it was used by the Conserva-

tives, saying that Whitney would be in power, and that Fraser would be the man in Opposition.

Q.—And Fraser would be no good so far as the Island was concerned to get any favors for the Island? That was the plain English of it? And the other side using the converse argument? A.—Yes, sir, to some extent.

Q.—Of course.

Samuel King sworn. Examined by Mr. Johnston:—

Q.—Where do you reside? A.—Sturgeon Falls.

Q.—What is your occupation? A.—Clerk.

Q.—In some store, or something of that kind at Sturgeon Falls? A.—Yes.

Q.—Where did you formerly reside before you came to Sturgeon Falls? A.—Chicago.

(2814)

Q.—Where you at any time a resident of Manitoulin Island? A.—Yes.

Q.—Where did you reside in Manitoulin Island? A.—Providence Bay.

Q.—How long were you there? A.—I was there on two different occasions. The last time I was there I was there for about two and a half years approximately.

Q.—And did you remove to Sturgeon Falls? A.—No, to Chicago.

Q.—Were you at Providence Bay during the general elections in May, 1902? A.—I was.

Q.—Were you present at any meetings held by Mr. Gamey, or at which he spoke? A.—Yes, sir.

Q.—Where? A.—At Providence Bay.

Q.—Were you present at any other meetings besides Providence Bay where Mr. Gamey spoke? A.—At the meeting at Gore Bay after the convention.

Q.—Any others besides that? A.—That was all.

Q.—Were you present at the convention? A.—Yes.

Q.—Can you give their Lordships the date of the Providence Bay meeting spoken of, or approximately? A.—I do not remember the date, sir.

Q.—Some time preceding the 29th May? A.—Yes.

Q.—Were you present during all the time Mr. Gamey spoke at that meeting? A.—Yes.

Q.—Will you tell their Lordships, speaking generally, what Mr. Gamey's attitude was in reference to Mr. Whitney and his policy at that meeting? A.—It was favorable to Mr. Whitney's policy as I understood it.

(2815)

Q.—Was there anything said by Mr. Gamey at that meeting in reference to Mr. Whitney, or his policy? A.—Yes, sir. Mr. Gamey eulogized the character of Mr. Whitney as a man, and his policy along different lines.

Q.—Was Mr. Gamey at that meeting in any way opposed to Mr. Whitney, or his policy, publicly? A.—No, sir.

Q.—What was his attitude at that meeting in reference to the Ross Government and their policy? A.—He condemned their policy as regards Manitoulin.

Q.—Was anything said by Mr. Gamey at that meeting from which any person could reasonably deduce that if elected he would support the Ross Government, or their measures? A.—No, sir.

Q.—Or that he would support whatever party was returned to power? A.—No, sir.

Q.—Do you know Sylvester Berry? A.—Yes, sir.

Q.—He lives at Providence Bay? A.—Yes.

Q.—Do you know his brother, William Berry? A.—Yes, sir.

Q.—Do you know Neil McDougall? A.—Yes, sir.

Q.—Did you see any of these gentlemen at the meeting at Providence Bay that you have spoken of? A.—I do not remember their being present. I did not notice in particular. They might have been there.

Q.—Was there more than one meeting at Providence Bay addressed by Mr. Gamey during the campaign? A.—I think not.

Q.—Just the one.

Q.—Cross-examined by Mr. Johnston:—

Q.—Now, there are some facts, I suppose, that you do remember? One is, when you went to Chicago. A.—Yes, sir.

(2816)

Q.—When was that? A.—I went first to Chicago, leaving the Island on either the 3rd or 4th July. I returned again.

Q.—July of what year? A.—Last year.

Q.—1902? What were you doing in Chicago? A.—My wife was there. My wife had gone there for treatment.

Q.—Still there? A.—No.

Q.—What time did you return? A.—I returned about the latter part of July.

Q.—Where did you go? A.—Providence Bay.

Q.—What were you doing? A.—Clerk in Muchmore & Co.'s store.

Q.—When did you leave Providence Bay? A.—I left again about the 1st of September for Chicago.

Q.—When did you return? A.—I returned about approximately the 10th of March.

Q.—You were in Chicago all that time? A.—Yes.

Q.—That is the first of September, 1902? A.—Yes.

Q.—And you returned on the 10th March, 1903? A.—About that date.

Q.—Now, where had you been prior to the 3rd July? A.—1902?

Q.—Yes. A.—Providence Bay.

Q.—How long had you been there, without going away? A.—I might have been away for a short time.

Q.—I want to know where you were. A.—Well, I was up at the Sault on one occasion.

Q.—I mean for two or three weeks, for instance? That would be away. I do not mean for a day, you know. A.—I was not away for some time before.

(2817)

Q.—How long had you been at Providence Bay continuously before the 3rd or 4th July? A.—Nearly two years and a half.

Q.—Continuously? A.—Yes.

Q.—And you took no part in politics, I suppose? A.—To some extent.

Q.—Did you have a vote there? A.—Yes.

Q.—Conservative? A.—Yes.

Q.—And the meetings you attended were what? Are you an American citizen? A.—No, sir.

Q.—What meetings did you attend? I mean the places? A.—Providence Bay and Gore Bay.

Q.—What took you to Gore Bay to attend a meeting there? A.—I went to the convention.

Q.—You were a delegate, were you? A.—Yes.

Q.—Then the convention was held at Gore Bay, was it? A.—Yes.

Q.—And the meeting was at night? A.—Yes.

Q.—And there was no doubt that Mr. Gamey got the Conservative nomination? A.—Yes.

Q.—There is no doubt about that? A.—No.

Q.—And he was running as a Conservative? A.—Yes.

Q.—There is no doubt about that. Do you know what representations were made to voters that he wanted to support him? A.—I could not say as to that, outside of his platform.

Q.—You do not know anything about that? A.—I do.

Q.—What representations he made to voters individually to get their support? A.—Do you mean at the meetings?

Q.—No, I am speaking individually. A.—Oh, no, sir.

Q.—And assumption was that Whitney was going to be returned to power? A.—We talked along that line.

(2818)

Q.—Had you any doubt about it at that time, as Conservatives? Had you any doubt about the fact that you were going to succeed this time? A.—I do not think so.

Q.—And therefore, when you were talking about supporting Whitney, or he was, or anybody was, you were talking about supporting a Government that was sure to be in power, according to your views? A.—We thought that way, sir.

Q.—You felt that way? And you felt that would be an advantage in many ways? A.—To have Whitney returned to power?

Q.—To have a Government supporter in the House? A.—It is usually considered that way.

Q.—You felt it would be an advantage to have a supporter of the Government in the House, leaving parties out of the question for the moment? As a Manitoulin resident you felt it would be in the interests of the constituency to have a supporter of the Government in the House? A.—I believe that is right.

Q.—And that Government you wished, and honestly believed would be the Whitney Government? A.—Yes.

Q.—And never thought of the contingency of the Ross Government being in power, and your having a Conservative member? A.—Oh, we might have thought it.

Q.—You did not think of it so that you can now tell me about it? A.—No.

(2819)

Q.—That was a contingency you did not look for; and notwithstanding the fact that the Whitney Government was going to be elected, the Whitney party elected, and the Ross Government defeated, and that this man was running as a Conservative, according to two gentlemen, at the convention he was left free to judge for himself according to his conscience? A.—I do not think it is usual to bind anyone at the convention.

Q.—I am not asking you that. I am asking you if he was left free, according to his conscience, to do what he

thought best, as far as any obligation was concerned? Is that right, or is it wrong? A.—I believe he was.

Q.—You believe that is right? Then if a man came to Toronto as a Conservative, with a Reform Government in power, and he gave that Government an independent support, as far as his conscience would permit him to give it, I do not mean to say voting for bad measures or anything of that kind, giving them an independent support, so far as his conscience would approve of it, that man would be more valuable to the constituency than the man who had voted no, no throughout for a whole term of Parliament? A.—He possibly would be.

Q.—Have you any doubt about it? If you have, I should like to learn it for the first time? Have you any doubt about it? A.—I believe there are occasions when, by a little opposition to the Government in power, certain measures are brought in better than those brought in before.

Q.—That is not the question I am asking you at all. Do you understand the question I am putting? A.—Let me have it again.

(2820)

Q.—I will give it to you again. A man elected to support the Conservative party on the basis that the Conservative party would be in power—that is, that the Conservative party are to be in power for the next four years—that man not being bound to support the Conservative party through thick and thin, gives to the Government an independent support, along such measures as he is satisfied with, measures that his conscience is satisfied with—a man who gives that support would be a more useful member to the constituency and more in the interests of the constituency than the man who sits and votes, if I may use the expression, hide-bound against the Government through the whole term? A.—Probably he would be.

Q.—Have you any doubt about it? A.—I do not think so.

Q.—I am using Mr. Gamey's own words to you.

Mr. McPherson: Anything improper in your going to Chicago? A.—No, sir.

Mr. Johnston: There is no presence of that.

Mr. McPherson: You do not make any insinuation in that regard?

Mr. Johnston: I did not attempt to insinuate. I merely wanted to get his movements, as to where he had been.

Alfred A. Riley sworn. Examined by Mr. McPherson:—

Q.—Are you at present a resident of Toronto? A.—Yes.

Q.—Formerly where did you reside? A.—Little Current.

(2821)

Q.—And how long ago since you removed to Toronto? A.—In the early part of December.

Q.—1902? A.—Yes.

Q.—What was your occupation when you were at Little Current? A.—Well, I had a drug store and a saw-mill, sash, doors and shingles.

Q.—You were Mayor, I think, of the town? A.—Yes, for three years.

Q.—Were you at the convention where Mr. Gamey was brought out as a candidate? A.—Yes.

Q.—Who else was nominated on that occasion? A.—I think it was E. H. Turner, J. C. Irving and Dr. Fell and myself.

Q.—And the others retired? A.—We all retired in favor of Mr. Gamey.

Q.—Were you at any of the meetings during the campaign that were addressed by Mr. Gamey? A.—Yes, sir, I was at two.

Q.—Where were they held? A.—One at Little Current and one at Shagawanda.

Q.—Did Mr. Gamey speak at both those meetings? A.—Yes, sir.

Q.—Are you in a position to give us about the date of those meetings? A.—I cannot fix them definitely.

Q.—Some time prior? A.—Some time between the convention and the election.

Q.—Did Mr. Gamey make any remarks in accepting the nomination at the convention? A.—He spoke for a short time in the convention, and then for a considerable time in the evening again.

(2822)

Q.—Speaking first of the convention meeting, will you tell me what was said, if anything, by Mr. Gamey in reference to Mr. Whitney or his policy? A.—I do not know that I could definitely say.

Q.—Speaking generally, would you tell us what was said? A.—He endorsed the policy of the Opposition.

Q.—That is, of Mr. Whitney? A.—Yes, sir.

Q.—You are speaking now of the acceptance of the nomination at the convention meeting? A.—Yes, sir.

Q.—And speaking generally as to Mr. Gamey's attitude in reference to the Ross Government and their measures and policy? A.—In opposition to them.

Q.—Did he so announce himself? A.—His statements were quite clear. He criticized the Government in all the speeches I heard.

Q.—Was there anything said either at the convention or at the evening meeting, the public meeting in the evening, about Mr. Gamey giving an independent support to the Ross Government or their policy? A.—Nothing at any time that I heard.

Q.—Was anything said at either of those meetings or at the other two, at Shagawanda and Little Current, said by Mr. Gamey from which a fair deduction might be drawn that if elected he would support the Ross Government or their policy or their measures? A.—No, sir, nothing.

Q.—What was Mr. Gamey's attitude taken to the electors in reference to Mr. Whitney and his policy at these public meetings? A.—Well, of course the large run of speeches was in condemnation of the Government policy, and pointing out what he thought would be right.

(2823)

Q.—Was there any opposition to Mr. Whitney or his announced policy? A.—No, sir, no opposition at all.

Q.—Did Mr. Gamey at any of those meetings say anything about his supporting whatever party might be returned to power? A.—No, sir.

Q.—Were you present at those meetings at which Mr. Gamey spoke, during the time he was speaking? A.—Yes.

Q.—You heard whatever was said at the meetings? A.—Yes, sir.

Q.—Until both meetings broke up? A.—Yes, sir.

D.—Did you at any of these meetings hear Mr. Gamey say anything about Mr. A. F. Campbell? A.—No.

Q.—Hear his name mentioned at all? A.—I don't remember anything at all being said about Mr. Campbell.

Cross-examined by Mr. Johnston :—

Q.—You did not hear Mr. Gamey say at any meeting that he would support any policy, quite apart from partyism, that was in the best interests of Manitoulin and the Province? A.—I do not remember anything of that kind.

Q.—Will you say he did not make that statement? A.—To the best of my knowledge he did not.

Q.—Will you say he did not make it as a fact? A.—I will just repeat what I said, to the best of my knowledge.

Q.—Have you any knowledge upon it at all? A.—Yes, sir.

Q.—Then if you have a knowledge tell me did he say at any meeting.

(2824)

apart from politics entirely, that he would support measures that were in the best interests of Manitoulin and the Province? A.—I have no recollection of any statement of that kind.

Q.—Will you swear he did not say that? A.—To the best of my knowledge he did not.

Q.—Your knowledge may be worth something or nothing. What knowledge have you got of it? A.—The court will have to take it for what it is worth.

Q.—Is your knowledge sufficient to enable you to swear that he did not say it? A.—I am quite positive that if Mr. Gamey had said anything that was in that line I would have remembered it. I have no recollection of anything of that kind.

Q.—Was he left free at that convention to do what he thought was proper in the interests of Manitoulin? A.—He was there as a Conservative candidate.

Q.—Was he left free to do what he thought proper in the interests of Manitoulin and the Province generally? A.—He was nominated as a Conservative candidate.

Q.—That is not an answer to my question? A.—I think it answers it very nicely. Q.—You do? And you think you are answering your oath when you say so? A.—Yes.

Q.—Now, I will ask it again, because I had an answer from Dr. Fell and another gentleman, and that is not the answer they gave. We will see if you differ from them. Was he left free to do what he thought best in the interests of his constituency and the Province generally at that conven-

(2825)

tion? A.—That matter was not discussed in that way, sir.

Q.—Was he left free as far as anything was said or done, so far as he was concerned? A.—I should not think he was. He was elected as a Conservative candidate.

Q.—Then you contradict Dr. Fell and the other witness who was here.

Mr. McPherson: I do not think that is quite fair for my learned friend to say that. That is not a fair interpretation of what Dr. Fell said.

The Chancellor: We have the evidence. We can judge. He says he should not think Mr. Gamey was free to do what he liked.

(2826)

Mr. Johnston: Then you would have expected him to have supported the

worst Government for the Province, and the worst policy for Manitoulin, if it was brought in by the Government for Ross & Company? A.—If it were brought in by the Ross Government?

Q.—Would you have expected that? A.—Repeat your question.

Q.—Would you have expected Mr. Gamey to be called upon to oppose—let me put it the other way. I should have said the Whitney Government. Would you have expected Mr. Gamey to have supported the worst policy and the worst measures that could be brought in as regards Manitoulin and the Province generally if brought in by Mr. Whitney? A.—No, I would not. I would not expect any man to do that.

Q.—Would you have expected Mr. Gamey to have opposed the best policy and the best measures that could have been brought in for the country and Manitoulin particularly, if brought in by the Ross Government? Would you have expected that? A.—I would have expected him to have supported any good measures, no matter where they came from.

Q.—Then, to this extent, is your politics only that you support measures, not party—support good measures, and not party? A.—Well, a man is supposed to see his party brings in good measures.

Q.—But supposing they do not? A.—Then certainly I would oppose them I think.

Q.—And that was the position which you understood Mr. Gamey was entitled to take? A.—We did not expect those measures to be brought in.

Q.—That is the position Mr. Gamey was to be entitled to take, and you

(2827)

would approve of it? A.—I did not expect any such position to occur.

Q.—Will you answer my question? That is the position that you expected Mr. Gamey to take, and you would have approved of it? A.—Certainly, if the Opposition had brought in something wrong.

Q.—I am not saying who brings it in. A.—I am, though. I want to make myself clear.

Q.—Either side brings it in. I do not care which it is. Did he say that Mr. Whitney's mining policy requires considerable amendment, that he could help him very materially if he went down to Toronto? A.—Mr. Gamey—

Q.—Did he or did he not? Can you answer a simple question, or can you not? Did he or did he not? A.—I do not care to answer it in that way.

Q.—You refuse to answer it in that way? A.—If the court says it is to be answered in that way.

Q.—The court will interpose if the question is not proper. Now, please answer it. A.—I do not remember the question.

Q.—Then the reporter will read it to you.

(Reporter reads the question referred to, which is as follows:—"Did he say that Mr. Whitney's mining policy requires considerable amendment; that he could help him very materially if he went down to Toronto?")

Mr. Johnston: Did he say that? A.—I have no recollection of such a statement.

Q.—Will you swear that he did not state that? A.—Not to my recollection.

Q.—You will not swear one way or the other? A.—No.

(2828)

Q.—Did he say that both Governments needed a good deal of assistance—both sides needed a good deal of assistance and information in regard to their mining policy, that they did not know much about it? A.—No, sir, I do not remember that.

Q.—Will you swear that that was not said? A.—I do not remember it.

Q.—Will you swear that that was not said? A.—I will not.

Q.—Will you say that this was not said, that these men had no practical knowledge; that a man like Mr. Gamey, a man like myself, for instance, meaning Mr. Gamey, and others, would know more about what the mining requirements were than the people in Toronto would know? A.—I remember Mr. Gamey saying he would know more about it.

Q.—Than either the Ross or the other party, being from that locality? A.—I do not know that he put it just in that way, but he had a greater knowledge than a great many. He was there on the ground and knew the requirements of the people.

Q.—Quite so. He ought to have known a good deal about it, a man in his position. A.—I believe he does.

Q.—We believe so, too, and we will not differ about that. Now, the meeting at Little Current—did you speak there? A.—Yes.

Q.—And you condemned the Government and adopted Whitney? A.—I do not know that I did. I only just spoke for a minute or two. There were three other speakers. I said very little.

(2829)

Q.—You were considerate. Shagawana, did you speak there? A.—A short time.

Q.—Did you condemn the Government there and support Whitney? A.—I think so.

Q.—You saw no good on the other side at all? A.—I cannot say that at all.

Q.—Do you say that? A.—I do not say that.

Q.—You will not go so far as that? A.—No.

Q.—There may be things Mr. Gamey might support the Government in that would meet with your approval even? A.—There might be.

Q.—Now, what did Mr. Gamey speak about at Little Current? A.—I cannot tell you exactly.

Q.—What did he speak about at Shagawana? A.—I could not tell you the exact language.

Q.—Could not tell me at all? He may have said a good deal that has passed out of your mind? A.—Oh, in a general way, yes.

Q.—Conservative meetings he was addressing? A.—Yes.

Q.—Called in the interests of Conservative candidates? A.—Yes.

Q.—From a Conservative neighborhood? A.—Yes, those meetings.

Q.—Tell me the vote at Little Current, at the last election? A.—I think it was a tie. I think it was a tie.

Q.—Shagawana? A.—There was a considerable of a Conservative majority.

Q.—How much? A.—I would not state that.

(2830)

Q.—Thirty or forty? A.—It ran in my mind it was in the neighborhood of forty.

Q.—At Little Current you think there was a tie. Then we have the two Conservative meetings. In order to be returned to power, you did not expect of course that Mr. Gamey would get up and support the Ross Government at these places, did you? A.—No, sir.

Q.—Do you know whether he spoke in a Reform section or not? A.—Not of my knowledge.

Q.—You do not know what he said to the meeting when it was largely composed of Liberals? A.—No, sir.

Q.—You do not know what argument he used to the individual voters in his canvass? A.—No, excepting as I was with him.

Q.—Where were you with him canvassing? A.—I was with him at Little Current, not outside.

Q.—I am speaking of the personal canvass? A.—No, I do not know anything about that.

Q.—So that you are not prepared to contradict what anybody stated in regard to that? That will do.

Re-examined by Mr. McPherson :—

Q.—On the question of a vote of want of confidence in the Ross Government, what should Mr. Gamey's attitude be?

Mr. Johnston : That is not for him to say.

Mr. McPherson : After accepting that Conservative nomination at Gore Bay?

Witness : We would expect him to vote with the Opposition, sir.

Q.—Against the Ross Government?

A.—Against the Government.

(2831)

Mr. Ritchie : My Lords, there are some two or three witnesses from Manitoulin who have not arrived yet. We do not know whether they will get here before the morning or not. That is the only evidence there is to offer.

The Chancellor : In the same line?

Mr. Ritchie : Yes.

The Chancellor : You may take those to-morrow if they come.

Mr. Ritchie : There is one matter I wish to refer to. I see that Mr. Stratton, when examined as to a letter written on the 2nd of October, 1902, addressed—

The Chancellor : Two on the same date?

Mr. Ritchie : This one is a letter addressed by Mr. Stratton, signed by himself, and addressed "To My Dear Gamey." My learned friend Mr. Blake, when examining him about that, asked him what reason he had for addressing him in that way, if he did not know him very well. To which Mr. Stratton replied there was no particular reason; he says perhaps I had in my mind "My Dear Foy." I simply wished to put in the Foy letter which is dated 27th December, 1902, some three months later, to show that he could not possibly have had that in his mind. Will my learned friend admit the letter?

Mr. Johnston : He said he might have had.

Mr. Ritchie : He said, "Perhaps I had it in my mind."

Mr. Johnston : There was a "My Dear Foy" letter written before the 29th May, 1902. My learned friends can produce that letter—

The Chancellor : I do not know, I am sure.

Mr. Ritchie : I never heard of such a letter.

(2833)

The Chancellor : There is no objection to Mr. Ritchie putting this letter in evidence. It does not prove there is not another one.

Mr. Ritchie : All I want is to have the date admitted.

The Chancellor : You will admit there is a letter written by Mr. Blake, "My Dear Foy."

Mr. Ritchie : 27th December, 1902. You will follow that up by showing there was another one.

Mr. Johnston : Yes, a letter that played a very important part. We will call Mr. Foy to produce the correspondence, because we know there was a letter in which Mr. Blake offered to speak for Mr. Foy in Toronto, "My Dear Foy." That was before the general election.

Mr. Ritchie : I suppose Mr. Stratton did not know about that letter.

Mr. Johnston : Yes, we knew all about it.

The Chief Justice : Is the letter put in?

Mr. Ritchie : Oh, no. I do not think I am entitled to put in the letter. It is dated 27th December, 1902.

Mr. McPherson : There are one or two other matters which perhaps my learned friend will admit without any contest, that I should like to put in. One is a certified copy of a letter from Mr. Aubrey White, Assistant Commissioner of Crown Lands, in reference to the forwarding of a timber license, re Shannon, Township of Ruthersford.

The Chief Justice : Any objection to that, Mr. Johnston?

Mr. McPherson : Dated Toronto, May 1st, 1902, addressed to Messrs. Kerr, Davidson, Paterson & Grant.

(2834)

Mr. Johnston : There is a great objection to that.

The Chancellor : That is a collateral matter, Mr. Johnston abandoned.

Mr. McPherson : I can assure my learned friend it is not abandoned.

Mr. Johnston : It is abandoned on this issue on the evidence. There is no evidence of conspiracy. My learned friend only got it in on the ground that it was going to lead to something.

The matter is now under investigation before the House, before a special committee of the House. The papers are being moved for, and the matter is being discussed in the House. Surely that has nothing to do with this transaction.

The Chancellor : I think we cannot go into that now, at the heel of the hunt.

Mr. McPherson : Then I ask to put in a matter which will probably not be contested, taken from the votes and proceedings of the House, No. 1 for the present session, dated 10th March, 1903, and containing at page—

Mr. Johnston : 1 and 2 should be put in; they cover the Commission.

Mr. McPherson : I do not know what they are. No. One at page 30 contains the certificate of their Lordships, Mr. Justice Maclellan and Mr. Justice Street of the dismissal of the protest against Mr. Gamey on the 25th October.

Mr. Johnston : We will admit that.

The Chancellor : Very well.

Mr. McPherson : I would also ask your Lordships to allow me to put in from that same document, page 43,

(2835)

certificate dated 4th March by Mr. Charles Clarke, Clerk of the Legislative Assembly, certifying that the writ of election for the bye-election held in the North riding of York was issued on the 7th February, 1903. That is contained in the same number, page 43. Then on page 44, that the writ for the bye-election in Centre Bruce was issued on the 7th February, 1903, both the same day.

Mr. Johnston : Let those dates be fixed, too. Those were the bye-elections. In that connection your Lordships may be good enough to note that the three bye-elections, North Grey, North Norfolk and North Perth, were held on the 7th January, 1903. That is, the polling took place on that day.

Mr. Ritchie : I think that is right, my Lord.

The Chief Justice : Election in the three Norths on the 7th January, 1903.

Mr. Johnston : Yes, my Lord. The polling took place on that day.

Mr. Ritchie : That is admitted, my Lord.

Mr. McPherson : These other two I have referred to, North York and Centre Bruce, the polling took place, if I am correctly informed, on the 26th February. The writs were issued on the 7th February as appears by this record.

The Chief Justice : What two constituencies ?

Mr. McPherson : North York and Centre Bruce. These are the two that have been adverted to in connection with The Globe interview, The Globe interview being on the 29th January.

(2836)

Mr. Johnston : Now are there any other formal dates ?

Mr. McPherson : Shall I hand this in ?

The Chancellor : That need not be printed.

The Chief Justice : It is all on the notes :

Mr. Ritchie : It is all on the notes now.

The Chief Justice : Then that is not an exhibit.

Mr. Ritchie : Then, have you anything to put in ?

Mr. Johnston : No, I have not the papers here. I will look them up. It is merely fixing certain matters, more directly connected with the Commission than anything else. That is, as to what took place in the House. It may be a matter of argument.

The Chancellor : That is all a matter of record.

Mr. Johnston : It is a matter of record there, and perhaps your Lordship will allow us to refer to it, without putting it in ?

The Chancellor : Oh, yes, it is a public document ; judicial notice will be taken of that.

Mr. Ritchie : Oh, yes. You had better indicate what the reference is.

Mr. Johnston : Reference will be made, perhaps, on the arguments, to the votes and proceedings of the House, I think about the first and second numbers, in relation to the Commission and amendment.

The Chief Justice : You can refer to that in argument. Of course it would be convenient for us to have it before us.

Mr. Johnston : I will get copies and hand them in, without filing them. I do not wish to encumber this too much. I will give your Lordships copies. It is a mere matter of reference. It may not be used at all.

(2837)

Mr. Ritchie : Then there is nothing further I have to offer your Lordships to-day. The other witnesses are not here, two or three from Manitoulin. Mr. Moss, Mr. Barwick's junior partner, has informed me that the bank will be ready to-morrow morning with the information, at all events, as to the Toronto office.

The Chancellor : You have nothing else, you say ?

Mr. Ritchie : Nothing else to-day.

The Chancellor : Have you anything, Mr. Johnston ?

Mr. Johnston : No, my Lord.

The Chancellor : Is this man Jones here ?

Mr. Johnston : I am going to have him here after the case is closed, and what I thought was this : Unless your Lordships desire to examine him from the Bench, I would think it would be, perhaps, more seemly and more proper that counsel on one side or the other should examine him.

The Chancellor : It is better counsel should examine, and not leave it to the Bench.

Mr. Johnston ; I thought that would be the proper way to do, and I was assuming the responsibility, after my learned friend is through with his evidence, of putting Mr. Jones in the box and examining him in chief, with the right to cross-examine if there should be any adverse matter arising. Perhaps your Lordship would grant me that right.

The Chancellor : Well, just about that, there is this trouble about Mr. Ritchie closing his case, and so on, as to this bank evidence. It may string out for some time. Why not finish

(2838)

the oral evidence. Why not take Mr. Jones, as if it had been at the close of the case ?

The Chief Justice : Is Mr. Jones here ?

Mr. Johnston : I am not instructed as to his testimony at all. I should have to ascertain some facts in connection with it.

The Chancellor : Can you take his evidence this afternoon ?

Mr. Johnston : No, my Lord. I shall not examine him at any very great length. I shall have to look up the evidence.

The Chancellor : It is not necessary to examine him at any great length, for the purpose of this inquiry, at all events.

Mr. Johnston : I should like to look up the evidence to see how far the examination should go, and if your Lordships think proper I will have him here to-morrow morning.

The Chancellor : It will economize time to go on and do all that can be done.

The Chief Justice : You cannot get him this afternoon ?

The Chancellor : Mr. Johnston says he is not ready. Then where is Mr. Gamey ? Are you going to call him, either of you ?

Mr. Johnston : No, my Lord, I think not.

Mr. Ritchie : Mr. Blake, I think, is considering that question as to whether he ought to call him or not.

The Chancellor : You cannot say.

Mr. Ritchie : No my Lord.

(2839)

The Chancellor : Is there anything to be done, if we adjourn until 2 o'clock ?

Mr. Johnston : No, my Lord.

The Chancellor : Then we will adjourn till to-morrow morning.

Mr. Johnston : You will have the bank people here in the morning.

Mr. Ritchie : We shall endeavor to.

The Chancellor : There was one matter about the bank investigation, the investigation of the bills repre-

sented by that last \$500. Those, as I understand it, were not Ontario Bank bills ?

Mr. McPherson : All of them were not.

Mr. Johnston : Some Merchants' Bank.

The Chancellor : There were only some small denominations of Ontario bills. There are only two twenties on the Ontario Bank. It would be a difficult matter, I suppose, for the bank to go into that investigation. It would be well to relieve them, I suppose.

Mr. McPherson : We did not ask that. We limited our investigation to fifties and one hundreds. We did not ask them anything about any twenties, or anything beneath fifties.

The Chancellor : Then there is no inquiry at that period at all, if it is limited to that ?

Mr. McPherson : I think I am correct in stating that.

Mr. Ritchie : I could understand it would be almost an impossibility to trace that up.

Mr. McPherson : I think we expressly limited it.

The Chancellor : You had better make that plain, so that

(2840)

Mr. Barwick will not be going into that, and occupying a good deal of time.

Mr. Ritchie : Your Lordship will recollect you said that inquiry should be extended to the 11th of March. We called attention to your Lordship's extension. Probably he is investigating.

Mr. McPherson : Your Lordship was speaking of the denomination of the bills. In the third paragraph of our letter of 6th of May, we say "Full information as to all one hundred dollar and fifty dollar bills respectively of the Ontario Bank paid out between the 20th August, 1902, and the 15th September, 1902, through the Bank and its various branches throughout Ontario during the said period."

The Chancellor : And then something beyond that.

Mr. McPherson : Not as to the denomination of the bills.

The Chancellor : What was the inquiry up to the 11th March ?

Mr. McPherson : "Full information as to all one hundred dollar and fifty dollar bills respectively of the Ontario Bank paid out between the 25th and 31st days of January, 1903."

The Chancellor : You might relieve him of that altogether. There is no use going into that—at least it seems to me so.

Mr. McPherson : They might be relieved of that with advantage.

The Chancellor: You had beter let Mr. Barwick know that. You might relieve him. That will facilitate.

Mr. Ritchie: I did not think it was a matter of much moment. It only embraces four or five days as I originally indicated.

(2841)

The Chancellor: It embraces three or four months.

Mr. Ritchie: It does now.

The Chancellor: You had better reduce that. Let him know, so that he will get to work at the real point.

Mr. McPherson: I will see my learned friend is informed of that.

Mr. Johnston: What is that?

Mr. McPherson: We are relieving him from tracing up and fifties or one hundreds in 1903.

Mr. Ritchie: Search might be made if there is any charged out or in the Merchants Bank.

The Chancellor: That is a matter for the Merchants Bank. You can adjourn now until 10 o'clock to-morrow morning.

(Adjournment 12.15 until 10 a.m. to-morrow, May 13th, 1903.)

(2842)

TWENTY-FIRST DAY.

May 13th, 1903, 10 a.m.

The Chancellor; Now, Mr. Ritchie, have those witnesses come?

Mr. Ritchie: Is Mr. Bartlett here?

Mr. Barwick: My Lords, after the meeting before your Lordships the other day, the solicitor for the prosecution, Mr. McPherson, wrote a letter, and which I would like to hand you, showing the information that was desired.

The Chancellor: That was brought before us yesterday I think.

Mr. Ritchie: Yes, my Lord.

Mr. Barwick: I would like to lay before your Lordships the circular that was sent to the branches by the general manager.

The Chief Justice: Perhaps we might have the solicitor's letter.

The Chancellor: Shortly, have you complied as far as possible with it, or have you fallen short?

Mr. Barwick: The circular will show the instructions given. The bank have complied with it so far as it is possible, but there are 18 branches to be examined. One of those branches is at Fort William, and another at Sudbury.

The Chancellor: Then it is a question of some further delay as to those?

Mr. Barwick: And we did not hear until after banking hours yesterday, un-

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til nearly four o'clock, that a part of the inquiry which has given the greatest trouble was not required. That was ascertained yesterday afternoon at 3.45.

The Chief Justice: That is the continuing of the inquiry down to 1903.

Mr. Barwick: That part of the investigation has really given the most trouble to the bank, and it turns out entirely useless, because we were informed yesterday afternoon about 4 o'clock that it was not required.

The general manager is here with the tabulated information from all the branches which he has received. The manager of the Toronto branch, on Scott and Wellington, is also here with the tabulated statements of everything containing the lists of cheques and stocktaking as to one hundred and fifty dollar bills, and is prepared to lay that before the Court.

The Chancellor: That will probably be sufficient. We had better go on with that.

Mr. Barwick: But, my Lords, the attitude the bank has taken in this matter is, that while the manager and its officials are prepared to furnish the commissioners with every information asked, and facilitate them in every way, it has persistently objected to any outside examination of its customers' accounts, and it desires now that this information which comes from your Lordships, which is of the most confidential nature, which involves the giving of a list of the cheques of hundreds of its customers during this period, should be conducted in camera, and should not be exposed. I am perfectly willing, so far as this

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information is concerned, in order to save the time of the Commission, that this information should be submitted here to one counsel on each side, so as not to take up the time of the Commission, and to furnish them with the evidence which they will find answers Mr. McPherson's letter. I am perfectly willing now to show that to one counsel on either side.

The Chancellor: That will satisfy us, if counsel are satisfied.

The Chief Justice: With the reservation, that if anything is developed, which is material to this inquiry, then that will be investigated.

Mr. Barwick: Certainly. The only thing I wish is that information not

material to the inquiry should not be disclosed, except to counsel on either side.

Mr. Ritchie : There is no necessity of taking up the time of the Commission while we are going into this. I am quite willing to go into that with my learned friend. We might go on with the other evidence, and perhaps adjourn and take that up this afternoon.

The Chancellor : Very well.

Mr. Ritchie : If that will suit your Lordships.

The Chief Justice : You and Mr. Ritchie can do that.

Mr. Ritchie : I will go on until 2 o'clock.

Mr. Barwick : Then one further matter. The full returns have come in from eight to ten of the branches. They are all in except Fort William and Port Arthur.

Mr. Ritchie : As to Fort William, I do not want it. I will say so now.

Mr. Barwick : I wish you had said

(2845)

so before. Then as to Sudbury ?

The Chief Justice : Fort William Mr. Ritchie abandons.

Mr. Barwick : And Port Arthur ?

Mr. Ritchie : If you have sent for them you may give them.

Mr. Barwick : The information we have here in the shape of these returns is prepared by officers in each branch under the directions of the general manager, they come down here signed by an official in each bank. The officials are instructed to be prepared to follow, and support the information before the Commission on oath, if required.

Mr. Ritchie : I am quite willing to go to the board room of the bank, if you have the books there, when we adjourn.

Mr. Barwick : You will not want the books, except the Toronto branch ?

Mr. Ritchie : That is all I want there. I may want to refer to the receiving teller, and may want to refer to the discount clerk.

The Chief Justice : You can see about that. You have not those books here ?

Mr. Barwick : They have been brought up here this morning.

Mr. Ritchie : I thought the idea was to save the time of the Commission.

The Chief Justice : The Toronto books are here ?

Mr. Barwick : Yes, and as to the others, there are certified copies.

Mr. Ritchie : If it will facilitate matters, I will go to the board room of

the bank at 2 o'clock, or whatever time we may adjourn in the afternoon.

(2846)

The Chief Justice : Then you think you will not be able to get more than enough evidence to occupy the forenoon ?

Mr. Ritchie : I think not. There are some four or five witnesses. It is quite evident this is an investigation that will take some hours with the books.

The Chancellor : The time will be occupied profitably, no doubt, with that examination.

Mr. Ritchie : I may not be able to get through it this afternoon.

The Chancellor : That will meet the wishes of the bank, as far as can be, also, as far as consistent with this being a public inquiry.

Mr. Barwick : Oh, yes, my Lord.

The Chancellor : Now, Mr. Ritchie, do you proceed with any of these witnesses ?

Mr. Johnston : There is much the same difficulty in connection with the Dominion Permanent Loan, as exists in the case of the bank. Perhaps your Lordships will make the same direction. The manager and some of the clerks have been here day after day.

The Chancellor : Deal with it in the same way as the bank. The information can be submitted to counsel on either side.

Mr. Johnston : We have not any requisition of just what they want.

(2847)

The Chancellor : Mr. McPherson, I thought, had furnished that—a requisition on the Dominion Permanent.

Mr. Johnston : No, my Lords.

The Chancellor : You can furnish that.

Mr. McPherson : We have given all we can reasonably give. This is a letter I wrote Mr. Macdonnell, the solicitor for the company, in reply to one I received from him yesterday afternoon :—

"Your letter of the 12th of May inst. just received. It is very kind of the company to undertake to appoint an officer to make examinations and inquiries in respect of information desired from the above company, and you will understand the difficulty I have in giving you precise information as to what is required from the company when I am not familiar with their system of book-keeping. You will, therefore, understand that it is from no unwilling-

ness on my part to give you the information, but from inability to do so from that cause. Our idea was that the best thing to do in order to facilitate the inquiry before the honorable the Commissioners and also to prevent your clients being incommoded in any way would be to have some expert accountant, satisfactory to all parties, who either is now or can familiarize himself with your system of book-keeping, to make such investigation and procure such information to lay before the Commissioners as he may deem expedient, having in view the fact that it is charged that \$3,000 was paid by Mr. Stratton to Mr. Gamey on the 11th of September, 1902, and

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\$1,000 on the 29th of January, 1903, and that it has been suggested that the above moneys or some part thereof may have been paid by or from or through or in some way connected with the Dominion Permanent Loan Company.

Under these circumstances I trust your clients will be able to agree upon some expert accountant to conduct the investigation and procure the information practically as an officer of the court. In connection with another financial institution it was suggested by his Lordship the Chancellor, in conference with Chief Justice Falconbridge and counsel, that the expert to be appointed should be sworn as an officer of the court, and that the investigation should take place practically under the auspices of the commission and the expenses should be considered as part of the expenses of the commission. I think you will conclude from this statement of the situation that your client's interests could not be prejudiced in any way, and trust that you may see your way to advise them that no harm could result to them from agreeing to the appointment of an expert as suggested.

Kindly let me heard from you at your earliest convenience."

As to that I have not had any reply.

Mr. Johnston: As to the expense of experts, and all that kind of thing, my learned friend may just as well

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understand now as at any future time, that the terms of the commission, and the direction of the House, was not that experts should be engaged and paid to go over all the books of the different companies and banks. Therefore, if he desires an expert, and if the court so directs, it would be without an assurance that any such fees

may be paid. What will be provided for are the costs of the commission generally, counsel, etc.

The Chancellor: If you can agree upon an expert, and he is appointed by the court, it will be part of the expense of the commission. It would be really more economical to do that than to waste days and days with counsel and the court going on examining books, independent of an expert.

Mr. Johnston: Then in answer to that this letter was sent, May 12th; or perhaps your letter was in answer to this. This letter from Mr. Macdonnell, the solicitor for the company, says:—

"I am instructed that you desire to place an expert in the office of the Dominion Permanent Loan Company for the purpose of making some examination for a report to the commissioners in the matter of the investigation now before their Lordships, Sir John Boyd and Chief Justice Falconbridge, and on behalf of the company I desire to inform you that the company will not consent to any expert being appointed to examine anything in connection with the business of the company. I wish, however, to say that if you will inform me this afternoon what information you require the company will appoint an officer to make all proper examinations and inquiries in respect of the matter you require. If the information re-

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quired is not very lengthy, it can be obtained in a short time, but in any event it will be obtained with the least possible delay. I will be glad to hear from you this afternoon if this is quite satisfactory, and what information you require. Yours truly (Signed) A. C. Macdonnell."

Now, of course we are interested in the nature of the communications, and we are interested in the nature of the evidence that is sought for. As I understand it, no request has been made as to any specific facts that are asked for, or that are sought to be proved in evidence. We have nothing to do with this company. The company may do as it pleases. I understand it does a sort of banking business by way of having a large deposit account, therefore it would be in the same position as a bank. With that I have nothing to do. But what we do desire is, we take perhaps for the first time emphatically the strong position, as strongly as we can put it, that it is time this evidence was brought before the commissioners, if it is going to be brought. It is unfair that this commission should be asked to be dragged out day after

day, week after week, keeping Mr. Stratton in the position in which he is placed, as a member of the House, while the House is in session. It is

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very desirable indeed that the proceedings should be brought to a termination if possible. Now, that is the ground which I advisedly take in the matter, and if my learned friend wants any information, I am also advised that he can get it. Mr. Stratton's private accounts, and his private cheques, even down to his household accounts, have been gone over and placed at their disposal.

The Chancellor: You have stated your position, you know what is wanted, and what is objected to. It is very desirable you should come to some arrangement about it as has been done in the case of the bank. If you cannot come to an arrangement we will have to go through the evidence here, however lengthy and troublesome and expensive it may be. We are just as anxious as anyone, perhaps more anxious, to get rid of this inquiry, and get at the end of it. We are very anxious to do it. In this particular case, if they insist, as they seem to have the right to do, to get at the information, they will have to get at it in the usual way, unless some more expeditious way can be arranged between counsel and the company. There is the right to get at the information, as a public affair. The best method is to do it in the simplest and most expeditious way.

If it cannot be done in that way, we will have to do it by the ordinary process of witnesses in the box, and have the books here. That is all we can say at present.

Mr. Macdonell: What the company says is this. We will give any information that is asked for.

The Chancellor: Mr. Ritchie and Mr. McPherson having heard that, you will probably come to some arrangement. Do you object to counsel attending there?

(2852)

Mr. Macdonell: This company is a bank and does a banking business, and it is in the very same position as the Ontario Bank.

The Chancellor: We are proceeding on that footing, we are treating it as a bank, and there is not to be any disclosure of private affairs which is not necessary to be known for the purpose of this investigation. It is intended to prospect the company, the same as the bank.

Mr. Johnston: Mr. Riddell, I think, has attended three or four times at that company's office.

Mr. Ritchie: No, it was the Trust and Guarantee. We exhausted that, and there is no evidence to be called.

The Chancellor: Then can you not attend here in the same way?

Mr. Ritchie: Certainly.

Mr. Macdonell: Let them ask for what they want, and we will give it to them.

The Chancellor: They are fishing. They cannot tell you what they want.

Mr. Macdonell: Let them give us what information they want; let them specify, and we will get it.

The Chancellor: There is Mr. McPherson's letter. He does not know how your books are kept. He does not know in what particular form to put the question. That is what he wants to find out. He wants to trade \$3,000 and \$1,000, to see if, peradventure, they passed through the books of that concern.

Mr. Johnston: That information can be given to them in short time.

(2853)

The Chancellor: Very well.

Mr. Riddell: That information can be given very shortly.

The Chancellor: I should think if Mr. Riddell and Mr. Ritchie would take the onus and responsibility of doing this work, that your company should not object, Mr. Macdonell.

Mr. Macdonell: They know what facts they want, surely, and we are willing to give them those, as far as in our power.

Mr. Ritchie: There is only the one alternative. I have been endeavoring to get all this information in the cheapest possible way. I have not been asserting our rights, as I think we are entitled, to have all the books produced in court. My object has been to meet my learned friends, as far as possible, and prevent any publicity being given to these accounts. What that in view the appointment of an expert was suggested. I will appear with another counsel and make an examination of the books.

The Chancellor: I think if your offer of the expert is not accepted, or the examination by counsel, the examination will have to proceed in open court. Mr. Ritchie and Mr. Riddell say they will volunteer their services to the commission. If the company accedes, that will be quite satisfactory to the court.

Mr. Macdonell: That will be satisfactory.

The Chancellor : That is agreeable.

Mr. Macdonell : If they can specify it will help us to get the information.

Mr. Ritchie : As soon as I go there and find what books you have got, I will tell you in a very short time.

The Chancellor : Mr. Riddell and Mr. Ritchie will not spend more time in your place than they can help.

(2854)

Mr. Riddell : We should get it done at once.

The Chancellor : This afternoon.

The Chief Justice : Mr. Ritchie arranged to go to the Ontario Bank.

Mr. Ritchie : It does not make much difference. Mr. Riddell wants to get away to-night. Let them arrange that among themselves. I cannot be at two places at once. I will go to either one.

The Chancellor : We will let counsel arrange together about that. We cannot occupy more time about that now. If there is any evidence to be received this morning, let us go on. Have your Manitoulin people come?

Mr. Ritchie : Yes, my Lord.

Mr. Riddell : Let us have no misunderstanding about it. If my learned friend Mr. Barwick is not going to permit that to be done we ought to know it now, and let the subpoenas be issued, and get on in the regular way. We must on with it. I have just mentioned it to my learned friend Mr. Barwick, asking him if he is going to consent to that being done. I do not understand him to accede.

The Chief Justice : I thought that was all settled. We cannot harp back on that now.

Mr. Riddell : I should like Mr. Barwick to say.

The Chancellor : We have been proceeding on that footing, Mr. Barwick assenting. Is it so or not?

Mr. Barwick : I was proposing to meet Mr. Ritchie this afternoon and submit to him the whole information gathered by the Bank. If he requires any further information with regard to that, then it is a matter that comes up at once, as to what further information can be given.

The Chief Justice : Do not meet the objection "until you come to the stile." If he asks for information that you will not give, no doubt he can apply to us.

(2855)

Mr. Barwick : There is not the slightest chance of there being a misunderstanding between Mr. Ritchie and myself. We understand it quite.

Mr. Johnston : Have you specified the time, as to the Dominion Permanent too?

Mr. Ritchie : Oh yes, that is specified.

Mr. Johnston : The period. It is not specified. It is all loose.

Mr. Ritchie : When you tell me what you have produced, when I get there, I will tell you what information I want.

Mr. Johnston : There is a letter here from Mr. McPherson with reference to the examination of books, documents and vouchers, of the Treasury Department, and the Crown Lands Department of the Province, and Mr. McKay, an accountant, has been agreed upon as being the one to make the examination. Now, when that is being done, I should like my learned friends to determine that these are the Departments that they seek the information from, because we are willing they should examine Mr. Stratton's Department, the Attorney-General's Department, and all the others, when this gentleman is engaged. We do not want to have them coming back—

The Chancellor : We want to get through this inquiry some time.

Mr. Johnston : We do not want to have them coming back later on, and say they want to examine some other department. If they want to examine any Department, it is open, and they can examine.

The Chancellor : That offer is made in open Court.

Mr. Ritchie : I will ask them to make an inquiry in the

(2856)

office of the Attorney-General's Department, the Provincial Secretary's Department, as to whether any of the money came from there. It is said by Mr. Gamey that Sullivan said it came from those departments.

Mr. Johnston : I was in the Attorney-General's Department for four years, and there was \$7.50 appeared during that time.

The Chancellor : I could not get change for a five dollar bill there one time.

Mr. Ritchie : Perhaps it will facilitate matters if my learned friend goes with Mr. Riddell to this company, and I can go to the Ontario Bank. That will facilitate matters.

Mr. Riddell : Then it will be a matter of my being divided into four parts. I want to go to all the banks that are being examined. I do not think that will facilitate matters very much.

The Chancellor : We will let counsel arrange that. I do not know that

we can arrange as to the personnel, and dividing of the corpses of counsel.

Mr. Johnston : Will your Lordships direct that the examination of the Loan Company's accounts be limited to the same time that the banks books are limited to, from the 1st of August to the end of September, or something of that kind, I think, is the date, and from the 1st of January until the middle or end of February.

The Chancellor : They want to make an inquiry about that thousand dollars.

Mr. Johnston : From the 1st of January until the end of February, whatever the direction is as to time ?

The Chancellor : Yes, within reasonable limits as to time.

(2857)

Mr. Johnston : Then we will take the same time as your Lordship directed as to the bank.

Mr. Ritchie : I do not wish to be tied down. I do not suppose my learned friend has any reason to suppose I am going to be unreasonable, and go over matters I should not go over. I am quite willing to deal with the same period of time I am dealing with in regard to the bank.

Mr. Riddell : That will be satisfactory.

Mr. Johnston : The court has made an order as to the bank. There should be no discrimination.

The Chancellor : Now these people from Manitoulin want to get home to attend their farms. Let us get on.

Harry Shepherd, sworn. Examined by Mr. McPherson :—

Q.—Where do you reside ? A.—Espanola.

Q.—Where is that ? A.—On the Sault branch of the C. P. R., about six miles from Webbwood. It is not on the Sault branch. It is some little way in—six miles from Webbwood.

Q.—And what is your occupation ? A.—Bookkeeper.

Q.—Do you know Mr. R. R. Gamey ? A.—To do.

Q.—Did you see him any time in the beginning of the year ? A.—I did.

Q.—Where ? A.—I met him on the train between Sudbury and Webbwood.

Q.—When ? A.—The 14th day of January.

Q.—This year ? A.—This year.

Q.—What time of the day was that ? A.—It would be after twelve o'clock.

(2858)

Q.—Afternoon ? A.—Afternoon—yes.

Q.—About what time in the afternoon ? Around noon ? A.—Yes, I believe twelve and two o'clock.

Q.—On the 14th January ? A.—Yes.

Q.—Was the train under motion ? Were you going some place ? A.—Yes, sir.

Q.—From what point to what point ? A.—I got on at Sudbury and got off at Webbwood.

Q.—You were going west from Sudbury to Webbwood ? A.—Yes.

Q.—And did Mr. Gamey remain on the train after you got off ? A.—Yes, sir.

The Chancellor : He stayed on the train ?

Mr. McPherson : Yes, my Lord. How do you fix the date ? Are you confident of your date, the 14th January ? A.—I am, sir.

Q.—How do you fix that date ? A.—I was in Sudbury on the 13th, came down to Sudbury on the 13th, and I attended a meeting there, and I was registered at Sudbury. I looked up my registration there, and found I was there, and I know I went back on the 14th.

Q.—You were registered in Sudbury on the 13th, where you were attending a meeting ?

The Chancellor : You were registered at a hotel ? A.—No, it was in our lodge book there. I attended a lodge meeting.

Mr. Johnston : Q.—Who is said to have had a conversation on the 14th ?

Mr. McPherson : Dr. Arthurs. He said he conversed with Mr. Gamey on the 14th at the Walker House, Toronto.

(2859)

Mr. McPherson : Can you tell me from your own knowledge when a person would require to leave Toronto in order to be where you saw Mr. Gamey that day ? A.—He would have to leave Toronto at 11.15 the night previous.

Q.—If Mr. Gamey was where you say he was on the 14th January, he would have had to leave Toronto on the night of the 13th at 11.15 p.m. ? A.—Yes.

The Chancellor : Dr. Arthurs says he saw Gamey in Toronto on the 13th and 14th January.

Mr. McPherson : He conversed with him on both the 13th and 14th.

The Chancellor : My note is, "I saw him on the 13th and 14th, had talks with him." But the reporter's note will give it more accurately, I suppose.

Mr. McPherson : I have gone over it carefully, and he is very positive of the date.

Cross-examined by Mr. Johnston :—

Q.—Now, Dr. Arthurs says this.

The Chief Justice : Saw him in Toronto on the 13th and 14th.

Mr. Johnston: That "and" is not just how the reporter has it. There is a disjunctive. "When did you see Mr. Gamey in Toronto?" And the answer was, "On the 13th or 14th of January."

Q.—That would be perfectly true, as far as you are concerned? A.—He might be here on the 13th.

Q.—You understood he came from Toronto? A.—I did not understand where he came from. I did not know where Mr. Gamey came from.

(2860)

The Chancellor: Was he going from Sudbury west? A.—He was going west.

Mr. Johnston: And he was going towards what direction? Towards what town? Or did he tell you? A.—He did not tell me what town.

Q.—Would that take him to Cutler? A.—It would.

Q.—That would take him home? A.—Yes.

The Chancellor: You do not know that he was coming from Toronto? A.—No.

Q.—You had no talk with him? A.—I was conversing with him—yes.

Mr. Riddell: He is registered here on the 13th.

Mr. Ritchie: He said he left here on the night of the 13th.

Mr. Johnston: Certainly he did.

Mr. Gamey: I admitted I left on the 13th.

Mr. Riddell: We are not talking to you. See page 2330.

Mr. Johnston: Then he was cross-examined.

Mr. McPherson: Look at page 2341. Mr. Johnston.

Mr. Johnston: I will read it all.

Mr. McPherson: I thought I was helping you.

Mr. Johnston: You need not do it. I am conducting the cross-examination.

(2861)

Q.—Can you differentiate as to the two occasions as to what was said on the one occasion and the other? A.—Well, he spoke to me on more than one occasion about the passes. The last time he spoke to me about it he said quite triumphantly that he had got them, so we can differentiate that far.

Q.—When was that? A.—In Toronto at the Walker House.

Q.—Was that on this occasion on the 13th or 14th of January? A.—It was one of those dates.

Q.—Was it the first or second day? A.—I would not swear.

Q.—You do not contradict that at all, although you saw him on the

train on the 14th? A.—I saw Mr. Gamey on the train on the 14th January.

Q.—He could have had the talk on the 13th in Toronto? A.—Possibly.

Q.—It might have been the one or the other? A.—Yes."

Mr. Riddell: Then, see page 2331:

Mr. Johnston: "I am instructed that he left Toronto on the night of the 13th and was not back here again until towards the end of January. What do you say to that? A.—I have nothing to say to it at all, only that my memory is that he was here both on the 13th and 14th."

Q.—You were brought all the way from where? A.—Espanola.

Q.—To give evidence as to where Mr. Gamey was on the 14th? A.—Yes.

Q.—And that is all you know about it? A.—That is all I know about it.

Q.—Thank you. That will be sufficient.

Mr. McPherson: I will give your Lordship the reference at page 2314,

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Vol. 6, line 27, to the end of the page, also the next page following:

Q.—After the 13th did you have any more conversations with him? A.—I had one on the 14th.

Q.—Where was that? A.—At the Walker House.

Q.—Still at the Walker House? A.—Yes.

Q.—What time on the 14th? A.—I think it would be late in the forenoon.

Q.—On the 14th of January? A.—Yes."

The Chief Justice: That can be pointed out afterwards.

Mr. Johnston: Certainly. He swears that is according to his memory. He may be mistaken, of course.

Thomas Ellis, sworn. Examined by Mr. McPherson:—

Q.—Where do you reside? A.—Providence Bay.

Q.—On Manitoulin Island? A.—Yes, sir.

Q.—What is your occupation? A.—Engineer.

The Chancellor: On a steamer? A.—No, stationary engineer.

Mr. McPherson: Were you present at any public meeting where Mr. Gamey spoke during the course of the election campaign? A.—Yes.

Q.—Where was that meeting? A.—At Providence Bay.

Q.—Where was it held in Providence Bay? A.—In the Public School house.

Q.—Can you recall the day of the meeting? A.—3rd day of May, 1902.

Q.—Were there some other speakers there besides Mr. Gamey? A.—Yes, sir.

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Q.—Did you hear what Mr. Gamey said on that occasion? A.—Yes.

Q.—Were you there all the time he was speaking? A.—Yes.

Q.—Did you hear what the other speakers said on his behalf, that were speaking on his side? A.—Yes.

Q.—Can you tell me now without going into close details, whether anything was said by Mr. Gamey that night in reference to Mr. Whitney or the policy advocated by him? A.—Yes, Mr. Gamey came out very strongly in favor of Mr. Whitney's policy, and he condemned the Ross Administration for the way they had administered the affairs of the Province in regard to pulpwood concessions, and the mining laws, and the colonization road monies. Mr. Gamey advocated a different system of spending the road money. He said that if he was elected he would endeavor to build a good highway from Melville Bay to Gore Bay, and from Gore Bay to Providence Bay, and from Providence Bay to Little Current.

Q.—Was there anything said by Mr. Gamey or by any speaker on his behalf there at that meeting that might from which a fair deduction might be drawn that Mr. Gamey if elected would support the Ross Government or their policy? A.—No, sir, there was not.

Q.—Was there anything said by Mr. Gamey that night in reference to A. F. Campbell? A.—Mr. Gamey never mentioned A. F. Campbell's name at that meeting.

Q.—Do you know Neil McDougall? A.—Yes, sir.

Q.—Neil McDougall was here and gave evidence and said that Mr. Gamey said it did not matter what Govern-

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ment was returned, he would support them on any good measures that was brought up for the benefit of his constituency. Did Mr. Gamey say that that night? A.—He did not.

Q.—Mr. McDougall also says that Mr. Gamey said he was not going down there with his hands tied behind his back, the same as A. F. Campbell had done for four years. Did Mr. Gamey say that? A.—He did not.

Q.—Did Mr. Gamey say anything at that meeting from which any person might reasonably have deduced that he made the utterance which Mr. McDougall here swears he made? A.—I never heard it.

Q.—Do you know Mr. John Barry? A.—Yes, sir.

Q.—He was here and gave evidence and said Mr. Gamey said at that meeting he would support any Government in power. Did Mr. Gamey say that? A.—No.

Q.—Did he say anything from which anybody might reasonably have inferred—No, he did not.

Q.—Do you know Sylvester Barry? A.—Yes, sir.

Q.—Sylvester Barry was here and said he remembered Mr. Gamey saying he would support the party in red that that was what he meant? A. power. What is your answer to that? Did Mr. Gamey make such a statement? A.—Well, Mr. Gamey—he could not make no statement like that, unless he was intending to support the Whitney Government, unless he never talked like as if there was going to be any Government only the Whitney Government in power.

Q.—Did Mr. Gamey on that occasion make any statement from which anybody could draw the deduction that he would support whichever party was in power? A.—No, he did not.

Q.—Then, Mr. Sylvester Barry also says that Mr. Gamey said he would not be like Mr. Campbell, he was not going down here to be a figure-head for the Government? A.—

(2865)

I never heard Mr. Gamey mention Mr. Campbell's name that night.

Q.—Did he say anything about there being a figure-head for the Government? A.—No, he did not.

Q.—Were you at the convention where Mr. Gamey was brought out a candidate? A.—Yes, sir.

Q.—Did you hear the remarks made by Mr. Gamey on that occasion? A.—Yes, sir.

Q.—Will you tell me whether in accepting the nomination there was any qualification or reservation—

Mr. Johnston: What was said, please?

Mr. McPherson: Very well. My learned friend wants what was said.

Mr. Johnston: I want what is right.

Mr. McPherson: That will shorten it.

Witness: The delegates there gave Mr. Gamey the convention. He got up and made a short speech and pledged himself to work towards gaining the constituency.

The Chancellor: Towards what? A.—Gaining the constituency. He said that he had no doubt at all but what the Whitney Government would be returned, and he would be returned as a supporter of the Whitney Government.

Mr. McPherson: Was there any qualification in any way?

Mr. Johnston: What was said, please?

Mr. McPherson: Can you remember anything else that was said? A.—Well, I remember he criticized the Government's policy, and made a political speech the same as all the rest of the candidates generally do.

(2866)

Q.—Can you recall anything else he said particularly? A.—No. He just advocated building these roads.

Q.—Is that all you can recall of what he said at the convention meeting? A.—That is all I can recollect—yes.

Q.—Before we pass from that convention meeting I want to know expressly whether there was in any way any qualification by Mr. Gamey in his acceptance of that nomination? Did he say anything about being independent? A.—You mean did he reserve his independence? That he could do as he liked?

Q.—Yes? A.—No, there was not. He was brought out as a straight Conservative.

Q.—Then there was a public meeting that night? A.—Yes, sir.

Q.—Were you present at that? A.—Yes, sir.

Q.—Did you hear Mr. Gamey speak there? A.—Yes.

Q.—What was his attitude there in reference to Mr. Whitney and his policy? A.—Well, he pledged himself at that meeting to support the Whitney Government and worked towards that end.

Q.—What was his attitude in reference to Mr. Ross' Government? A.—He condemned the Ross Government as hard as any man possibly could.

Q.—Was there anything said at that public meeting from which anybody could draw a reasonably fair inference that Mr. Gamey if elected would support the Ross Government or their policy? A.—No, I could not—.

Q.—Or give any independent support to their measures? A.—No. He never mentioned nothing about independence at all.

Q.—Were you at any other meetings besides those you have spoken of, the

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one at Gore Bay and the one at Providence Bay? A.—No, no public meetings.

Cross-examined by Mr. Johnston:—Q.—And you were a delegate to the convention? A.—Yes.

Q.—And the convention of course required Mr. Gamey to pledge himself to support the Whitney policy? A.—Sure.

Q.—Sure? A.—Yes.

Q.—And they did so in so many words, I suppose, being a Conservative convention? A.—We did not ask him for no written pledge.

Q.—But a verbal pledge? A.—Yes.

Q.—And he then verbally pledged himself, according to your story, I suppose, to support the Whitney Government? A.—Yes.

Q.—And that was done at the convention? A.—At the convention.

Q.—And you remember that? A.—Yes, sir.

Q.—And that was talked of and discussed? A.—No, it was not discussed.

Q.—I mean at the convention only? A.—At the convention. We never discussed no pledge from Mr. Gamey at all at the convention.

Q.—You told me just now you did. You took the pledge that he would support the Whitney Government? A.—He pledged himself. We did not ask him to.

Q.—He pledged himself to support the Whitney Government? A.—Yes.

Q.—The other witnesses who were there do not say so, that is all. They contradict you, Dr. Fell and some others, I think? A.—Yes.

(2867½)

Mr. McPherson: That is hardly correct for my learned friend to say they contradict. I do not wish to interrupt unnecessarily. Dr. Fell cannot be fairly said to have said anything that would contradict this witness.

Mr. Johnston: He said there was only a word said one way or the other.

Q.—Now, we will take your statement for what it is worth. Then what did he say at the Providence Bay meeting? That was a Conservative meeting, I suppose? A.—Yes.

Q.—Largely Conservative supporters of his? A.—There were more than Conservatives there.

Q.—It was largely Conservative supporters of his? A.—Largely Conservative—yes.

(2868)

Q.—What fault did he find with the mining policy? A.—Well, he said that if a poor man went into the mining territory, and located mineral land, that the Government required them to raise so many tons of ore to the surface every year, and it was impossible for a poor man to do it.

Q.—That was his objection to the mining policy? A.—Yes.

Q.—And that is all you remember of it, is it? All you remember of the mining policy? A.—He advocated the building of a customs smelter.

Q.—Anything else? A.—That is principally all.

Q.—Those are the two things about the mining policy? A.—Yes.

Q.—And what did he say about the timber policy? A.—He said the Government was giving away the pulpwood land too cheap.

Q.—But the timber policy. A.—That is the timber policy.

Q.—That is what you mean by the timber policy? A.—Pulpwood is timber up in our country.

Q.—And that was all he said about the pulpwood policy? A.—Yes.

Q.—And what did he say about the colonization roads—the objection he had to the Ross Government? What did he say? A.—He said that the Ross Government officials came along and sunk \$300 or \$400 into a mud hole on the road, and part of it went into the Government's official's pockets, and he thought the better way would be to spend a large sum and make the road in proper shape at once.

Q.—Was that all he said about the roads? A.—That is all. That was enough.

(2869)

Q.—We have got from you what his speech was as to his strong condemnation. What else did he say? A.—At the meetings?

Q.—Yes, at the Providence Bay meeting? A.—Well, he just condemned the policy.

Q.—What else did he say? A.—What else?

Q.—Yes. A.—Well, he did not say anything else. He did not make a private conversation. He just discussed—

Q.—I am speaking about the meeting? A.—Yes.

Q.—What else did he say at the meeting excepting what you have told us? A.—Well, it is pretty hard to remember for a whole year.

Q.—I should think so. A.—A political meeting.

Q.—Is there anything else, excepting what you have told us now about the mining, the roads, and the pulpwood? Anything else that you can recollect that was said by him at the meeting? A.—I don't remember.

Q.—You don't remember anything else. Now that is your record of it. What part of Whitney's policy did he talk about at the Providence Bay meeting? A.—Well he discussed the policy that Whitney had laid down.

Q.—I am asking you what part of the policy did he talk about? A.—Well, he talked about what Whitney would do with the timber.

Q.—Tell me what he said Whitney would do with the timber? A.—Well, he said—

Q.—Speak a little louder. A man of your size ought to be able to speak out loud enough? A.—Yes, I have a good voice.

Q.—Use it for a few minutes. A.—He said if Whitney was returned he

(2870)

would make different regulations for the settlers.

Q.—What different regulations did he say would be made? A.—He said he would give the settlers the timber on their land.

Q.—Anything else? A.—Oh, he said lots else.

Q.—Anything else that you can remember? A.—Yes, he said that if Whitney was returned to power we would get our school books a little cheaper.

Q.—Anything else? We have not got anything very serious yet. Anything else? A.—He said that if Whitney was returned to power we would have a different license system.

Q.—In what way different? A.—We would have the license system in force.

Q.—In what way different to what we have now? A.—I suppose they would instruct the license inspectors.

Q.—To enforce it better? A.—Yes.

Q.—What else did he say? A.—I don't remember.

Q.—Is that all you remember of the Whitney policy? A.—Yes.

Q.—Now, we have got all the condemnation of the Ross policy, and all you remember of the Whitney policy, and that is all that you have to form your opinion upon at that meeting as to what Gamey's position was? A.—That was enough.

Q.—I am asking you if that is all you can remember upon which you can form an opinion? Is that right? A.—Yes.

Q.—Then I suppose a good deal was said that you have forgotten? A.—I suppose there is quite a bit.

(2871)

Q.—And he may have talked about Campbell, and you may have forgotten about it? A.—No, I would not forget about that. That would be a very important thing.

Q.—Why important? A.—Well, it would be to me.

Q.—Why? A.—A. F. Campbell was a personal friend of mine.

Q.—You knew that Campbell was elected as an Opposition member? A.—I did.

Q.—And you knew that the constituency for a number of years, and the people, did not think they were getting very much from the Government? A.—No, and if he had sat there until now, they would not get anything.

Q.—You knew that that was so? A.—Yes.

Q.—And you knew it was a live question with the Manitoulin people, that it was desirable to have a man who would support the Government in power, hoping, of course, it would be the Whitney Government? A.—Yes.

Q.—You knew that, and you looked upon it as a great advantage to have the Government in power, that you could send a man to support? A.—Why certainly. We were going to send Mr. Gamey down to support Mr. Whitney.

Q.—Quite so. But, that was on the belief, and honest hope no doubt that Whitney would be elected to power? That is so, it is not? A.—Yes.

Q.—And he did not say at all that any good measures, such as McDougall spoke about, brought in by the Ross Government, that he would support? A.—He did not.

Q.—And he would have been wrong if he had said so? A.—I would not have supported him.

Q.—Quite so. That is frank. That is not your kind of

(2872)

politics. You are Conservative first, last and every time? A.—I am Conservative always.

Q.—No matter what the other side may do or say? You are down on the other side? A.—They cannot affect me.

Q.—And no matter how good the measure might be, how good the policy, it does not work upon you at all? You are still for your party? Is that right? A.—Yes.

Q.—I thought so. A.—I am a party man.

Q.—And therefore I may say that, according to your idea of what was going on at these meetings, was, that if Mr. Gamey had been elected, and Whitney had the reigns of power, that he was in duty bound to support Whitney, no matter what his policy might be? That would be your view, according to what you have told us? A.—If Whitney had just come to power, and he went on with the policy he enunciated, Mr. Gamey could not have done anything wrong by supporting him.

Q.—I am not asking you that. Supposing he had brought in bad measures, and a bad policy, would you still expect Gamey to support him? A.—No.

Q.—Who would you expect him to support in that case? The Opposition? The Ross people? A.—I would have expected him to have come home and resigned.

Q.—Because Whitney was not doing what was right? A.—Exactly.

Q.—Well, now, I suppose you know the Barrys? A.—Yes.

Q.—And you know McDougall? A.—Well, acquainted with them.

Q.—Have you anything against these men? A.—Nothing at all.

Q.—They are all respectable men? A.—As far as I know.

(2873)

Q.—And men who would likely tell the truth as far as their memory would serve them? A.—Possibly. I am better acquainted with them than you are.

Q.—I am asking what you say? If you want to blacken their character a little you are at liberty to do so. A.—I did not come here to blacken no man's character.

Q.—Are they not men you would rely upon as far as their memories would serve them? A.—Their memory might not go far.

Q.—As far as their memory would serve them you would be inclined to trust them? Take matters of business for instance. Any reason to doubt these men at all? Do you think they are dishonest, and coming here swearing to what is not true? A.—I am not going to blacken my neighbor's character for you or anybody else.

Q.—I am rather asking you to support them. I am asking you from what you know of these men, if they are respectable men? A.—As far as I know.

Q.—And as far as their memory would go, you think they would tell the truth? They might, possibly.

Q.—Not possibly. We might all possibly tell the truth. The chances are they would tell the truth, but their memory might be wrong? Is that the way you put it? A.—I will tell you now, if they made those statements here, and swore to them, they did not tell the truth.

Q.—They were lying? A.—Yes.

Q.—No doubt about that. It was not a mistake of memory at all? A.—Possibly they might have made a mistake in their memory.

(2874)

Q.—Would you be very much shocked to find that they did make statements of that kind under oath, from what you know of these men? A.—No, I would not be very badly shocked.

Q.—Then you think they would swear to most anything, do you? A.—No, I will not say that.

Q.—You are a district constable? A.—Yes, sir, I am a district constable.

Q.—I am told that you interrupted the meeting at Providence Bay—that you made a disturbance at Providence

Bay yourself? Is that so? At the meeting? A.—I did not make any disturbance.

Q.—Swear that you did not? Just try and recall it. That you made a disturbance, and were called to order by the Chairman? A.—No. The Chairman never called me to order.

Q.—Or somebody else called you to order? A.—Somebody might have.

Q.—Somebody might have called you to order at the Providence Bay meeting. Been having a few horns in the afternoon? A.—No, sir; I did not have a few horns.

Q.—Not one? A.—Not one. I swear to that, that I did not have one horn that day.

Q.—Not that day. They say at any rate that somebody had to call you to order for some reason, and you will not deny it. What would you be called to order for? A.—Well, because those Grit speakers were telling a few lies.

Q.—And you were raising a disturbance? A.—Just interrupting them. All the interruption I made was just

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to ask them questions.

Q.—And of course all that the Grit speakers said was in your estimation utterly false? A.—Oh, no, no—no, sir.

Q.—Then was Mr. Gamey asked at the Providence Bay meeting whether he was going to support measures or men? A.—No, he was not. There were no speakers there asked him that question.

Q.—No Grit speakers there? A.—No.

Q.—I thought you said you interrupted the meeting on that occasion by some Grit speakers telling what was not true? A.—We had no Grit speakers there.

Q.—All Conservative speakers? A.—This meeting, you say, I interrupted—that was a Reform meeting.

Q.—Later on? A.—Yes.

Q.—Was that the day you may have had a horn or two—at the Grit meeting? A.—No, I told you distinctly I did not have a horn that day.

Q.—On the Grit's meeting? A.—On the Grit meeting.

Q.—Did you ask any questions yourself at the Grit meeting at Providence Bay? A.—Yes.

Q.—Did you hear any questions asked at the Conservative meeting at Providence Bay? A.—No.

Q.—None whatever? A.—No.

Q.—And you heard no word of praise whatever from Mr. Gamey at the Providence Bay meeting of the Ross Government—no word of praise? A.—No. Mr. Gamey just praised one man in the Ross Government.

Q.—I am asking you if you heard any praise of the Ross Government upon any subject whatever at the Providence Bay Gamey meeting? A.—No, I did not.

(2876)

Q.—Then as a Government he was condemning them entirely? A.—Entirely.

Q.—From beginning to end? A.—Yes.

Q.—There was no good in them, according to his story? A.—Not much.

Q.—He could not see anything, anyway? A.—No, nor I couldn't.

Q.—That is what I thought. That is all.

The Chancellor: How far is Providence Bay from Gore Bay? A.—25 miles.

Q.—Were you at the meeting there on the 16th February last? A.—At Providence Bay?

Q.—At Gore Bay? A.—No, I was not at that meeting.

Mr. McPherson: That was the Executive Committee meeting.

The Chancellor: He say he was not there.

Mr. McPherson: In reference to what you said to my learned friend about Mr. Gamey's speech at the Providence Bay meeting, have you pretended to give everything in full that Mr. Gamey said at that meeting? A.—Oh, no. Surely not. I could not do that.

Q.—Then, about this other Liberal meeting that was held later on. What was the interruption that my learned friend has spoken of, that he accuses you of? A.—One of the Liberal speakers there, he said that a Conservative speaker here, I think it was Mr. Foy, he went up through that country there, and said that if the Whitney Government was returned to power, that the separate schools would be brought into existence again, and I just interrupted and I said this was a Provincial contest, and the separate

(2877)

school business should not be mentioned in it. I did not think.

Q.—Was there any other interruption by you at that meeting besides that? A.—No, I did not interrupt them.

The Chief Justice: Was this Liberal meeting on a subsequent day, or later in the same day? A.—It was later in the month.

Mr. McPherson: A different meeting altogether? A.—A different meeting altogether.

William Vincer, sworn. Examined by Mr. McPherson:—

Q.—Where do you reside? A.—Township of Carnarvon, Manitoulin Island.

Q.—How far is Providence Bay from there? A.—About nine miles.

Q.—Do you occupy any official position in the township? A.—I am clerk of the township, and have been for 18 years.

Q.—Were you present at a meeting at Providence Bay—a public meeting held in the school house where Mr. Gamey spoke? A.—I was.

The Chancellor: Was there just one meeting there by Mr. Gamey? A.—It was after the campaign started. There was just one meeting—yes.

Mr. McPherson: You got there just after the meeting started? A.—Yes, sir.

Q.—Had Mr. Gamey begun to speak before you arrived? A.—No. Mr. Hill was speaking when I got there. Q.—And did you hear all Mr. Gamey's speech that night? A.—Yes, sir, I think I did.

(2878)

Q.—You were present all the time? A.—I was.

Q.—Did Mr. Gamey on that occasion make any reference to Mr. Whitney or his policy? A.—Well, yes, after denouncing the Government on every question, he outlined to a certain extent what attitude Whitney would take on these questions.

Q.—Tell me what he said about Mr. Whitney, as nearly as you can, without going into close details. Speak generally? A.—I do not know as I can just recall.

Q.—Did he endorse Mr. Whitney's policy? A.—He endorsed Mr. Whitney's policy. He said he was a Conservative and endorsed his policy.

Q.—What attitude did he take in respect to the Ross Government and their policy? A.—He denounced the Ross Government roundly.

Q.—Did Mr. Gamey or any speaker on his behalf at that meeting say anything from which it might be fairly reasonably inferred that Mr. Gamey if elected would support the Ross Government or their measures? A.—I never heard him.

Q.—What do you say as to whether he said it or not? You heard what he said, didn't you? A.—I think I heard what he said. I did not hear him say it.

Q.—Did he say that he would give an independent support to the Ross Government? A.—No. I took from what he said there would not be any Ross Government after the 28th of

May; that there would be a Whitney Government.

Mr. Johnston: It was all on that basis; quite so.

Mr. McPherson: Now, do you know Neil McDougall? A.—Yes, sir.

Q.—He has been here and has given evidence as to what Mr. Gamey said and says that he said it did not matter what Government was returned, he would support them on any good measure that was brought up for the benefit of his constituency. Did Mr. Gamey say that? A.—Not in my hearing—not that I heard.

(2879)

Q.—Did he say anything from which that could reasonably be inferred? A.—I never heard it.

Q.—Was Mr. A. F. Campbell's name mentioned by Mr. Gamey at that meeting? A.—I never heard it.

Q.—Did Mr. Gamey say that he was not going down there with his hands tied behind his back the same as A. F. Campbell had done for four years? A.—No, I did not hear him say so.

Q.—And you heard everything that Mr. Gamey said, I suppose? A.—Yes, I think so. I sat about 6 feet from him—not any more.

Q.—Do you know William John Barry? A.—Yes, sir.

Q.—He also has been here and has given evidence, and says that Mr. Gamey said at that meeting he would support any Government in power? What do you say as to that? A.—I did not hear him say it.

Q.—Do you know Sylvester Barry? A.—Yes, sir.

Q.—He has been here and has given evidence that Mr. Gamey said he would support the party in power? A.—I did not hear it.

Q.—He also says that Mr. Gamey said he would not be like Mr. Campbell, he was not coming down here to be a figure-head for the Government? A.—I did not hear that.

Q.—Were you at any other meetings addressed by Mr. Gamey, besides the one at Providence Bay? A.—I was at Long Bay. That was the first meeting of the campaign.

Q.—Speaking generally, will you tell me what was said, if anything, about Mr. Whitney and his policy by Mr. Gamey at that meeting? A.—He did not say very much about Whitney or

(2880)

Ross at the meeting. Dr. Fell spoke for a considerable length of time, but when he got up on the platform he said he was appealing to them as a Conservative, and on personal grounds, be-

cause it was his home, they had known him for a great number of years, and I want you to give me your support, if you can, and I think you can.

Q.—Did he say anything at that meeting from which anybody could infer that if elected he would support the Ross Government or their policy? A.—No, he did not mention anything of the kind.

Q.—Or that he would give them or their policy an independent support? A.—No, not at that meeting.

Q.—Were you at any other meeting addressed by Mr. Gamey at that campaign? A.—I was at Mindemoye.

Q.—What part of the district is that in? A.—Carnarvon Township, near my home.

Q.—Did Mr. Gamey speak there? A.—Yes, sir.

Q.—Now what position did he take there in reference to Mr. Whitney and his policy? A.—Well, he upheld Whitney's policy and denounced the Ross policy very strongly there.

Q.—Did he say anything there from which any person could reasonably infer that, if elected, he would support the Ross Government or their policy? A.—No.

Q.—Or that he would give them an independent support? A.—No.

Q.—What is that district Mindemoye? A.—Principally reform. Very few Conservative votes there.

Q.—Were you there at the time the referendum vote was taken? A.—Yes, sir. I was deputy returning officer at that time.

(2881)

Q.—Had you been deputy returning officer at the General Election? A.—In May?

Q.—Yes. A.—No, I was not.

Q.—How did you come to get your appointment as deputy returning officer for the referendum?

Mr. Johnston: That is objected to. The returning officer appoints the deputies.

The Chancellor: I do not know what that has to do with it.

Mr. McPherson: I think it is significant.

The Chancellor: It may be significant, but it has to have some relevancy to the inquiry.

Mr. McPherson: Yes.

The Chancellor: Very well, go on.

Q.—How did you come to be appointed deputy returning officer? A.—I do not know how I came to be appointed. I used to get the appointment by virtue of my office, being clerk of the township, and after the trouble in West Elgin I think there was a law passed making it compulsory for to have a resident deputy re-

turning officer, and at the same time it was taken away from the politicians, at their pleasure, and on May 28th I did not get it, because I was a Conservative. At the referendum vote I got a note from Mr. Gamey—

Mr. Johnston: That is objectionable.

Witness: That I was going to be appointed deputy returning officer. I usually used to get the appointment from the returning officer, and I did not hear anything further until I got the ballot box delivered to me with the appointment in it from Sheriff Jackson.

(2882)

Q.—Did you have any communication with Mr. Jackson, who was the returning officer? A.—Yes, sir. I furnished him with a couple of affidavits.

Q.—Did you have any communication with him about being appointed? A.—No.

Q.—Did you know anything about your appointment except what you heard through Gamey? A.—None at all.

Q.—And that was followed up by your getting the ballot box? A.—Yes.

The Chancellor: Sheriff Jackson was the man to appoint you? A.—Yes.

Q.—He was the man who should have appointed you? A.—Yes, sir. I usually got notice whether I would act or not before, but I did not at that time.

Q.—Sheriff Jackson has been appointed by this Government, I suppose? A.—Yes, sir.

Q.—How long ago? A.—I could not say how long. I think since the district was formed.

Mr. McPherson: About how long? A.—I am not positive how long since it was formed.

Q.—He is a reformer? A.—Yes, he used to be and I suppose he is.

The Chancellor: I suppose he has no politics as Sheriff.

Mr. McPherson: You were not at the convention? A.—No.

Q.—Where Mr. Gamey was brought out? A.—No.

Q.—Were you at any other meetings addressed by Mr. Gamey during the campaign besides the one you have spoken of? A.—None only the three.

Cross-examined by Mr. Johnston:—

Q.—These are the words used, "No matter what Government he would support any good measure brought up for the good of his constituency." Do you say Mr. Gamey did not say that? A.—I did not hear him say that.

Q.—Will you say he did not say it? A.—I say I did not hear him say it.

Q.—Oh, no. I did not hear him either? A.—That is right enough.

Q.—Will you swear he did not say

(2883)

it? A.—Well, I will swear I did not hear him say it, and I think I heard him say all he did.

Q.—Is your memory strong enough to enable you to swear he did not make use of those words or words to that effect? A.—I say I did not hear him say it.

Q.—Do not repeat that, please. You understand my question. If you do not I will ask it again. Is your memory strong enough to enable you to swear?

The Chancellor: He will not go any further. He does not remember. That is all.

Witness: I did not hear him say it. I will swear I did not hear him say it.

Mr. Johnston: That is as far as you can go?

The Chancellor: He is acting rightly enough. Some other people swear they heard it. He swears he did not hear it. I suppose he will not say they are perjurers?

Witness: No, sir.

(2884)

Mr. Johnston: That would have been a very proper thing for a man to do or say, to support any good measures brought up for the good of his constituency? A.—It might have been—yes.

Q.—Do you deny it? That that would have been a very good thing for a Member to say and to do? A.—Yes, I say it might have been—yes.

Q.—Not might have been, but isn't it the fact, that it is the proper thing for him to do—any good measure brought up for the benefit of his constituency? A.—Sometimes it is and sometimes it is not.

Q.—In what respect would it not be a proper thing for a Member to do—a measure brought up for the benefit of his constituency? A.—I could not say.

Q.—A good measure? A.—Sometimes they do.

Q.—In what respect would it be improper for a man to vote against a good measure brought up for the good of his constituency? A.—I do not know that it would be improper at all.

Q.—Never under any circumstances according to your judgment? A.—I think not.

Q.—I think we will agree with you upon that. So that if the Ross Government were returned to power and brought up good measures for the ben-

efit of the Province generally, and Manitoulin in particular, there would be no harm in Mr. Gamey supporting him? A.—No, but I did not hear him say so.

Q.—I did not ask that. You should confine yourself to the answer. There would be no harm in his supporting him? A.—No, I suppose not.

Q.—And if the Whitney Government were returned to power, and brought up a bad policy, and bad

(2885)

measures, affecting the country and his constituency, you would be one of the first to blame Mr. Gamey if he supported those, would you not? A.—Yes, I would.

Q.—Of course you would. I suppose you do not allow party to run and rule before country? A.—No, sir.

Q.—With you it is country first? A.—Sometimes—yes.

Q.—As a rule? A.—Well, I think a good bit of my country—certainly.

Q.—And, secondly, Manitoulin? A.—Manitoulin is part of the country.

Q.—I mean specifically Manitoulin would be a very important factor in your politics? A.—Certainly.

Q.—A new constituency? A.—Yes.

Q.—Requiring careful handling at the hands of the Government? A.—Should have.

Q.—Should have a certain amount of nursing and protection because it is not in as advantageous a condition as the older constituencies? A.—That is right.

Q.—And therefore you look to the Government or you look to some Government, whatever it may be, to deal fairly with you, and to look after your interests? A.—Yes.

Q.—And you generally get that letter when you have a man in sympathy with the Government in power? A.—Sometimes we do and sometimes we don't.

Q.—You have had only the one Government in power for thirty odd years. You can tell me the exception? A.—I say some men do not do much for the constituency, it does not make much difference whether they are in sympathy with the Government or not.

(2886)

Q.—That is the fault of the man, perhaps. I am speaking of the principle of the thing, from your standpoint. I suppose it is the fact, that where the constituency—a new constituency sends a supporter, there is apt to be more done for the constituency than if you send an opponent? A.—It has been in our case.

Q.—We will just take your own prescriptions as they were given to you. In your case, that has been the fact. Then, all this talk about supporting the Government was because I suppose the Whitney Government was the only Government referred to? You were all sure Whitney was going to be elected to power? A.—Mr. Gamey told us so.

Q.—You believe it? A.—Certainly I did.

Q.—And therefore the question of supporting the Ross Government would not come up at all? A.—I do not think so.

Q.—Because the Ross Government in your mind was to be blotted out of existence? A.—So we were informed at the meeting.

Q.—And you drank at Mr. Gamey's feet the hope and the belief that it would be? A.—Well, we have judgments of our own as well.

Q.—Then your opinions were the same? A.—Yes.

Q.—There is no dispute between you on that point. And the question, according to your story, is, the measures or policy of the Ross Government never could have arisen as a factor at all—never could have been discussed? A.—Oh, yes, they were discussed.

(2887)

Q.—I mean the future measures? A.—No.

Q.—Or future policy? A.—Certainly not, the past.

Q.—By reason of the fact that they were to be blotted out, and Whitney was to take their place? A.—He was judging them by their past.

Q.—The future was not discussed at all? A.—They were not going to have any.

Q.—They were not going to have any future? A.—No.

Q.—And was he asked at any meeting whether he would support good measures coming from the Ross Government if by any misfortune they should be returned to power? A.—By any of the electors?

Q.—Yes? A.—I never heard it—no.

Q.—It is often asked? A.—Yes, in some places it is asked—sometimes it is—asking the candidate to pledge himself to a certain thing.

Q.—It is often asked by his own supporters, "What will be your position if the other side bring in good measures for Manitoulin, what is your position?" A.—I never heard it at that meeting—not by his own supporters.

Q.—I suppose you know the Barrys? A.—Yes, sir.

Q.—And McDougall? A.—Yes.

Q.—Anything against them at all? A.—Nothing at all.

Q.—You have known them a long time? A.—Yes.

The Chancellor: Respectable people, are they? A.—Well, there are two of them are.

Mr. Johnston: Which two? A.—The first two that gave evidence. I have nothing against the other one at all.

(2888)

It is a personal affair.

Q.—You have nothing against his character except a personal matter between you and him? A.—No, not between me and him.

The Chancellor: Which one? A.—The last one.

Q.—Which one? A.—Sylvester Barry. There are certain things I did not think was honorable.

Mr. Johnston: That is a matter between you and him? A.—A matter between my thoughts and his.

The Chancellor: Which of the people is it? A.—Sylvester Barry.

Mr. Johnston: Then, as to W. J. Barry and Neil McDougall, you have nothing against them? A.—No.

Q.—They are Liberals? A.—Yes, sir. Barry used to be a Conservative. He is a Liberal now.

Q.—Perhaps that is the reason. A.—Not at all. Every man has a right to his own way of thinking.

William H. Clark, sworn. Examined by Mr. McPherson:

Q.—Where do you reside? A.—Township of Campbell, Manitoulin Island.

Q.—What is your occupation? A.—Farmer.

Q.—How far is your residence from Long Bay? A.—About six miles.

Q.—That is where Mr. Gamey lives? A.—Yes, sir.

Q.—Were you present at any of the meetings held during the election campaign where Mr. Gamey made addresses? A.—I was at one at Long one at Providence Bay and one at Manitowaning.

(2889)

Q.—Can you give me any idea of the date of the Long Bay meeting? A.—I cannot exactly. I think it was the last of April.

Q.—And the Providence Bay meeting; was that held in the schoolhouse? A.—Yes, sir.

Q.—And the Manitowaning? A.—Held in the hall.

Q.—Was that the meeting at which Mr. Hearst of Sault Ste. Marie spoke ? A.—Yes, sir.

Q.—Speaking first of the Long Bay meeting, will you tell me whether Mr. Gamey made any reference to Whitney or his policy there ? A.—Yes, sir.

Q.—What was his attitude towards Mr. Whitney and his policy ? A.—Well, I cannot just remember everything he said.

Q.—Speaking generally, was it friendly or unfriendly ? A.—Oh, he was friendly. He said he thought his policy was the best and stated about it being better for the poor man and settler, and so forth.

Q.—Was anything said that night by Mr. Gamey in reference to Mr. Ross or his policy or the Ross Government ? A.—He condemned it as hard as he could.

Q.—Was there anything said at that meeting by Mr. Gamey from which anybody could reasonably infer that if Mr. Gamey was elected he would support the Ross Government or their policy ? A.—No, sir.

Q.—Or give them an independent support ? A.—No, sir.

Q.—Coming now to the Providence Bay meeting, will you tell me what Mr. Gamey said at that meeting if anything in reference to Mr. Whitney and his policy ? A.—Well, he talked about

(2890)

the minig policy of Whitney's, and talked about the timber policy, and if Whitney got in how he would spend money on the roads so much better than what it had been done.

Q.—Did he endorse Mr. Whitney and his policy ? A.—Yes, sir.

Q.—What attitude did he take at that meeting in reference to the Ross Government and their policy ? A.—He condemned it as bad—as hard as usual.

Q.—Was there anything said at that meeting from which anybody could infer that if Mr. Gamey was elected he would support the Ross Government or their policy ? A.—Not that I would take out of it.

Q.—Or that anybody could fairly take out of what Mr. Gamey said that night ? A.—No, sir.

Q.—Or that if he was elected he would give an independent support to measures of the Ross Government ? A.—No, sir, he never said so.

Q.—Do you know Neil McDougall ? A.—Yes, sir.

Q.—He has been here and gave evidence to the effect that Gamey said at that Providence Bay meeting that it did not matter what Government was returned he would support them

with any good measures that were brought up for the benefit of his constituency ? A.—He is mistaken.

Q.—Did Mr. Gamey say that that night ? A.—Not that I heard.

Q.—Did he say anything from which anybody could fairly take the meaning that that is what Mr. Gamey meant ?

A.—No, sir, the only thing I heard him say in favor of the Ross Government was he hoped if Ross was sustained that this James Connec would be elected.

(2891)

Q.—He hoped he might be elected ? A.—Yes, sir; he was a great friend of his. He was a nice man.

Q.—He was favorable to Mr. Connec ? A.—He was favorable to Mr. Connec.

Q.—But barring Mr. James Connec, he was against the Ross Government and their policy ? A.—Yes.

Q.—Was Mr. A. F. Campbell's name mentioned at that Providence Bay meeting by Mr. Gamey ? A.—Not that I heard.

Q.—Mr. Neil McDougall says that Mr. Gamey said he was not going down there with his hands tied behind his back the same as Mr. A. F. Campbell had done for four years ? A.—He did not say so.

Q.—Do you know Wm. John Barry ? A.—Yes, sir.

Q.—He also was here and gave evidence and says that Mr. Gamey said at that meeting that he would support any Government in power ? A.—He did not say that.

Q.—Do you know Sylvester Barry ? A.—Yes, sir.

Q.—He was also here and gave evidence and said that he remembers Mr. Gamey saying that he would support the party in power. Did Mr. Gamey say that ? A.—He never said those words. He expected Whitney would be in power. He always talked that. He never said he would support the party in power.

Q.—Did he say anything from which anybody could reasonably infer that no matter which party was elected he would support the party in power ? A.—Not to my way of thinking.

Q.—Mr. Sylvester Barry also says Mr. Gamey said at that meeting he would not be like Mr. Campbell; he would not go

(2892)

down here to be a figurehead for the Government ? Was that said ? A.—No, sir.

Q.—Or anything from which anybody could fairly take that meaning ? A.—No, sir.

Q.—How long have you known Mr. Gamey? A.—Well, about 18 years.

Q.—What has been his political record during all that time to your knowledge? A.—Conservative.

Q.—Conservative? A.—Always, so far as I know.

Q.—Was he an active or an inactive Conservative? A.—Well, he was as stiff as I thought he could be. I generally was always on the other side until this election and Mr. Gamey was always there butting as hard as he could for the Conservative Government.

Q.—Your previous political affiliation was Liberal? A.—Yes, until this election.

Q.—You were not won over to Mr. Gamey's side by any promise he made to support the Ross Government? A.—No, because I thought he was a good man and knew the wants of our country.

Cross-examined by Mr. Johnston:—
Q.—I suppose the wants of your country were more important to you than partyism? A.—Yes.

Q.—And more important to Mr. Gamey as a citizen and resident of Manitoulin? A.—I suppose whatever he thought about it himself.

Q.—From what he said wouldn't you infer that? You can put it which ever way you please. The wants of his constituency or his country were more important to him than the wants of any party? Was not that his broad principle? A.—No, sir.

Q.—Did he never say that? A.—No, sir.

(2893)

Q.—Did he never say that? A.—No, sir.

Q.—Wasn't he patriot enough to say that? A.—I do not think so.

Q.—That was your view anyway? A.—That was my view.

Q.—And do you think he took a different view to that? A.—Well I could not just tell what his thoughts were.

Q.—I am asking you from what you heard him say, and from talks you had with him, did you understand that that was the view he was taking, that the wants and interests of his country, or of his island, were more important than the wants and interests of any party? A.—No, sir.

Q.—Never said that? A.—No, sir.

Q.—Bound to support any party through thick and thin, no matter what happened to Manitoulin? A.—He led me to believe, and other things led me to believe probably that Whitney was going to be in power.

Q.—I am not asking you that. A.—I was telling you that.

Q.—I know you are. Please tell me what I ask you, and you will do very

well. I am asking you if he never took the position that Manitoulin was more important than any party? A.—He never said so.

Q.—Did he never take that position in his speeches, from which you could draw that inference? A.—No.

Q.—Did he ever take that position? "I am going to support the Whitney party, no matter what happens, Manitoulin or no Manitoulin." A.—He did not say those words.

Q.—And you could not infer that from his speeches? A.—Oh, well, you could not infer those words.

Q.—Could you infer that from his speeches, that he would support Whitney through thick and thin, no matter

(2894)

what happened to Manitoulin? Was that the position he was taking? A.—I knew he would support Whitney.

Q.—No matter what happened? A.—Yes.

Q.—Wreck Manitoulin, but support Whitney? Is that the position he was taking? A.—Well, he was taking a stand to support Whitney.

Q.—Where the interests of Manitoulin conflict with the interests of Whitney's support, which was he going to take, judging from his speeches? A.—He was going to take Whitney.

Q.—So that he would sacrifice Manitoulin to supporting Whitney? A.—Yes, because he thought he was going to be in power. He thought he was following him, I suppose.

Q.—That was your view, that he was willing to sacrifice his constituency to support Whitney? That is what you have sworn to? Are you quite sure that you are giving me what is correct about that? A.—I would not give you anything else.

Q.—Are you quite sure that that answer is not given without thinking? Think it over again and see if you will not qualify that. I am willing to take it as you have given it. I want you to have a chance to qualify it. Do you mean to say that this man came out as a public man, and that you were led to believe from his speeches that he was going to support Whitney at the expense of Manitoulin and his constituency? Do you mean to say that? A.—Yes, sir.

Q.—Yes. That was what he was doing? A.—That is what he was doing?

(2895)

Q.—And you were working for Manitoulin of course, more than party? A.—More than party.

Q.—Then why did you support a man who was ready to sacrifice the only interest you were working for?

A.—Because I thought he was a good man, a man that knew the wants of our country, and if Whitney got in he would do a good thing for the country, and if the other man got in he would do as good as the man that the others ran.

Q.—And if Whitney did a bad thing for the country you swear he was going to support Whitney? A.—I did not suppose Whitney was going to do a bad thing.

Q.—I am putting the simple case to you. If Whitney's policy was the wrecking of Manitoulin, you have told me you expected this man was going to support Whitney? A.—Yes.

Q.—And you would support a man who would do that, although Manitoulin was your interests? A.—I was going to support him anyhow, no matter what happened.

Q.—Related to him? A.—No.

Q.—Hope to be? A.—No.

Q.—Expect to be? A.—No, sir.

Q.—In any way? A.—No, sir.

Q.—Business, or in any other way? A.—Business, or in any other way.

Q.—At Manitowaning, did he say anything different to what he stated at Providence Bay? A.—No, principally the same.

Q.—The speech was not quite so bitter at Manitowaning, as at Providence Bay, I am told? A.—I could not see much difference.

(2896)

Q.—But your position was this, according to your view, sink Manitoulin, sink Mr. Clark? A.—I did not suppose for a moment I was going to sink Manitoulin by voting for him.

Q.—And if it came to that, sink Manitoulin, sink Mr. Clark, sink everybody, as long as Gamey supports Whitney, that was the position? A.—Well, if you are mind to take it that way.

Q.—Take it that way, if you please, whichever way you like. Is that the position? A.—I have told you I was going to vote for him anyway.

Q.—No matter what happened? A.—Yes, take it that way if you want it.

Q.—Although you came here and claimed that Manitoulin was your only object? A.—Yes.

Q.—That will do.

Mr. McPherson: Was there anything said about sinking Manitoulin? A.—No, sir.

Q.—Or ruining Manitoulin in any way? A.—No, sir.

Q.—The idea was to advance the interests of Manitoulin? A.—Yes, sir.

George Strain, sworn. Examined by Mr. McPherson:—

Q.—Where do you live? A.—I live on Manitoulin Island, in the Township of Gordon.

Q.—What is your occupation? A.—I am a farmer, and contractor also.

Q.—You know Mr. Gamey? A.—I do well, sir.

(2897)

Q.—And were you a supporter of his at the last election? A.—No, sir.

Q.—Have you any objection to saying who you supported at the last election? A.—No, sir. I supported Mr. McMillan, the Socialist candidate.

Q.—Were you present at any meetings that were addressed by Mr. Gamey? A.—I was present at three.

Q.—Which ones were you present at? A.—The meeting at Shagawanda, Long Bay, and Township of Gordon, my own home meeting.

Q.—Did Mr. Gamey address all those three meetings? A.—Yes, sir.

Q.—Did you hear what he said? A.—Yes, sir.

Q.—Can you tell me, speaking generally, what Mr. Gamey said, if anything, with reference to Mr. Whitney and his policy? A.—Well, he talked along the line of pulp concessions, and timber limits, mining policy, and the school books, and he denounced the policy of the Ross Government throughout for those three things.

Q.—At all three meetings? A.—Yes, sir.

Q.—Was there anything said by Mr. Gamey or any speaker on his behalf at any of those meetings, from which anyone could reasonably infer that if Mr. Gamey was elected he would support the Ross Government, or his policy? A.—I never heard such a thing.

Q.—Or their measures? A.—I never heard him.

Q.—Or give any independent support to the Ross Government or their measures? A.—I never heard him, and I think I heard it all.

(2898)

Q.—On what basis was Mr. Gamey appealing to the electors for their suffrage? A.—As a straight Conservative.

Cross-examined by Mr. Johnston:—

Q.—Do you remember at the Gordon meeting Mr. Gamey saying to the electors, I suppose this you will remember Mr. Strain, if you cannot vote for McMillan, vote for me? A.—No, sir, he did not say it. I am the man that said it.

Q.—If you cannot vote for McMillan, vote for Gamey? A.—That is what I said.

Q.—So that you had two strings to your bow? A.—No, sir, not until the night previous to the meeting.

Q.—I am speaking of the Gordon meeting? A.—At that time I did have—I had reasons.

Q.—I am not troubling about your conscience, or reasons. I am only taking the facts. At the meeting at the Orange Hall you spoke? A.—Yes.

Q.—And you appealed to the electors to support McMillan, who was the Socialist candidate? A.—I did.

Q.—And you were then supporting him? A.—Yes, sir.

Q.—And did you go back on him? A.—I did not.

Q.—Supported him throughout? A.—I did.

Q.—And McMillan had been a Liberal? A.—Well, I never knew him to be a Liberal. In fact, I did pry into the question at one time, what he had been. I heard he was a Conservative. Then I heard again he was a Liberal. I put him down for a man, and that was all I cared for.

Q.—An independent? A.—Yes, sir, and a man.

Q.—Mr. McMillan was rather leaning towards the Ross Government? A.—I think a little inclined that way.

(2899)

Q.—And posing as an independent, as well as a Socialist—appearing before the people? A.—Well, I did not hear him advocating independence only as far as his own platform went.

Q.—But as a Socialist, and somewhat in favor of the Ross Government, was his position, as it struck you? A.—Well, he naturally would lean a little that way, still from the platform he never gave me to understand that he was a supporter of the Ross Government.

Q.—He was not a supporter of the Conservatives? A.—He got a considerable vote.

Q.—His large vote was a Liberal vote? A.—It was.

Q.—In fact, the largest proportion of his vote was Liberal? A.—Yes, sir.

Q.—I am told that about 90 per cent. of his support was Liberal? A.—Oh, no.

Q.—75? A.—Somewheres about 70, or 60.

Q.—And notwithstanding that, you felt consistent no doubt in standing up at the Orange Hall meeting at Gordon, and saying to your fellow sympathizers, or supporters, if you cannot vote for McMillan I want you to vote for Gamey? A.—Yes, sir. I was led the night before at the meeting to talk that way at that meeting.

Q.—I am merely taking what you did. Now, do you know Mr. Scott? A.—Yes, sir.

The Chancellor: What Scott?

Mr. Johnston: He was a witness.

The Chancellor: John Scott, is that the one?

Mr. McEvoy: Yes, my Lord.

Mr. Johnston: John Scott, farmer? A.—Yes, sir.

Q.—Was he speaking in the Socialist interests, too? A.—I heard him twice.

(2900)

Q.—Where did you hear him? A.—At Gore Bay, and at Long Bay. That is at Mr. Gamey's School House, we call it.

Q.—Are you and Mr. Scott friends? A.—Oh, friendly. We are not enemies. I hope.

Q.—Were you working together politically? A.—Yes, sir.

Q.—You did not part politically? A.—No.

Q.—And nothing happened to estrange you and Mr. Scott in any way? A.—No.

Q.—At Long Bay. Were you there? A.—Oh, yes, sir.

Q.—Were you there the night Mr. Scott spoke? A.—Yes, sir.

Q.—Do you remember Mr. Scott saying this: "I was advocating sending a man down to support certain measures? A.—Yes, sir.

Q.—When Mr. Gamey spoke up? A.—I did not mean the meeting Mr. Gamey was at?

Q.—Were you there at the meeting Mr. Gamey was at? A.—No.

Q.—Then, you cannot say what Mr. Scott said? A.—Mr. Scott did not speak at Mr. Gamey's meeting. These are two different meetings.

Q.—I am speaking about a meeting at which Mr. Gamey was at. I do not know whether it was his meeting or not? A.—No, Mr. Scott was not there to my knowledge. He might have been there, but I did not know it.

Q.—Just wait a moment. At Long Bay Mr. Scott was speaking, according to his recollection.

The Chancellor: Long Bay, at Poplar.

Witness: It was the Poplar meeting.

(2901)

Mr. Johnston: One was at Long Bay and the other one at Poplar?

Witness: No, I am wrong again.

The Chancellor: You were not at the Poplar meeting, were you? A.—No, this is the school house. I forget the name of it. It is at the foot of the hill.

Mr. Johnston: Page 1816, from line 2: "Did Mr. Gamey speak in your neighborhood? A.—Yes, sir.

Q.—Were you at the meeting? A.—Yes."

Q.—How many meetings were you

present at? A.—I was present at two anyway."

"Q.—Where were they? A.—One was at Long Bay and the other one was at Poplar, that is in the Township of Mills."

"Q.—You were supporting, I think, independent candidate, Mr. McMillan? A.—Yes, sir."

"The Chancellor: Is that the Socialist?"

"Mr. Riddell: They called him a Socialist? A.—Yes."

"Q.—And at Long Bay were you speaking there? A.—Yes."

"Q.—What was it that you said and what was it that he said? A.—Well, I was trying to show the inconsistency of our sending a member down to Parliament to possibly be in opposition to the Government. I was advocating sending a man down for to support certain measures."

The Chancellor: The witness does not remember apparently that Scott spoke at that meeting.

Witness: No, I do not.

Mr. Johnston: Then just see if this recalls anything. And Mr. Gamey said, "Well, he was not going to go down to Toronto here for to sit on the cold branches of the Opposition, that

(2902)

he was going to be in a position to get something, that his politics was the Manitoulin Island." That is what Mr. Scott has sworn to. (Page 1817.) Can you contradict it? A.—I can. I do not remember of his ever making such a statement.

Q.—Can you contradict that that was said in the presence of Mr. Scott? A.—Well, I cannot remember of Mr. Scott being at that meeting.

Q.—Can you contradict that that was said? Are you in a position to contradict that that was said in the hearing of Mr. Scott? A.—No, I am not.

Q.—Of course not. And, "He stated he would be on the Government side, that is on the side that he would be in a position to get what the people wanted in the Manitoulin Island." I am only telling you what Mr. Scott swore to? A.—Mr. Gamey expected to be on the right side, of course.

James Carter sworn. Examined by Mr. McPherson:—

Q.—Where do you reside? A.—At Kegewan.

Q.—On Manitoulin Island? A.—Yes, sir.

Q.—What is your occupation? A.—Lumberman.

Q.—Do you know Mr. Gamey? A.—Yes, sir.

Q.—Were you present at any meeting—public meeting, addressed by him during the campaign? A.—One at Kegewan and one about 7 miles at a

place called Bowser, school house.

Q.—Were you at both meetings during all the time Mr. Gamey spoke? A.—Yes, sir.

Q.—Will you tell without going into details, speaking generally, what, if

(2902½)

anything, Mr. Gamey said in reference to Mr. Whitney and his policy at those meetings? A.—Well, he denounced the Ross Government in every respect and he seemed to speak in favor of Whitney right along. He did not like the way the timber policy was going on, and the pulpwood concessions. He dwelt quite a long time on those. Also the mining laws, and the school books, and the colonization roads. Probably several other things that I cannot just recollect.

Q.—Now, did Mr. Gamey at any of those meetings say that, if elected, he would give the Ross Government or their policy his support? A.—No—no.

Q.—Did he say that he would give them an independent support? A.—No, he did not say he would give them an independent support.

Q.—Did he say anything from which anybody could reasonably infer that, if he was elected, he would give the Ross Government or their policy any support? A.—No, with the exception of the very small—he brought up one instance—he said if the Ross Government—no, he didn't—he said if the Opposition should bring up a measure that he thought would be a benefit to the Island he would support it, but at the same time the way he spoke, we all believed and he believed that the Whitney Government would be in power.

(2903)

Q.—And he was, therefore, speaking, if the Whitney Government were in power, and the present Government being in Opposition, brought up a good measure, he would support it? A.—Yes, that is if he thought it was going to be to the benefit of the Island. That is about all I heard him say in favor of the Ross Government.

Q.—On what basis, speaking generally, did Mr. Gamey appeal to the electors at those meetings for their vote? A.—As straight Conservative.

Cross-examined by Mr. Johnston:—

Q.—From your recollection of Mr. Gamey's speeches, if the Ross Government was returned to power, and brought up good measures for Manitoulin, he could support them? A.—I am not a very staunch Conservative.

Q.—I am asking you as to your impression gathered from his speeches. Do you say that if the Opposition, meaning the Ross party, after the general election, brought in a good meas-

ure for Manitoulin, he would feel free to support it, although it came from the Opposition? A.—Well, of course, I can just give you what he said.

Q.—Is that what he said, because that is what you have sworn to? The Whitney Government in power, the Ross party in Opposition, if the Opposition brings in a good measure for Manitoulin, I will be at liberty to support it. Was that what he said? A.—He said if the Opposition brought in a measure that he thought was going to be to the benefit of the country he would support it.

(2904.)

Q.—That is assuming the Ross Government to be in opposition at that time? A.—Of course, we were not certain, but we had an idea it would be that way.

Q.—That was what you thought he was referring to as the Opposition? A.—We had our own ideas.

Q.—Did you understand that he was referring to the Opposition as a Liberal, or a Conservative opposition? A.—Well, I should think it was the Liberals being in opposition.

Q.—Certainly the Liberals being in opposition. Then, if the Liberals were not in opposition, but were returned to power, and brought in a good measure for the country, what was he going to do? A.—Well, I do not know what he would do. I did not hear him say.

Q.—You are a Manitoulin man? A.—Yes.

Q.—Manitoulin, I suppose, is your politics? A.—Practically.

Q.—You are more interested in the success and welfare of Manitoulin, than you are in any party, I should judge, not being a strong party man? A.—No, I am not a strong party man. I have voted both ways.

Q.—You are more interested in Manitoulin's prosperity than the prosperity of either party as a party? A.—Yes, I am.

Q.—And if you were sending a man down, whether he was a Grit or Conservative, you would expect that man to do the best he could in the interests of Manitoulin, would you not? A.—Yes, but then I would not expect to have to send a Grit to get our rights, you know.

Q.—I am not asking you that, no matter whom you sent. I am eliminat-

(2905)

ing the partisan entirely. Was that the view taken by the people of Manitoulin, that what they wanted, no matter from what Government, having their own opinions of course about it, what they wanted was the best for

Manitoulin, or did you want the worst? A.—We expected when we were sending Gamey we were going to get the best for Manitoulin.

Q.—Certainly, but that was the main object? I suppose that would be the main object, would it not? A.—Of course I cannot speak for other people, only for myself.

Q.—From what was said at the public meetings, the whole argument was; what would be best for Manitoulin, and Mr. Gamey was professing that the Whitney Party was best for Manitoulin, the Liberals were professing that the Ross Government was best for Manitoulin? Was that the issue presented to the people? A.—By Mr. Gamey?

Q.—By both sides, Gamey claiming Whitney's policy best for Manitoulin, Fraser claiming the Ross policy best for Manitoulin? A.—Oh, yes.

Q.—That was the issue that was presented? A.—Yes.

Q.—That is right? A.—Yes.

Q.—And therefore, you have mines and timber, and roads up there to deal with in the Manitoulin district? A.—Oh, yes.

Q.—These were the issues that were principally discussed? A.—Yes.

Q.—And these were the issues that were fought between the Conservatives on the one side and the Reform Party on the other, as to who was going to do the best for Manitoulin—

(2906)

whose party would be the best? Is that right? The issue that was being fought between the Liberals on the one side, and the Conservatives on the other, was whether the Whitney or the Ross Government would be the best for Manitoulin, one saying Whitney, and the other saying Ross? A.—Well, we all thought the Whitney Government would be the best.

Q.—I am not asking what you thought. I am asking you if that was what was being fought out between the parties? A.—I am giving you my own idea.

Q.—From what you gathered from the meeting? A.—I do not like to swear to what other people think.

Q.—Swear to what you believe to be the real issue between the two parties up there? The whole question came back as to which policy was the best in Manitoulin? Was that what was discussed up there, or was it not? A.—You have it pretty close.

Q.—I have it pretty close? A.—Yes.

Q.—Let me see where I am not close enough. Just tell me wherein I am not close enough? A.—I do not like

to speak of anything that I am not certain of.

Q.—Tell me what you are certain of?

A.—I told you what I heard him say, and I told you the idea I took from it.

Q.—And you told me what the other side said? A.—I was at one of their meetings.

Q.—And the claimed practically the same thing, only from the Ross Government instead of the Whitney? A.—Oh, they ran the Whitney Party down.

(2907)

Q.—And claimed that Ross was doing the best for Manitoulin Island? A.—Yes, but then we are there to see what they are doing.

Q.—But what I want to get from you is, what you gathered from the discussion that took place, what the real issue was between the parties. Was it or was it not what is best in the interests of Manitoulin? Gamey says Whitney policy is the best. Farser says the Ross policy is the best. Now, I am asking you whether that was or was not the issue that was fought out between the two parties at the election, and you tell me I am pretty close to it. I want to know wherein I am away from it in any way? A.—Well, Gamey was a strong Whitney man, and Fraser was a strong Ross man.

Q.—But that does not prove anything. I am speaking of the discussion. I am close as far as the discussion is concerned? A.—Yes.

Q.—As close as I can get? A.—I never heard a man denounce the Ross Government much stronger.

Q.—From a Manitoulin standpoint, and Fraser, you heard him claim the Ross Government as having all the virtues from a Manitoulin standpoint? A.—We know what the virtues were.

Q.—I am asking what the people said? Is that what the people said who were talking? Is that what they said? A.—I did not catch the last question.

Q.—Try and catch this. A.—Then, go slow.

Q.—Gamey was claiming that the Whitney policy was best for Manitoulin? A.—Yes.

(2908)

Q.—Do you understand that? A.—Yes.

Q.—And denouncing the Ross Government. Fraser was claiming that the Ross policy was the best for Manitoulin and denouncing Whitney? A.—Yes.

Q.—That is right? A.—Yes, sir.

Q.—And what they were fighting about, according to what you have

sworn, as I understand it, was this, they were fighting as to which of the two parties was best in the interests of Manitoulin? A.—Yes.

Re-examined by Mr. McPherson:—

Q.—Do I understand that Mr. Fraser, the Liberal candidate, was present at any of these meetings that were addressed by Mr. Gamey? A.—No, sir, he was not.

Q.—When you are speaking of anything Mr. Fraser said, was that at some other meeting than these three? A.—That was Mr. Fraser's own meeting.

Q.—It was at another time? A.—Yes, sir.

Q.—Were there any other issues in the Manitoulin contest besides Manitoulin Island? The interests of the Province at large.

Mr. Johnston: Do not suggest.

Witness: He might have got me to say something that was not right.

Mr. McPherson: Put it your own way, without putting it in his words, what the issues were in that campaign in the general election? Was it all confined to Manitoulin Island? Was Manitoulin Island the only thing that was being considered? A.—Well, no, his constituency was considered right through. The country, I guess, was taken into consideration as well.

(2909)

Q.—You are commonly spoken of as one of the constituencies of New Ontario? A.—Yes.

Q.—And there are others in New Ontario besides Manitoulin? A.—Yes.

Q.—Fort William, Rainy River and Thunder Bay? A.—Yes, sir.

Q.—And Algoma, Nipissing and Sault Ste. Marie? A.—Yes, sir.

Q.—Were these all in issue?

Mr. Johnston: Is my learned friend giving evidence?

Mr. McPherson: I think we understand it quite well.

Robert J. Armstrong, sworn. Examined by Mr. McPherson:—

Q.—Where do you reside? A.—Gore Bay.

Q.—What is your occupation? A.—I suppose you would take me as a general merchant. I handle furniture.

Q.—Have you any official connection in Gore Bay? A.—I am a member of the Council.

Q.—How long have you resided there? A.—It would be about five years. Five years this fall since I went.

Q.—But on Manitoulin Island? A.—About 25 years on Manitoulin Island.

Q.—Have you known Mr. Gamey? A.—I have known Mr. Gamey about 18 or 20 years.

Q.—Politically how have you known him? A.—He has been always a strong Conservative.

Q.—Have you been anything like a near neighbor of Mr. Gamey at any (2910)

part of your residence there? A.—I was five or six miles from Mr. Gamey until I moved to Gore Bay, and then I was ten miles.

Q.—You knew him pretty well? A.—Yes, sir, knew him well.

Q.—In your business as a general merchant, do you have anything to do with any other business besides merchandise proper? A.—Well, I have carriages and waggons, and sleighs, and all kinds of implements.

Q.—Were you at any public meetings that were addressed by Mr. Gamey? A.—Yes, sir.

Q.—Which ones were you present at? A.—I was at Gordon meeting, Ice Lake, and at two Gore Bay meetings—his last meeting before the 29th May.

Q.—When you speak of two meetings at Gore Bay, what were they? The one the day of the nomination? A.—Yes, and the other his final meeting. I think it is the last meeting Mr. Gamey had.

Q.—Immediately preceding the election? A.—A couple of days before election.

Q.—Did Mr. Gamey speak at all those meetings? A.—Yes, sir.

Q.—Did you hear what he said? A.—Yes, I was at all the meetings.

Q.—Were you present during all the time he was speaking? A.—Yes, sir.

Q.—Speaking generally, will you tell me what position Mr. Gamey took in reference to Mr. Whitney and his policy at these meetings? A.—He showed

(2911)

up the Ross policy, he denounced the Government in the hardest language and he showed the difference in their two policies, the Ross Government and the Whitney Government.

Q.—What attitude did he take towards Mr. Whitney and his policy? A.—He said Mr. Whitney had a better policy and it would be better for the people.

Q.—Was there anything said at any of those meetings from which anybody could reasonably infer that if Mr. Gamey was elected he would support the Ross Government of their measures or their policy? A.—Not the slightest.

Q.—Or give the Ross Government or policy or measures any independent support? A.—Not the slightest that I heard.

Q.—Did you see Mr. Gamey during the month of September last? A.—Yes, sir.

Q.—Where did you see him? A.—I met him down here in Toronto.

Q.—Where did you meet him? A.—Somewhere around Simpson's store.

Q.—On Yonge street in September. When was that? A.—On the 9th September.

Q.—What time of day was it? A.—It would be possibly about 9 o'clock.

Q.—In the morning or at night? A.—In the morning—in the forenoon.

Q.—Did any conversation take place between you? A.—Yes, sir, there was a conversation.

Q.—What was it? To what effect? Mr. Johnston: My learned friend cannot give that.

(2912)

Mr. McPherson: It is leading to something else.

Witness: He asked me if I was going to the Fair grounds.

Mr. Johnston: My learned friend has no right to give any evidence of that kind, and he knows it. It has been ruled out again and again.

The Chancellor: He asked him to go to the Fair. He can go as far as that.

Mr. Johnston: The next question may be one that is objectionable.

Mr. McPherson: In consequence of what was said there was anything done by you and Mr. Gamey? A.—We arranged to meet in the Fair Ground at 10 o'clock that same day.

Q.—That same morning? A.—Yes, sir.

Q.—Did you meet at the Fair Grounds that morning at 10 o'clock? A.—Yes, sir.

Q.—At 10 o'clock? A.—Yes, sir.

Q.—What time did you get to the Fair Grounds? A.—I got there probably about five minutes before 10.

Q.—And did Mr. Gamey accompany you there? A.—No, he did not.

Q.—What time did he get there? A.—Possibly about 10 or 5 minutes after 10. I was there probably about 5 or 10 minutes before Mr. Gamey arrived.

Q.—And would it be after 5 minutes after 10 when he arrived there? A.—No, it would not.

Q.—After he arrived there what did you and he do, if anything? A.—Well, we went around through the grounds and looked at the general exhibits,

(2913)

went through the carriage shop and the implement building and the Main Building and other buildings like that; we generally look at everything.

Q.—How long were you together? A.—Possibly about three hours.

Q.—Did you separate all after 10 o'clock for say three hours or thereabouts? A.—No, sir, we did not.

Q.—What time did you separate?
A.—About 1 o'clock.

Q.—Was that before or after you had had your dinner? A.—That was after we had had dinner. We had dinner or lunch together.

Q.—Have you any way that you can fix this date as being the 9th September that you met? A.—Yes, I have.

Q.—Tell me how you fix that date?
A.—Well, in the first place I went down to McCormick Machine Company, and I got a bill from them, I had some notes to turn in to them. I was coming up when I met Mr. Gamey. I had not been to the Fair Ground yet.

Q.—Have you that bill you got from the McCormick Harvesting Company?
A.—Yes, sir.

Q.—Let me see it, if you please?
A.—There it is. (Produced.) It is a bill of some twine I got. We generally have a settlement when I come down at Fair time.

Q.—The bill is dated 9th September, 1902, for \$84, R. J. Armstrong, Gore Bay. Do I understand that you received that bill as it is there from the McCormick Harvesting Company on that date? A.—Yes, sir.

Q.—Before or after you had seen Mr. Gamey the first time that day? A.

(2914)

Before I had seen Mr. Gamey that day.

Q.—Have you any other means of fixing the date as being the 9th September besides that bill? A.—Well, I had some business with the Chatham people after I left Mr. Gamey.

Q.—Who were the Chatham people?
A.—Some bills to turn in to them and cash and also some money.

Q.—Who were they? A.—Chatham Manufacturing Company of Chatham. They make wagons and sleighs and buggies.

Q.—Where did you have this business with them? A.—With the Chatham people in their stand on the grounds at the Exhibition.

Q.—They had an exhibit at the Exhibition? A.—Yes, they always are there every year.

Q.—And you were there to transact business with them? A.—Yes, sir.

Q.—What time of the day did you transact that business with them? A.—Shortly after I left Mr. Gamey, possibly between 1 and 2 o'clock.

Q.—Was it the same day you were there with Mr. Gamey? A.—Yes, sir.

Q.—And with whom, representing the Chatham Harvesting Company, did you transact that business that afternoon? A.—Mr. Landon, the Manager, and Mr. Merritt was there. He is their travelling agent.

Q.—Have you anything that you received that helps you to fix that date?
A.—I have the receipt for the notes and monies I gave.

Q.—Will you produce that receipt?
A.—Yes, sir, I will produce it. (The first receipt produced is marked Exhibit 79). The second receipt produced

(2915)

is marked Exhibit 80.

Q.—This is a receipt dated 9th September, "Received from R. J. Armstrong the following notes, giving details of the notes, amounting to \$250. Signed by the Chatham Manufacturing Company, per W. R. Landon." It is in two sheets. The amount of the notes aggregate \$250, and on the second sheet \$168. Both signed the same day? A.—That is the money I paid them. One is money and the other notes.

Q.—You say you received that on the same day that Mr. Gamey was with you, but later in the afternoon?
A.—Later in the afternoon of the same day.

Q.—Were you at the Convention where Mr. Gamey was brought out as a candidate? A.—Yes, sir, I was there.

Q.—Did you hear the remarks made by Mr. Gamey at that Convention? A.—Yes, sir.

Q.—Without going into close details, can you tell me, generally speaking, what Mr. Gamey said in reference to that nomination? A.—Well, of course he denounced the Government and their mining policy, their timber policy and their way of spending money on the roads, and the way of selling those large tracts of timber to those big capitalists, and different things like that; in fact they went on to talk many things.

Q.—Where you at the public meeting in the evening? A.—Yes, sir.

Q.—Before we pass from the convention, was there anything said as to any qualification by Mr. Gamey of his acceptance of that nomination? A.—Well, he accepted, of course, as a Conservative—he was nominated as a Conservative and accepted as a Conservative.

(2916)

Q.—Was there any qualification or any reservation as to his being independent? A.—Not the slightest at all. We would not stand a minute for anything like that.

Q.—And the Gore Bay meeting is the meeting that was held on the night of the same day? A.—Yes, sir.

Cross-examined by Mr. Johnston:—

Q.—And you say that you are in the carriage business a little? A.—Yes, sir.

Q.—And you are dealing with a good many people? A.—Yes, sir.

Q.—See a good many people from time to time? A.—Yes, sir.

Q.—Have an exhibit at the Fair? A.—No. The people do, but I do not have any exhibit.

Q.—The people you represent? A.—Yes, sir.

Q.—Who are the people you represent? A.—I represent the McCormick Harvesting and Machine Company and the Dougherty Company. I represent Octavus Newcomb Piano Company and the Chatham Manufacturing Company, the Tudhope firm, W. R. Gray & Sons of Chatham and others.

Q.—I am asking you whom you represented at the Fair? A.—I did not represent anybody in particular. I came down to have a settlement with them.

Q.—Were you in charge of any of the departments at the Fair last September? A.—No, sir. I was not.

Q.—Were you back and forward? A.—Yes, sir.

Q.—Every day? A.—I was there for three different days.

Q.—What three days were you there? A.—On the 9th, 10th and 11th.

(2917)

Q.—Give me the days of the week? A.—Tuesday, Wednesday and Thursday.

Q.—When did you come down? A.—I arrived in Toronto about 11.30 on Monday.

Q.—What hotel did you stay at? A.—I stayed at a friend's that used to live at Gore Bay. My wife and sister-in-law.

Q.—You did not stay at any hotel? A.—No. I always stayed at the Black Bull Hotel until last fall, I went to hotels.

Q.—I am speaking of the month of September? A.—I stayed at friends.

Q.—Not at a hotel? A.—No. At this friend's place.

Q.—Is it a hotel? A.—No, sir, it is not.

Q.—Then, did you stay at any hotel during the 9th, 10th or 11th September? A.—No, sir, I did not.

Q.—And this 9th day was what? A.—Tuesday.

Q.—Out at the Fair on Monday? A.—No, sir, I did not.

Q.—Where had you been on Monday? A.—I had been down to the McCormick shop and walked around the

town.

Q.—What time did you go to the McCormick shop? A.—Some time in the afternoon.

Q.—What time? A.—Some time in the afternoon.

Q.—What time? A.—Probably about 3 o'clock.

Q.—Certain to the time? A.—No, I am not certain to the time.

Q.—What were you doing at the McCormick shop on the Monday afternoon? A.—I went down to have a talk with the boys.

Q.—What talk? Business? A.—Yes, sir, and a talk.

(2918)

Q.—You had business at the McCormick shop on Monday afternoon? A.—Yes, sir.

Q.—Important business as far as you were concerned I suppose? A.—Yes.

Q.—And you don't know the time you were there? Where did you go after you left the McCormick shop? A.—I went around the city some place.

Q.—Where did you go? A.—Around the city some place.

Q.—Where? A.—I do not recollect where.

Q.—After you got through wandering about, not knowing where, then where did you go to that you can recollect? A.—I know where I was going all right.

Q.—Tell me where you went to? A.—Around the city about my business.

Q.—Tell me where you went to? A. I do not remember where I went to.

Q.—That is what I say. Then, when you get to a stage that you do remember where you were, where were you? A.—I can tell you where I was.

Q.—Then tell me, please, when you get at a certain stage that you recollect where you were—tell me where you were? A.—If I had done any business at any certain place on Monday I could have told you.

(Page 2920 follows.)

(2920)

Q.—I am asking you on Monday afternoon to tell me a place, after you had been at the McCormick Harvesting place, where you went? A.—I spent most of the time with the boys. I was down there that afternoon, and I spent most of the time around with the boys.

Q.—Where were you next after you were at McCormack's? A.—I may have been up town some place. I may possibly have been in Eaton's store.

Q.—I do not want "possibly." Where were you as a matter of memory? A.

—I don't remember.

Q.—You don't remember? A.—No, I do not.

Q.—Where was the first time you turned up that day that you recollect of your locality? A.—On what day?

Q.—On Monday, the 8th September? A.—I was at the McCormack's, I told you.

Q.—Where was the next time that you recollect of your existence in Toronto? A.—Possibly in Eaton's store.

Q.—Not possibly. Where was it? A.—I will not swear. I was in those places.

Q.—I will give you from the time you left McCormack's store until 12 o'clock that night, tell me the first place that you remember being, that you can swear to, after you were there at McCormack's? A.—I was at my residence, of course, that night.

Q.—When? A.—I would get there at 6 o'clock.

Q.—When did you get back? A.—Some time about 6 o'clock.

Q.—Did you go at 6 o'clock? A.—Certainly I did.

Q.—You did? A.—Yes.

Q.—Where were you between the time you left McCormack's

(2921)

people and six o'clock? Can you tell? A.—I was around town.

Q.—Can you tell where you were? A.—I told you I might possibly have been in Eaton's store, or Simpson's store.

Q.—Or some other place? A.—Yes.

Q.—You were either at Eaton's store or some other place? A.—I may have been up in the Canada Furniture Manufacturing Company's store.

Q.—You may have been fifty places that afternoon? A.—No. I would be possibly one or two places.

Q.—And you cannot name one. Where did you go in the evening after you got your supper? A.—I may have went out walking around.

Q.—Where did you go? A.—I may have went out walking around.

Q.—Where did you go? A.—I went out walking around.

Q.—Where to? A.—Around on the streets; nothing particular to do.

Q.—What streets? A.—Different streets.

Q.—Where? Possibly Queen or Yonge streets.

Q.—Will you swear that you were on Queen or Yonge streets on the Monday night? A.—Yes, sir.

Q.—Where were you on Queen street? A.—Up and down Queen street.

Q.—Whereabouts on Queen street? A.—Up and down it and along it.

Q.—Near Bay, York or Simcoe? A.—No, I will not swear to any particular place.

Q.—Did you get as far as Yonge street on Monday night? A.—I was up and down the street.

(2922)

Q.—Where you as far as Yonge street on the Monday night? A.—I possibly was.

Q.—Will you swear to it? A.—Yes, sir.

Q.—Why didn't you swear to it at once? A.—I told you.

Q.—Where did you go on Yonge street on Monday night? A.—Up and down and around.

Q.—How far up Yonge street did you go on Monday night? A.—I will not swear.

Q.—How far down? A.—I will not swear.

Q.—Will you swear you were on Yonge street at all? A.—Yes, sir.

Q.—Which part do you remember being on on Monday night? A.—I don't remember.

Q.—Now, if you reached it from Queen street, you would know whether you were up or down, surely? Now then, you went home. What time did you get home that night? A.—We generally go in about nine or ten o'clock.

Q.—What time did you go home? A. I would not swear to the hour. It is hard to remember.

Q.—You will not swear to anything on the Monday? A.—Because I have no date for that. It is hard for me to remember.

Q.—You remember Monday as well as Tuesday. It was the day you came to town? A.—Yes, I know that.

Q.—Then on the Monday morning where did you go after you got your breakfast—or Tuesday morning I should say? A.—I went down to the McCormack's room.

Q.—What time did you leave your house? A.—Possibly between seven

(2923)

and eight.

Q.—You left between seven and eight? A.—Yes.

Q.—And how long were you at McCormack's place that morning? A.—We would be nearly an hour there.

Q.—Then you left the McCormack place and came where? A.—Came up town.

Q.—Direct to Simpson's? A.—No, wandering around.

Q.—Where did you go? A.—I told you I went wandering around.

Q.—Wandering around. A.—I had no particular place to go to. I was wandering around an hour or two before I went to the Exhibition. I had no particular place I wanted to go.

Q.—Wandering around an hour or two before you went to the Exhibition after you had been at the McCormack place? A.—Yes, sir.

Q.—Are you swearing to that as a fact? A.—Yes, sir.

Q.—And a fact that you cannot be mistaken about? A.—Yes, sir.

Q.—That you were wandering around for an hour or two after you had been at the McCormack place? A.—Not an hour or two; about an hour, I said.

Q.—What time did you leave for the Exhibition? A.—Possibly about half-past nine.

Q.—And how long did it take you to get out there? A.—I do not know how long. As fast as the car would take me there.

Q.—Where you wandering around on the way out? A.—No, sir. I was on the car.

Q.—Where did you take the car to go to the Exhibition on the Tuesday morning? A.—I do not know exactly, sir.

(2924)

Q.—Did you take a Queen, or King, of Yonge? A.—I took the car marked "Direct to the Exhibition"; that is the car I always take.

Q.—Was it on Queen street or King? A.—I think it was on Queen street.

Q.—Where did you take it from? A.—I don't remember exactly where.

Q.—Did you look at your watch that morning? A.—Yes, sir.

Q.—When did you look at it? A.—When me and Mr. Gamey made the date.

Q.—Where was this? A.—When we met.

Q.—Where was this? A.—On Yonge street.

Q.—Whereabouts? A.—Well, somewhere around Simpson's store there.

Q.—Whereabouts was it? A.—Around Simpson's store. I am not much acquainted with the streets.

Q.—Was it inside or outside? A.—It was outside.

Q.—You swore in chief it was inside Simpson's store? A.—I beg your pardon.

Q.—We will see what your answer was.

The Chief Justice: I thought he said at Simpson's store.

The Chancellor: He said Simpson's store.

Mr. Johnston: You say you did not meet him in the store? A.—No.

Q.—How far away from Simpson's store did you meet him? A.—I could not say exactly. It was around close to Simpson's store.

Q.—Close to the corner of Queen and Yonge? A.—Around Simpson's store.

(2925)

Q.—About what hour did you meet him? A.—About nine o'clock.

Q.—Did you look at your watch then? A.—I did not look at my watch when I met him, but I looked at my watch when I asked about the certain date we would meet.

Q.—Tell us again what time you reached McCormick's place as nearly as you can tell? A.—I was there about 8 o'clock, possibly a little before it.

Q.—Will you tell me how much before it you will give me? A.—I would not swear to the time.

Q.—Fifteen minutes? A.—Possibly 15 minutes.

Q.—It is pretty early in the morning to get down. You had your breakfast at what hour? A.—About half-past seven.

Q.—Then you would go down town. The McCormack place is where? A.—At 19 Colborne street.

Q.—And you had to walk from where? A.—I think it was 28 Richmond street.

Q.—You went down there and you think you got there about 8 o'clock? A.—Yes.

Q.—You think you got there about 8 o'clock or a few minutes before? A.—Yes, sir.

Q.—And you met this man about 9 o'clock at Simpson's? A.—Yes, sir.

Q.—And you were only with him a few minutes? A.—Just a few minutes.

Q.—You swore that you were about an hour at McCormack's and that you were wandering around for about an hour after you left there? A.—After I left where?

Q.—After you left McCormack's? A.—I did not say I was an hour at

(2926)

McCormack's.

Q.—You deny it? You say you did not say it? We will see what you did say. A.—I said I was down at McCormack's, and came up and walked around about an hour.

Q.—I asked you how long you were down there. Tell me how long you say now. We will see what the notes say afterwards? A.—I was not long at McCormack's.

Q.—How long? A.—Probably 15 or 20 minutes.

Q.—You say you did not swear a short time ago that you were there an hour? A.—No, sir.

Q.—We will see what was taken down? A.—All right.

Q.—It will be all right, no doubt.

And then you were there fifteen or twenty minutes? A.—Yes, sir.

Q.—At this place? A.—Yes.

Q.—Did you look at your watch when you left McCormack's? A.—No, I cannot say I did.

Q.—Did you look at your watch at or near Simpson's? A.—I looked at my watch when Mr. Gamey and I made the date.

Q.—What time did you look at your watch? A.—Possibly nine o'clock.

Q.—Was it after nine? A.—It might have been possibly a quarter after nine o'clock.

Q.—Why do you say possibly a quarter? Might have been half-past? A.—No, it was not half-past.

Q.—Do you recollect the hands of the watch pointing on the face of it to a quarter past nine? A.—Well, because I remember I walked around a while.

Q.—Listen to me, please. You say you looked at your watch, and that you could fix the time? A.—Yes.

(2927)

Q.—By looking at the face of the watch. You saw the hand point to a quarter past nine? Is that what you are swearing to? A.—Yes, sir.

Q.—And that you recollect taking out your watch, looking at the face of it, and you recollect that the minute hand pointed to a quarter past nine? A.—Well, thereabouts. I am not swearing positively to the minute.

(2928)

Q.—You recollect seeing the minute hand pointed to a quarter past 9? A.—I won't say to a minute or 5 minutes. I say between 9 and a quarter past 9.

Q.—My question is, do you recollect taking the watch out of your pocket, and looking at it, and recollecting to-day that you saw that the minute hand was pointing to a quarter past 9? A.—No, sir. I will not swear to a minute or five minutes.

Q.—Nor ten minutes perhaps, if it came to a matter of nicety? A.—Possibly not.

Q.—Possibly not ten minutes. Then you only saw Gamey for a minute or two? A.—For a few minutes.

Q.—Where did you go to then? A.—I walked around.

Q.—Around up and down? A.—I probably may have went into Eaton's store.

Q.—I am not asking you what you probably did. I am trying to get at what you really did do? A.—I do not remember what I did do.

Q.—Do you remember how long you were doing it? A.—Well, I walked around until I thought I would have time enough to go to the Exhibition grounds at the appointed time.

Q.—You have got now to 9.15 with ten minutes to spare, and you walked

around probably into Eaton's store. How long do you say you were walking around in Eaton's store? A.—I may have been around 15 or 20 minutes. I cannot say.

Q.—Then where did you go from Eaton's store? A.—I possibly went out and maybe took a car.

Q.—I am not asking what you possibly did. What do you remember doing? A.—I don't remember.

(2929)

Q.—You don't remember doing anything? A.—No.

Q.—And you don't remember how long you were in Eaton's store? A.—Probably—

Q.—Are you guessing at it? A.—I would judge I was about fifteen minutes. I know I was around fifteen or twenty minutes before taking the car.

Q.—Do you recollect whether you walked down to King or Queen street to take a car? A.—No.

Q.—No memory upon that? A.—No.

Q.—A moment ago you swore you thought it was a Queen street car you took? A.—I said it was a car marked "To the Exhibition."

Q.—I asked you whether it was a King or Queen, and you said "Queen." Do you take that back? A.—I never said any such thing. I said I took a car marked "Direct to the Exhibition."

Q.—I asked you if it was on Queen or King. What do you say now? A.—I don't remember.

Q.—And you couldn't swear one way or the other? A.—No.

Q.—You may have had to walk down to King street to get an Exhibition car there? A.—I do not know.

Q.—You may have had to wait a few minutes for a car? A.—I may have. During Exhibition time you do not have to wait long. There are lots of them on.

Q.—Get a car within two or three minutes? A.—Yes, or probably less than that.

Q.—Do you remember that morning how long it took you? A.—I don't remember. I remember going to the grounds.

Q.—Do not forget that it is 9.15 or thereabouts when you spoke to Gamey. Then you took a car out to the Exhibition grounds and walked from the car terminus to where? A.—It is a few rods.

(2930)

Q.—And did you buy your ticket? A.—You get your ticket as you pass through first.

Q.—Did you buy it there? A.—Yes.

Q.—And having got inside, where did you go? A.—I stood around inside the gates.

Q.—Stood around for how long? A.—I was probably there five or ten minutes.

Q.—Probably fifteen? A.—No.

Q.—Five or ten minutes. And what were you doing there? A.—Waiting for Mr. Gamey.

Q.—And after having waited there he turned up? A.—Yes, sir; he came.

Q.—Did you look at your watch then? A.—Well, I looked at my watch when I got to the grounds.

Q.—You looked at your watch at the time that you got to the grounds. Do you recollect what the watch told you? A.—Yes, sir.

Q.—You recollect exactly the time that you got to the grounds? A.—Yes, sir.

Q.—By recalling the look of the watch. A.—Yes, sir.

Q.—And the minute hand pointed to what? A.—I will not swear to the minute. It was between five minutes—he got there about 10 o'clock or possibly five minutes past 10.

Q.—I am not asking that. You said you looked at the watch and remember the time from that, and I am asking you where the minute hand of the watch pointed when you looked at it? A.—I will not swear positively to the minute.

(2931)

Q.—You will not swear that you recollect what it pointed to? A.—I know it was nearly 10 o'clock.

Q.—You will not swear where the minute hand of the watch pointed to? A.—No, not exactly, but I will swear it was not more than five minutes past 10.

Q.—Now, I have you on until half-past 10 on your own story. However, that is a matter of argument. Do you know how long it takes to go from Eaton's store to the Exhibition? A.—I do not, sir.

Q.—Have you any idea? A.—I have not, sir.

Q.—Did you turn to the left hand when you got out near the end of your journey towards the Exhibition or did you go straight ahead? A.—You go straight ahead after you leave the car. The fair ground is on the left.

Q.—Did you go under a subway on the way to the Exhibition—through a subway? A.—I don't remember. I think we did go through a subway.

Q.—Was that the first time you had been at the Exhibition? A.—That was the first time last year. No, I had been there before. I come down every year. It was the first time last year.

Q.—Where did you go after you met Mr. Gamey? A.—I went inside. I told you I walked around for five or ten minutes.

Q.—Outside or inside the gate before Mr. Gamey came? A.—I said inside the gate. I stood there.

Q.—Inside the gate? A.—Yes, sir.

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Q.—Then where did you go with Mr. Gamey? A.—Went to see the general exhibits on the grounds.

Q.—You went around that morning? A.—Yes, sir.

Q.—Look at your watch again that morning? A.—What morning?

Q.—On the morning of the 9th? A.—What time?

Q.—Any time in the morning? A.—I told you I looked at it about 9 o'clock.

Q.—You cannot swear what time it was? A.—I will swear within five or ten minutes.

Q.—You could not swear what time it was by the fact of looking at your watch? A.—I will not swear to the minute.

Q.—You understand me. Look at the time here? A.—I see your watch.

Q.—You see the time by that watch? A.—Yes.

Q.—Therefore you could tell by the watch what time it is, assuming the time to be correct? A.—Yes, sir.

Q.—And you would say by the watch it was 25 minutes to 1? A.—Yes, sir.

Q.—And you would recollect that fact by looking at that watch? A.—Yes, sir.

Q.—So you could not mistake five or ten minutes in that? A.—No. Still, a year and eight months from now I might not remember.

Q.—I am amazed you can remember anything within half an hour of the time. It is your wonderful memory that is amazing me? A.—Within five or ten minutes of the time.

Q.—A matter of no moment, five or ten minutes one way or the other in a matter of time. You are not making any moment

(2933)

of a matter of 5 or 10 minutes one way or the other? A.—No, I would not swear positively to 5 or 10 minutes.

Q.—Then, in order to protect your conscience, you will not make it 15 minutes, so as to be sure? A.—No.

Q.—Will not make it 12 even? A.—10 minutes, I think, is the outside.

Q.—You would not make it 11 either? A.—No.

Q.—You would not make it 11? A.—No.

Q.—You stop at 10 and swear point blank at 10 minutes as the limit? A.—Yes, sir.

Q.—And you are swearing that as a matter of memory? A.—Yes, sir.

Q.—A year afterwards, nearly, or at least 8 months? A.—Yes.

Q.—And the first time that you thought of this time was when near-

est the occurrence? A.—Well, I have generally thought over it.

Q.—Will you answer my question. When was the first time that you recalled the question of time on the morning of the 9th—what was the first occasion? A.—I would not swear to any particular day.

Q.—How long ago is it since you first recalled to your mind the occurrence of the 9th September—to fix the time? How long ago is it? A.—It is last winter some time. I generally thought over the time Mr. Gamey and I went to the different exhibits and talking to people.

Q.—What occasion had you for talking about the time being 10 o'clock or 10 minutes past 10, or any time? A.—I did not talk to anybody anything about the time.

(2934)

Q.—What occasion had you for recalling it to your mind that it was 10 minutes past ten upon a certain day you saw him at the Fair? A.—I had no reason.

Q.—When did it first come to your mind that it was 10 minutes past 10 that you saw him on the 9th? A.—Saw him where?

Q.—When did it first come to your mind? A.—I did not say 10 minutes past 10, I said 5 minutes.

Q.—A gentleman of 5 minutes, we have of course to be exact. 5 minutes past 10. You told me a moment ago you would not swear to 10 minutes either way. Now, tell me when it first came to your mind that that was the exact time? A.—I remember distinctly Mr. Gamey and I were to meet there at 10 o'clock, and I was there a little before and he was there a few minutes afterwards.

Q.—Tell me when it first came to your recollection that occurrence—that he was there at 10.05? A.—It was always in my mind.

Q.—Tell me when you first thought about it since that occurrence? A.—I cannot tell you.

Q.—What was the occasion for thinking about it since that occurrence? A.—Of course I did business with the Chatham people and the McCormick people that day.

(2935)

Q.—What occasion was there for your recalling 10.05 as the time that Gamey got to the Exhibition grounds? A.—There was nothing particular.

Q.—What was the first date—the first time that you had occasion to recall 10.05 as being the hour? A.—It was always fixed in my mind.

Q.—When was the first time that you had occasion to recall it? A.—I don't remember. It was all fixed in my mind.

Q.—Why should it be fixed in your mind? A.—Why shouldn't it?

Q.—Why should it be fixed in your mind—10.05—Gamey at the Exhibition? A.—I did not say 10.05. I said 10 o'clock.

Q.—Why fix it in your mind? A.—Because that was the hour we were to meet there.

Q.—What was the importance of that date above any other date? A.—I don't know.

Q.—What was the reason for fixing it in your mind beyond any other date? A.—Because that was the first day I was at the Exhibition, and I did business with them, and it was the only day I was with Mr. Gamey.

Q.—Why fix the exact time? What was the reason for that? A.—Because I fixed the time of getting there and going through the exhibits.

Q.—Tell me an occasion when you fixed a time with anybody else? A.—I cannot say that I did. I did not meet anybody in Toronto that went to the Fair.

Q.—Take your whole past life, and name a time when you fixed a date, and the hour to meet anybody else? A.—Well, if I was home and found writings—

(2936)

Q.—Take your whole past life, I am not confining you to this day, or this year. Take your whole past life and fix a day that you can say there was an appointment at a certain hour, and you can swear it was kept at that hour? A.—I don't remember.

Q.—There is not one in your life you can recall? A.—No, sir.

Q.—And yet you have made appointments? A.—I cannot say that. I think that is the first I ever made.

Q.—First appointment you ever made in your life? A.—Yes, sir.

Q.—With anybody? A.—Yes, sir.

Q.—Do you swear to that seriously? A.—Yes.

Q.—You never made an appointment during the whole of your past life to meet anybody at a certain hour, or at a certain place? A.—I might in my younger days, but—

Q.—You have sworn you never did? A.—Lately I never did. I never made any this—

Q.—Take the last fifteen years. How old are you? A.—34.

Q.—For the last 14 years, from the time you were 20 years of age, to the

present time, do you swear that you never made an appointment for a certain place at a certain time with anybody during all that time? A.—No, sir, I will not.

Q.—You will not swear that? A.—No, sir.

Q.—Then you did not swear what was true a minute ago? A.—I meant this last year or so. A person cannot recollect their whole life.

¶ (2937)

Q.—I give you the last five years. Name another instance in which you made an appointment? A.—I will not name any.

Q.—Did you make any during the last five years, except the Gamey appointment? A.—I don't remember.

Q.—Will you swear you did not? A.—I don't remember.

Q.—A safe answer, "don't remember." Why do you remember this so well if you cannot remember anything else? A.—I have already told you why.

Q.—Are you a married man? A.—Yes, sir.

Q.—Ever make an appointment with your wife to meet anywhere? A.—No, sir.

Q.—Did she ever make an appointment with you? A.—No, sir.

Q.—During the whole of your married life? A.—I am not married long.

Q.—Ever make an appointment to meet anybody at your store? A.—No, I cannot say that I have.

Q.—Do not know that you have. And you are a man of one appointment, according to your story—the Gamey appointment? A.—I remember distinctly the Gamey appointment.

Q.—You are a man of one appointment, namely, the Gamey appointment? A.—I remember that.

Q.—And that is the only appointment you remember in the whole course of your life? A.—That is the only appointment I remember making—yes.

Q.—And if you live to be 100, you would never forget that appointment? A.—I do not know. I might.

Q.—I thought you would remember it? A.—I do not know.

Q.—Don't you think you would remember it, the time and the hour? A.—I might—I do not know.

(2938)

Q.—How long have you been married? A.—I have been married three years.

Q.—And I suppose you had no appointment for that purpose at all? A.—Oh, yes.

Q.—Do you remember what hour? A.—I do not think that is any of your business.

Q.—Do you remember the hour? A.—Yes.

Q.—Then in the afternoon, where did you go after one o'clock on Tuesday? A.—Well, I went to the Tudhope firm and the Chatham firm.

Q.—I thought you were there in the morning, according to your story before? A.—I did not say I was.

Q.—I said I thought you were there in the morning, according to your story before. I may be mistaken. What do you say? A.—I was not there, and I did not say it.

Q.—I am mistaken, am I? A.—Yes.

Q.—And what time did you leave the Exhibition that day? A.—I stayed on the grounds that day.

Q.—All day? A.—Yes.

Q.—Not all night? A.—I stayed on until after the grand stand show.

Q.—At what time? A.—Ten or eleven o'clock.

Q.—Cannot you tell me within an hour when you left? Tell me within an hour when you left the grounds? A.—I cannot.

Q.—At what hour? A.—Eleven o'clock.

Q.—That you swear to? A.—Yes.

Q.—Eleven o'clock? A.—Yes.

Q.—You looked at your watch? A.—No, I did not look at my watch.

(2939)

Q.—How do you know it was 11 o'clock? A.—Because I know that that is the time the grand stand gets out.

Q.—That is the only ground you have for saying it? A.—That is about all.

Q.—You left at eleven o'clock, and you are guessing at that because you think the grand stand gets out at that time. Had you ever been at the grand stand before? A.—Yes, sir, every year.

Q.—And where did you go after that? A.—I went to my residence.

Q.—And the next morning what did you do—Wednesday? A.—I walked around town.

Q.—Up and down again? A.—Down at my ordinary business.

Q.—Where did you go on the Wednesday morning is my question? A.—I do not remember where I went.

Q.—You don't remember where you went. What time did you leave your boarding house, or your friend's place? A.—Probably seven or eight o'clock.

Q.—I want the time according to your memory? A.—I do not know exactly to a half an hour. Sometimes a person stays in longer than other times.

Q.—Quite so, and unless there is something at the time to fix it in your

mind, you are not likely to pay much attention to the times, are you? A.—No, I do not think so.

Q.—Name one place on Wednesday morning that you went to? Go on please? Name one place on Wednesday morning that you went to? A.—I could not say.

Q.—You could not say. Oh, come. A man with the wonderful memory

(2940)

cannot say. Name one place on Wednesday afternoon that you went to? A.—Yes, sir.

Q.—Where? A.—To the Exhibition grounds.

Q.—That is the one thing you remember? A.—Yes, sir.

Q.—But Wednesday afternoon is a blank, so far as your memory goes? A.—I think I went to the Exhibition grounds about ten o'clock or nine o'clock.

Q.—About nine or ten. Why cannot you fix the hour nearer than that? A.—I generally go about nine or ten.

Q.—Why cannot you fix it within ten minutes or five minutes? A.—I could not.

Q.—Who went with you? A.—My wife.

Q.—Was anybody at the Exhibition that morning? A.—I don't remember. I occasionally meet odd people.

Q.—Did you or did you not? A.—I don't remember.

Q.—How long did you stay at the Exhibition on Wednesday? A.—Well, I stayed there, I think, until probably six or seven o'clock.

Q.—Cannot you give me nearer than an hour? A.—No.

Q.—Did not stay for the grand stand that night? A.—No.

Q.—Where did you go on Wednesday evening? A.—I was at three operas while in Toronto, and I don't remember what nights I went.

Q.—You don't know whether you went to the opera on Wednesday night or Tuesday night? A.—I went on Wednesday night. I was on the grounds on Tuesday night.

Q.—You don't know where you went on Wednesday night? A.—I said I thought I went to the opera.

Q.—Do you know which opera you went to? A.—No, I do not

(2941)

know that. I went to the Toronto and to Shea's, and there is another one now.

Q.—Not the Star? A.—I am not familiar with them. There are six or seven. I went to three of them.

Q.—And on Thursday where did you go—Thursday morning? A.—I do not remember exactly.

Q.—Do not remember what time you were there, either? A.—Where?

Q.—Where you did go to, wherever it was? A.—Oh, I may have went out walking around. I may have stayed in the house for an hour or so.

Q.—Up and down again, wandering up and down. Then where did you go on Thursday afternoon? A.—I was in the Exhibition grounds.

Q.—Again on Thursday? A.—Yes, sir.

Q.—What time did you go there? A.—Well, probably about nine or ten o'clock.

Q.—I am speaking of Wednesday afternoon? A.—I told you I went there that day.

Q.—Thursday afternoon I am asking you where you went? A.—I was with the Tudhope people, and around amongst the different people I had business with.

Q.—You have no distinct recollection of it as a day, or as an occurrence, have you? A.—Yes.

Q.—Then can you tell me what time you saw the Tudhope people on Thursday afternoon? A.—Probably about three o'clock, or four o'clock.

Q.—Three or four o'clock? A.—Yes.

Q.—Cannot you give me within five or ten minutes? A.—No.

(2942)

Q.—Take Thursday morning. Can you give me any time within five or ten minutes of where you were? A.—No.

Q.—Take Wednesday. Can you give me any time within five or ten minutes where you were? A.—No.

Q.—Take Tuesday. Can you give me any time within five or ten minutes, except in the Gamey matter, where you were? A.—No, I cannot.

Q.—Take Monday. Can you give me within five or ten minutes any time where you were on the Monday? A.—I arrived in Toronto at 11.30.

Q.—If the train was on time? A.—Yes.

Q.—Was it on time that morning, because we can ascertain that? A.—I think it was.

Q.—Give me where you were during the course of the day on the Monday? Any place within five or ten minutes? Can you do it? A.—No.

Q.—Now, we have got you four days in Toronto, and 10 or 10.05 is the only hour you can fix during the four days, 96 hours. Now, where is the cheque for \$168? A.—I have it in my safe in Gore Bay.

(2943)

Q.—We will ascertain perhaps a little later on just what the date of that

cheque is. What day do you say it is? A.—9th September.

Q.—That you swear to? A.—Yes.

Q.—And the bank book will show that? A.—Yes, sir.

Q.—The bank account will show it was 9th September? A.—I do not know anything about the bank account. It would have to go to Gore Bay. I give a cheque on the Hurst Bank in Gore Bay.

Q.—Did you bring your cheque to Toronto? A.—Yes, sir.

Q.—Were these bills made out waiting for you to call for them? A.—No.

Q.—Were they made out while you were there? A.—Yes.

Q.—By whom? A.—Mr. Landon.

Q.—And made where? A.—At their little office there.

Q.—Whereabouts? A.—On the Exhibition grounds.

Q.—What time of the day were they made out? A.—It would be between 1 and 2 o'clock.

Q.—And you were carrying your cheque book around in your pocket with you? A.—I did not have my cheque book. I tore out a couple of cheques.

Q.—Did you have your cheque book with you? A.—No.

Q.—One or more of the cheques along, one of them to use for the purpose of this account? A.—Yes.

Q.—On the grounds between 1 and 2? A.—Yes.

Q.—That was a rather important matter, paying your bill? A.—That was all right. That is the way I always pay my accounts—with cheques.

(2944)

Q.—And this paper came to you folded up, I suppose, in that way, just as you got it? A.—No, I folded it myself possibly.

Q.—Did you fold it? A.—I believe I did.

Q.—Did you or did you not? A.—I do not remember. They always hand it to me in a sheet like that.

Q.—That is folded as if it went through a letter? That is the way I folded it.

Q.—The way I show you now? A.—I expect it is.

Q.—Was it? A.—I expect it is.

Q.—Then how did it get folded the other way if that is the way you folded it? How did it get folded in that shape? A.—You can fold it any way you want to.

Q.—Then how did you get it folded the other way? How did it get folded in that shape? A.—You can fold it any way you want to.

Q.—How is it that the paper itself got folded? A.—I do not see. It folds easily.

Q.—When did you fold it that way? A.—I do not remember.

Q.—You cannot give me within five or ten minutes of the hour? A.—I simply folded the paper and put it in my pocket.

Q.—There is the position in which it folds naturally, and that is an envelope size. A.—Yes.

Q.—Then when did you fold it differently? A.—I might refer to it in my business.

Q.—Where did you keep it? A.—In the safe.

Q.—No occasion to fold it in any other than the way you got it? A.—I might.

Q.—There was no occasion to? A.—No. Mr. Landon, the Manager, will swear to it, and also Mr. Merritt.

(2945)

The Chancellor: Perhaps we had better adjourn for an hour. You can get the information you want, and we will adjourn until 2 o'clock.

Mr. Ritchie: I thought we were going to examine the books this afternoon, my Lord.

(Adjournment, 1 p.m. until 2 p.m.)

AFTERNOON SESSION.

Wednesday, May 13th, 1903.

Mr. Johnston: I have finished with this witness.

Re-examined by Mr. McPherson:—

Q.—Are you well acquainted with the city? A.—Not very well.

Q.—You come here perhaps often a year? A.—Generally once a year. I come here at Exhibition time.

Q.—That is about the only time you are here? A.—Yes.

Q.—And does your acquaintance in the city depend upon your annual trip? A.—That is all.

Q.—Do you know the directions here, which is east or west? A. No, sir.

Q.—Or north or south? A.—No.

Q.—And what about your acquaintance with the streets? A.—I do not know anything about the streets.

(2946)

Q.—You know Yonge street? A.—I know where Yonge street is.

Q.—Can you tell the street for instance—the corner where Simpson's is? Do you know the street at the corner? A.—No, I would not swear.

Q.—Do you know which is Queen or King street? A.—No, sir.

Q.—Do you know whether Simpson's is on the corner of Yonge and Queen or Yonge and King? A.—No, I would not swear.

Q.—My learned friend asked you, speaking about Wednesday, the 10th September, whether you met anybody you knew. He did not say that you

knew, but whether you met anybody at the Exhibition grounds on Wednesday? A.—Yes.

Q.—Did you meet anybody out there that you knew? A.—Well, I met several people but I do not remember what days I met them on.

Q.—Cannot place the days? A.—No.

Q.—Now, as to the folds and creases that appear in these documents. What receptacle did you have them in to bring them here to Court? A.—I do not know.

Q.—Where did you carry them? A.—I had it in this pocket-book.

(2947)

Q.—Would it have gone into your pocket-book if it had not been folded up? A.—Of course not.

Mr. Johnston: Where is your pocket-book? A.—There it is.

Q.—About six inches long.

Mr. McPherson: It would have to be folded in some way before it would go into the pocket-book, I suppose?

The Chancellor: The next witness.

Mr. McPherson: That is all we have to-day.

Mr. Johnston: You have Mr. Hall here to-day.

Mr. McPherson: We are to have an opportunity to go over the books. Mr. Hall of the firm of Stratton & Hall is here. He has a trunk full of books and papers here. I left here with the impression that my learned friend had not finished his cross-examination. I have nothing more at present.

The Chief Justice: We did not know Mr. Johnston had finished.

The Chancellor: I thought we were going away with the idea that Mr. Butcher was going to look up the text of what this man had said.

The official stenographer then read certain portions of the evidence of the last witness.

The Chancellor: Have you nothing to go on with, Mr. Johnston?

Mr. Johnston: No, my Lord.

The Chancellor: Then, what do you expect to be ready with to-morrow?

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Mr. Johnston: I have really nothing. I have nothing at all. This is as I understand reply. I am waiting.

The Chancellor: Then there is this question of Mr. Jones. Jones is to be examined. Counsel ought to know about these things. Then there is this mass of books.

The Chief Justice: I saw a gentleman very much resembling Mr. Jones out in the hall.

Mr. Johnston: I think that is true. I think he is here. I expected to get instructions last night in reference to Mr. Jones, and see what the evidence

really is. I had an appointment with some railway matters that took me until 11 o'clock at the Rossin House, and I was not able to see him. To be frank, your Lordships, that is the whole trouble. It is my fault, perhaps, in that respect; but, I will see him this afternoon, so that if there is nothing ready I will put him in in the morning, and get rid of that part.

The Chancellor: Then you will be ready to go on with him in the morning.

The Chief Justice: You will be able to announce whether you are going to call Mr. Gamey.

Mr. McPherson: Mr. Blake is considering that. I do not know what his views on that are.

Then there are two or three other witnesses I expected to have had. One is from Ottawa, one from North Bay, and I have been informed there are three coming from Manitoulin Island on a particular point that has not been touched upon yet. Whether they are en route or not I am not able to say at the moment.

The Chancellor: I suppose we had

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better adjourn until to-morrow morning.

Mr. Johnston: If it has not been touched upon, it cannot be in reply.

Mr. McPherson: It has been touched upon, but not touched upon in reply.

(Adjournment 2.10 p.m. until 10 a.m. May 14th, 1903.)

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TWENTY-SECOND DAY.

May 14th, 1903. 10 a.m.

The Chancellor: Now, shall we go on?

Mr. Johnston: Mr. Hall of Stratton & Hall; my Lords, the solicitors for Mr. Stratton, has been here for some days, with all his books, cheques, papers, and so on. I understand that his papers, and so on, affecting Mr. Stratton's private accounts, were examined yesterday, and that Mr. Hall was permitted to go home. I should like to know now whether it is intended to call Mr. Hall or not, because we would have him here in order to avoid any further delay. Mr. Ritchie, I think, with Mr. McPherson, made the examination.

Mr. Ritchie: I did not make the examination.

Mr. Johnston: Mr. Ritchie, or Mr. McPherson, one of them made the examination yesterday, and, as I understand it, expressed themselves as satisfied, but I want to know so that there will be no further difficulty.

The Chancellor: We ought to have it expressed in court and understood.

How is that? Do you wish to examine Mr. Hall?

Mr. McPherson: What Mr. Johnston says about my having examined the books is quite correct, I did examine the books yesterday, but as Mr. Ritchie was busy at the Ontario Bank, we have had no opportunity of conferring as to whether Mr. Hall will be required as a witness upon anything except the items appearing in his

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books. I am not able to say at this moment, my Lord, whether my learned leader would desire to put Mr. Hall in the box on anything else, but I will let my learned friend know at once.

Mr. Johnston: I should like to bring him here without delay, if he is to be called.

The Chancellor: I suppose there is no chance of the argument taking place this week?

Mr. Ritchie: Oh, no.

The Chancellor: I wish very much, Mr. Blake, if you are leading, that this argument should begin on Wednesday instead of Thursday.

Mr. Blake: I should like it very much, but there was a case partly tried at Sandwich, and that was adjourned over until the 18th. I had undertaken to be there long before this Gamey matter was commenced. I have been wiring to try and get a discharge from my retainer, but I have just got a wire stating they will hold me to it.

The Chancellor: I have heard from Brockville, and there is a very short list there.

Mr. Blake: I have done my best.

The Chancellor: I find I will be easily through at Brockville, so that we could begin on Wednesday. If the argument could begin on Wednesday I would like it. If your engagements prevent that, of course it cannot be helped.

Mr. J. H. Moss: I am appearing, my Lords, on behalf of the Ontario Bank. Mr. Ritchie attended yesterday at the office of the bank here, and examined the result of the researches that have

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been made in answer to the questions laid before the bank, and I think was satisfied that the information then asked for had been obtained; in fact, a good deal of the information that had been obtained was stated to be useless.

Mr. Ritchie then asked for some further information from the Toronto branch only, and steps are being taken to furnish that information, but it is of such a character that it will involve the personal attention of the accountants and the receiving teller, and it will not be possible for us to carry that

on except after office hours. Therefore, I am afraid, from what the accountant tells me, that the likelihood is that the information will not be available for your Lordships before Friday evening.

The Chancellor: Still, if it obtained this week, we will be able to close the evidence.

Mr. Moss: I think the evidence ultimately given will not occupy more than a few minutes.

Mr. Ritchie: I may say I have gone over all the branches, with the exception of two my learned friend had not got returns from. I am satisfied with all these, with the exception of two. I pointed out certain matters, and Mr. Barwick admitted, of course, as to one of them, explanation would be required. If my learned friend permits that, I will ask the manager of the branch bank as to an item included in his report.

Then, I may say, I have narrowed it down to the 11th. We have demonstrated how many hundreds and fifties have gone out, down to the day upon which it is said to be paid, and

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it is narrowed down to two cheques. As to those two, I propose making an inquiry to-day. Then I asked Mr. Barwick to give us the details for the 8th, 9th and 10th, similar to what he has given for the 11th. I was prepared to go on last night through the books, but Mr. Barwick had to go to Ottawa, and said he would prefer to have the accountant make a statement. In the meantime I wish to say, so far as Mr. Barwick and Mr. Bartlett are concerned, they have given me every facility. I asked that the accountant, or the paying teller, might be relieved, and Mr. Barwick thought that that could be done, so that the information could be prepared ready for this afternoon. Mr. Bartlett seemed to think that could be done. That is the last information I had.

Mr. Moss: They found that it was quite impossible without disarranging the whole working of the bank.

The Chancellor: Well, it will just stand in that way, in the hope that you will complete this by Friday evening, you say?

Mr. Moss: Yes, my Lord.

Mr. Ritchie: Will your Lordship name some time on Friday? I am quite willing to appoint any time on Friday to make the inquiry.

Mr. Moss: I will let my learned friend know later in the day.

Mr. Ritchie: Then I could determine at once whether there is anything of moment to be gone into.

Mr. Riddell : Mr. Moss will let us both know.

Mr. Moss : During the day.

(2954)

Mr. Ritchie : And if it is possible to get it done to-day I hope my learned friend will do it.

Mr. Moss : The record of what transpired between the bank and my learned friend, I think your Lordship directed that should be filed—the record of what transpired.

The Chief Justice : That is, the correspondence ?

Mr. Ritchie : I have seen all the correspondence.

Mr. Moss : Your Lordship directed that it should be filed.

The Chief Justice : That will be exhibit 81, Mr. Grant.

Mr. Grant : Yes, my Lord. (Marked Exhibit 81.)

The Chancellor : Now, having cleared off all these preliminaries, what have we to do as the work of the day ? Have your witnesses come, Mr. McPherson ? Have your witnesses come from Manitoulin, or Peterborough, or Ottawa, or wherever it was ?

Mr. McPherson : I have some here.

Mr. Ritchie : I understood Mr. Jones was to be examined this morning.

Mr. Johnston : He was to be examined after your witnesses are through. I will examine him some time to-day, but go on with your witnesses. Let us close up one branch of the case at a time.

Mr. Ritchie : I understand Mr. Blake came up because he expected he would be called this morning.

(2955)

William Cavanagh, sworn. Examined by Mr. McPherson :—

Q.—Where do you reside ? A.—North Bay.

Q.—What is your occupation ? A.—C.P.R. conductor.

Q.—Do you know Mr. R. R. Gamey ? A.—I know him to see him.

Q.—Did you see him in January this year ? A.—Not that I remember. I cannot say I remember seeing him in January.

Q.—You cannot remember seeing him ? A.—No.

Q.—Do you keep any record of travellers who travel on passes on your train ? A.—Yes, sir.

Q.—Have you the record here for the month of January of this year ? A.—I have.

Q.—Will you produce that, if you please ? Have you any record there of pass No. Q-168 ? A.—I have ; yes.

Q.—I do not want to put in Mr. Gamey's pass. I just wish to put in the information that the pass is dated—

Mr. Johnston : My learned friend cannot prove it in that way. There is no evidence that that is Mr. Gamey's pass.

The Chancellor : I suppose you are entitled to have it exhibited.

The Chief Justice : It may be necessary to have it formally proved. Is that pass something he would recognize on the train ?

The Chancellor : He can say it is Q-168. He can say that he was travelling on that. You can prove it afterwards.

Mr. McPherson : Is that a pass on the C.P.R. ? A.—Yes.

Q.—Describe to their Lordships what pass this is ? A.—C.P.R. periodical pass.

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Q.—Issued to whom ?

Mr. Johnston : The pass speaks for itself.

Witness : Mr. Robert Roswell Gamey.

The Chancellor : He can put in a copy.

Mr. Johnston : A copy can be put in.

Mr. McPherson : Good until the 31st December, 1903 ? A. Yes.

Q.—What is the number of that pass ? A.—Q-168.

Q.—What record have you in your book as to that pass ? A.—Q-168.

Q.—What date ? A.—No. 7, January 14th.

Q.—14th January what year ? A.—1903.

Q.—Travelling between what points ? A.—North Bay and Spanish.

Q.—And what train ? A.—Train No. 7.

Q.—What time of day does that train run between those points on that date, 14th January ? A.—Leave North Bay at 9.30 and Spanish at 2.03.

The Chancellor : Day or night ? A.—In the afternoon.

Mr. McPherson : Due at Spanish ? A.—2.02, I think.

Mr. Johnston : P.M. ? A.—Yes.

Mr. McPherson : Does this entry you have there recall to your mind seeing Mr. Gamey on that day ? A.—It does not. I do not remember him.

Q.—Would you have passed anybody on that pass, not Mr. Gamey ? A.—No. I would not.

Q.—Did you know Mr. Gamey at the time on the 14th January ? A.—I did.

Q.—Did you assure yourself that it was Mr. Gamey who was travelling on

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that pass that day ? A.—Well, we always make sure, if we know them, that it is the right party that handles the pass.

Q.—What precautions do you take to protect the railway in that regard ?

Do you ask to see the pass? A.—Always.

Q.—Make them produce the pass? A.—Produce the pass.

Q.—And that was done in this case, was it? A.—In this case.

The Chancellor: Is his name on the pass?

Mr. McPherson: Yes, my Lord.

Mr. Johnston: I have nothing to ask him.

Charles R. Atkinson, sworn. Examined by Mr. McPherson:—

Q.—Where do you reside? A.—At present in Little Current.

Q.—What is your occupation? A. Barrister.

Q.—Do you know Mr. R. R. Gamey? A.—Yes, sir.

Q.—Were you present at some of the meetings, and did you hear him speak? A.—Yes, I was present at four meetings.

Q.—During the election campaign? A.—Where he was present.

Q.—And were you present at meetings where you heard him speak? A.—Yes, sir.

Q.—Will you tell us the names of the meetings that you were present at where Mr. Gamey spoke in your hearing? A.—Well, one was at Gore Bay; Mr. Gamey, Dr. Fell, and myself; and at Long Bay, Mr. Gamey and myself; at Mills Township, Mr. Gamey, Dr. Fell, and myself; and at Gordon, Mr. Hearst, Mr. Gamey, and myself.

Q.—Now, did you hear Mr. Gamey speak personally at all these meetings? A.—All except Long Bay.

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Q.—And under what circumstances was it that you did not hear him speak there? A.—Well, Mr. Gamey wanted me to close that meeting, and it was the night before the election, and I was anxious to get back. I spoke and then left the meeting.

Q.—Did you hear him speak all of his speech at the other three meetings? A.—Yes, sir.

Q.—Speaking generally, and without going too much into detail, can you tell me whether Mr. Gamey in his speech that night alluded to Mr. Whitney and his policy, and what the allusions were? A.—Well, generally he spoke with a view to inducing the people to support Mr. Whitney.

The Chancellor: Long Bay was the night before the polling? A.—Yes, my Lord.

Mr. McPherson: And, speaking generally, what attitude did he take towards the Ross Government and their policy? A.—Well, he denounced them.

Q.—An attitude of opposition? A.—An attitude of opposition.

Q.—Can you say from what you heard Mr. Gamey say on those occasions whether any person could reasonably infer that if Gamey were elected he would support the Ross Government, or their measures or their policy? A.—Not at all.

Q.—That is that he would not? A.—That he would not.

Q.—Could such an inference be reasonably drawn from what he said? A.—I should not think so.

Q.—Did Mr. Gamey on any of those occasions speak, in case he was elected, of giving an independent support to the Ross Government or their measures? A.—No, sir.

Q.—Was anything said by Mr. Gamey at any of those meetings from which it could be reasonably inferred that he meant if elected to give an independent support to the Ross Government or their measures? A.—I do not think so, sir.

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Cross-examined by Mr. Johnston:—

Q.—Did he talk measures at all or did he talk party all the time? A.—No, he talked measures.

Q.—And what was it he was going to support, party or measures? A.—He was going to support the policy of Mr. Whitney, so he advocated.

Q.—Was he going to support the party or the measures? A.—I should judge he was going to support the party.

Q.—No matter what the measures were? A.—I believe so. I believe he is that strongly Conservative.

Q.—No matter how bad the measures were or how bad the policy, he would support it if it came from the right party? A.—I would not go that far, that if the measures were bad he would support them.

Q.—You tell me that you believe you would go so far as to support the party without reference to the measures. Now, I am asking you a simple question? A.—Well, I modify that statement, that he would go so far as to support the party? If the measures were bad I cannot say what he would do.

Q.—Did he go so far as to say that no matter what the measures were, if he were elected, he would support Whitney? A.—No, sir.

Q.—Did he go so far as to say, I am going down there to support the best measures for the interests of Manitoulin? A.—No, he did not say that. I never heard him make that statement.

Q.—You have sworn he never said that. Now, can you swear that he never said it or do you say that you

never heard it? A.—I say I never heard it.

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Q.—That is as far as you will go? A.—That is as far as I will go.

Q.—Did he say there was too much partyism in politics? A.—I do not know that I ever heard him make that statement.

Q.—Will you say he did not say that? A.—I will not say he did not say it.

Q.—Did he say that he believed in the Whitney policy as being the best for the country, but that as far as he was concerned he was going to support the best measures for the country according to his idea and the best measures for Manitoulin? A.—No, he never made that statement to my knowledge.

Q.—Did he say anything that would lead you to believe that that was his position? A.—No, sir.

Q.—Elected as a Conservative of course, but going to support the best measures for the country? A.—No, sir.

Q.—So that, according to your statement what he said at the meetings was, support Whitney first, last and every time? A.—Well, I presume—

Q.—Was it or was it not? A.—I believe it was.

Q.—And no matter what the measures were—we come back to it again—according to your evidence, no matter what the measures were, Whitney first, last and every time? A.—Well, unless they were bad—

Q.—Was that his position? A.—No; unless they were bad measures which he could not support, and that was for Mr. Gamey himself.

Q.—Did he say unless they were bad measures he would support them? A.—Not those words, nor words to that effect.

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Q.—What words did he use? A.—I cannot recall the words he used, but he did not use those words or words to that effect.

Q.—What words did he use in reference to the support of Mr. Whitney? As a lawyer you ought to be able to answer that question. What words did he use? A.—Well, I cannot tell you the exact words. I can give you the gist of them. That was, he was going to support the Whitney Government if Whitney was returned to power.

Q.—I am asking you to give me the words that he used in reference to supporting Mr. Whitney. What did

he say? A.—I cannot recall the words—the exact words he said.

Q.—I am not asking the exact words and you know it? A.—I am telling you all that I possibly can tell you, that he was going to support Mr. Whitney.

Q.—Is that all you remember of it? A.—All I remember generally.

Q.—Of perhaps an hour's speech? A.—I said with regard to Whitney's policy, excepting that he went into details of Mr. Whitney's policy.

Q.—Give me a detail he went into at Gore Bay? A.—Well, he took up the same subject at all the meetings.

Q.—Take Gore Bay? A.—He dealt largely first with the policy of the Ross Government as to the pulpwood concessions, and colonization roads.

Q.—What else? A.—Timber limits and the mining policy mainly.

Q.—Go on? A.—And then he advocated Mr. Whitney's policy, that is about all I can remember, and answered attacks made upon himself.

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Q.—That was the drift of his speech? A.—That was the drift of his speech.

Q.—All these matters affected Manitoulin, more particularly roads, minerals, timber, pulpwood? A.—I do not know that mining did.

Q.—No mining in Manitoulin? A.—Very little—not that I know of.

Q.—No mining on the north shore? A.—That is on the north shore. I thought you had reference to the Island.

Q.—I am talking of the District of Manitoulin? A.—Yes, sir.

Q.—Mining was an important element in that election? A.—Yes.

Q.—And timber? A.—Yes, sir.

Q.—And so were roads? A.—Yes, sir.

Q.—Roads being one of the most important, I suppose? A.—Yes, sir.

Q.—Now, you know as a matter of fact that roads play no part in politics in the frontier counties? A.—No.

Q.—You know that as a fact, and that when you discuss roads you are discussing matters connected with new constituencies? A.—Yes.

Q.—And that was made a very prominent feature in all these Manitoulin elections? A.—Yes.

Q.—And therefore what was best in the matter of roads would be best for Manitoulin and the adjoining constituencies as apart from the older places? A.—Well, in any unorganized district.

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Q.—Manitoulin and the adjoining constituencies? A.—Yes, sir.

Q.—And therefore the question of colonization roads would be largely a local question amongst those constituencies? A.—I presume it would.

Q.—Timber—you know there is no timber up there in Ontario, south, for instance, of Orillia? It is all north of that practically? A.—Yes.

Q.—You know that the large bulk of the mining policies affect that district west? A.—Yes.

Q.—And so with pulp—all north of a certain line? A.—Yes, sir.

Q.—In the newer constituencies naturally? A.—Yes, sir.

Q.—Because they are not in the cleared-up places. So that the subjects that were discussed as we have heard from other witnesses during that campaign were subjects peculiar to Manitoulin and the newer constituencies? A.—Well, so far as Mr. Gamey was concerned they were.

Q.—And we have heard as to others, too. Now, let me see again how far Mr. Gamey went in this matter. Did he take the position that he opposed the Government in any measures, no matter what they were? A.—No, I cannot say that he did.

Q.—You cannot say that he did. There was no condition of things considered by which the Ross Government would be returned to power? A.—I beg your pardon.

Q.—There was no such condition of things considered or anticipated by which the Ross Government might be returned to power? A.—I do not quite apprehend you, Mr. Johnston.

Q.—The basis of the whole contention was that Whitney

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would be elected to power? That was the belief? A.—We believed that and talked it.

Q.—I merely want to get at the reason for the talk and therefore when you were talking of supporting the Government, and so on, that was the Whitney Government? A.—No, I never heard Mr. Gamey state the Whitney Government, he always stated that he anticipated Mr. Whitney would be returned to power, and if Mr. Whitney was returned to power he would support him.

Q.—That he would then support the Government in power, being Whitney's? A.—Yes.

Q.—That was the position he was taking? A.—As a member.

Q.—Was the position ever taken if the other thing should happen? A.—Well—

Q.—Was that taken? A.—All I can say as to that, Mr. Johnston, is that Mr. Gamey at the meetings that I attended was very violent—

Q.—I am not asking you that? A.—Against the Ross Government, and said he would not support them under any circumstances.

Q.—No matter whether they were good or not? A.—No, I did not say that. He was not referring to Manitoulin.

Q.—Under no circumstances? A.—He used those words, but he had no reference to measures. He did state at one meeting I think—no, I am wrong—it was not him—it was Dr. Fell.

Q.—We have had Dr. Fell's testimony. So we need not repeat that. Then, do I understand that Mr. Gamey was taking this position, if I

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am returned or elected and the Ross Government elected I won't support anything at all that comes from the Ross Government, I am such a bitter party man I will not support anything that comes from them? A.—No, sir.

Q.—That was not his position? A.—No, sir; he did not take that position.

Q.—And I suppose if he had gone down to Toronto as a member, with the Ross Government largely supported, and the Ross Government bringing in measures for the benefit of Manitoulin, and New Ontario generally, you would have thought he was doing right if he had supported those measures? A.—I would have thought so, if they were good for the island.

Q.—I am assuming that. A.—I would have thought so—yes.

Q.—And there was nothing that Mr. Gamey said that would prevent him from doing the same thing? A.—Why, no.

Q.—Certainly not. The whole test then being, what kind of measures they were; if they were good he would be entitled to support them, if they were bad he would be justified in voting against them? A.—I presume so.

Q.—That is no doubt the fact. That will do.

Re-examined by Mr. McPherson:—

Q.—If Mr. Gamey had said anything at any of these meetings where you heard him speak from which an inference could be drawn that he would give an independent or any support to the Ross Government or their measures or their policy would you have heard it? A.—Yes, sir. I could not help but hear it, because I was paying particular attention to what he did say.

Q.—Were general Provincial affairs dealt with during the campaign? A.

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—Yes.

Q.—To what extent as compared with local references to Manitoulin? A.—Well, generally.

Q.—As much said about Provincial matters as there was about Manitoulin? A.—Every bit.

Q.—General policy of the Opposition? A.—Yes, the general policy of the Opposition.

The Chancellor: Now, your next witness.

Mr. McPherson: Just one moment, my Lord. There are some other witnesses from Manitoulin I understand, but they have either just arrived, or not in the room, I am not sure which.

Mr. Johnston: Have them called, please.

Mr. McPherson: I do not even know their names. They telegraphed they were here, or on their way, but I am not in a position to call them, for I have no instructions as to them yet. One of my learned friends is out trying to get instructions, or making a search for them.

The Chancellor: There was some man from Ottawa.

Mr. McPherson: He is not here, and will not be here until to-morrow morning. I have a telegram from there. He cannot be here until to-morrow morning. Another from the north cannot be here until to-morrow morning. I will call Mr. Verrel. He said he was afraid he could not be here until 11 o'clock.

The Chief Justice: Do people just come here when it suits their convenience?

Mr. McPherson: He told me he could not be here. He was out of town. I told him he would have to stay away on his own responsibility.

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Mr. Johnston: Are there no subpoenas served?

Mr. McPherson: Yes, there was a subpoena served.

Mr. G. W. Verrel called, but not present.

The Chancellor: Is there anything else?

The Chief Justice: Why should we come back to-morrow for one or two witnesses, spinning this out from day to day. The witnesses ought to be finished to-day.

Mr. McPherson: I have done everything I humanly could do to have them here.

The Chief Justice: No doubt. They seem to come when it suits them, instead of when they are ordered to come.

Mr. McPherson: Yes, my Lord. I am sorry, indeed, that that should be the case.

The Chancellor: Are you going to call Mr. Gamey? Mr. Blake was considering that, we were told, several days. We may as well get on with something.

Mr. Blake: Yes, my Lord, I have considered it. I was only waiting until Mr. DuVernet came to make the statement. I find, my Lord, that the examination and cross-examination of Mr. Gamey has been so full that it has covered any and every point, excepting that matter in respect of which it is alleged that proceedings might be taken against him. That is the only matter which I personally, whether right or wrong, do not consider to be material to the main issue in the case. So far as that is concerned I may state, after conference with

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my learned friend Mr. DuVernet, that he did not think it was reasonable, with these proceedings virtually over the head of Mr. Gamey, that he should be examined as to those points. I am not saying anything about my own position as to that. But I certainly am not going to interfere between Mr. Gamey and his solicitor in respect of it.

The Chancellor: So far as you are concerned, in the conduct of this investigation, you do not propose to call him now?

Mr. Blake: No, my Lord.

The Chancellor: Thinking it is all covered?

Mr. Blake: The very full cross-examination by my learned friend, in advance, seemed to have touched every possible point on which evidence could be given.

The Chancellor: I think we will ask Mr. Gamey to come in the box.

Robert Roswell Gamey, recalled by the Court:—

Witness: Mr. DuVernet is out of town to-day.

The Chancellor: Q.—This statement you prepared for the House, Mr. Gamey, you told us, I think, you were several days in preparing it? (Referring to Exhibit 35.) How long were you engaged in the preparation of this? A.—I should think, my Lord, I began to prepare it at least ten days before I left home.

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Q.—How many days would you be occupied in the preparation of it altogether, do you think? A.—I wrote a portion at a time, my Lord; perhaps I would not likely be more than a day or two.

Q.—I do not mean how many days putting them altogether, but over how many days did your work extend in the preparation of it? A.—Well, I think, as I say, I began it quite ten days before I left home, and wrote

portions of it perhaps at different days.
Q.—Fourteen days? Would that cover it? A.—Oh, quite so.

Q.—But is that too much or too little? A.—That is rather too much, I think.

Q.—How many days would you put it that you were engaged at it? A.—I was not engaged longer perhaps than an hour or two on any particular day.

Q.—But how many days, taking an hour or two, or longer, do you say—how many days were you engaged at it? A.—I would not say over ten days.

Q.—Had you any materials from which to prepare it? A.—Well, sir, I had all the letters that I had received from Mr. Sullivan and Mr. Stratton, and the other members, and I had a small book which I had kept.

Q.—Where is the book? A.—Cash account.

Q.—Where is the book? A.—Down at the hotel just now. I can show you one of the same system.

Q.—No, but I would like to see the one from which you prepared this. Was it a diary for the year? A.—I will show you just how it is by looking at this one. I will bring the other too.

Q.—Was it a yearly diary? You know what diaries are, for the year 1900 for

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stance, or for the year 1902? A.—No, sir; it was a blank book of that nature. (Exhibiting a book.) I will show you how I kept it.

Q.—I should like to see the other. A.—I will bring the other too. You can see both.

Q.—Then you had that book? A.—Yes.

Q.—Had you any memoranda or papers? A.—No, sir, I had not. Just the book and the letters that I had received from the different ones connected with it.

Q.—Had you any memoranda showing when you received money? A.—Well, I had a memorandum in my book showing the date of deposits at the bank.

Q.—Had you any memorandum as to when you paid money? A.—The book I keep shows all the money I pay out.

Q.—You mean to say in this book you had no memoranda? A.—No, sir; I had not.

Q.—Then I will ask you to say how you explain what Mr. Crossin mentions in his examination. A.—Yes.

Q.—“Mr. Gamey had private memorandums of money he had sent down that I had not taken time to post up”? A.—Yes, sir, I had a memorandum of the amount paid to the Crossin Piano business.

Q.—Then these private memoranda of money are in your book? A.—Yes, and I have at home, in addition to that—I have an account book in which I keep accounts—moneys I loan out, schedules of notes, and moneys I pay out, but not sums that I pay out for travelling expenses each day.

Q.—The private memorandum Mr. Crossin appears to speak of—had you that down here? A.—I carry that small book in my valise all the time.

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Q.—But is there any private memoranda except in that small book? A.—Not in regard to the expenditure from day to day, but I have another book in which I keep moneys I pay out—any sums loaned or advanced on interest, or business of that kind.

Q.—Where is that book? A.—I have that here in the city. Mr. DuVernet has the account of the Crossin matter.

Q.—Then when any reference is made to memoranda, or books, and so on, it all comes to this, that small book which you carry in your pocket—that small book, and some other book? A.—The other book is only used in regard to expenditures that are made in connection with my business interests, not from day to day. I just have the two books.

Q.—Then apart from this you have no private memoranda? A.—No, sir, I have no private memoranda.

Q.—How do you fix the dates that you gave in this statement in the House? From what source? A.—Just because in the small memorandum book I used you will see each day I put down the amount of money I pay out, consequently I know where I am by the amount.

Q.—Have you in that book the amounts you received also? A.—Well, not altogether—no, sir, I have not.

Q.—Have you in that book the \$900 which you deposited on the 11th September, as Mr. Crossin says? A.—I have a memorandum of the amount deposited in Mr. Crossin's business on the 11th September.

Q.—That is in that book? A.—Yes.

Q.—Who assisted you, if anyone, in the preparation of this

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statement for the House? A.—Absolutely no one. J. R. McGregor is the only man who saw the statement. He read it, but he did not assist in it in any way.

Q.—He read it before it was presented in the House? A.—Yes.

Q.—Mr. McGregor understood your movements all along? A.—Yes.

Q.—Came down here to assist you?
A.—Yes, sir.

Q.—And he read it over, and he was the only one who read it? A.—Yes, sir. Mr. W. R. Smyth saw the document, but he did not read it.

Q.—In January you wrote this, "At the request of many of my constituents, I have decided to take an independent stand in the House." Is that information correct? A.—That letter was written—

Q.—Is that information correct, if you please? A.—Well, I might say that it is not correct in that sense of the word.

Q.—Is it incorrect or correct? A.—It is not correct in the sense of the word that it is written, but that letter was written for the purpose Mr. Stratton and I had discussed.

Q.—Just answer my question. I am calling your attention to this, "At the request of many of my constituents, I have decided to take an independent stand in the House." Is it correct, that any of your constituents requested you? A.—Well, I suppose some of my constituents perhaps did request me. I might say they have, but that letter was not written because of that intention that they expressed.

Q.—We have to judge of that. We only know what is said. We have your evidence. We have all that. I am just asking you whether it is correct or not, as you expressed it in this let

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ter, "Many of my constituents have requested me, and I have decided to take an independent stand in the House." Do you say that is correct or not? Just answer that please? A.—In one sense of the word it is correct, my Lord.

Q.—And in one sense? A.—In any riding like that many of the Liberals would be glad if I would take an independent stand, there is no question about that, and perhaps some of the Conservatives might have been pleased but from a Conservative standpoint they would not be pleased, or would not want that done at all.

Q.—Well, this letter, taken up and read by Mr. Whitney, when it was received, would it give him a correct impression of what you wished to convey? A.—No, sir. It would not.

Q.—He, reading this letter, would be misled? A.—Certainly he would. That was the intention of the letter.

Q.—The intention was to mislead? A.—Mr. Stratton wanted that letter written, and the idea would be to have Mr. Whitney understand that I was going to take an independent stand in the House. Personally I had not any intention of taking an independent

stand. So that the letter would be misleading to that extent.

Q.—I think you answered before, that this statement which you prepared with the greatest care on your part, to make it as accurate as possible, I suppose? A.—Yes, sir, reasonably so. I read it over several times, and felt I had it as correct as I could make it.

Q.—It was as correct as you could make it? A.—Yes.

Q.—In February you say, "The people are not to-day in Ontario repre-

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sented by either political party, and they are going to demand something more, a shaking up of the dry bones that will surprise the old parties." Did that correctly represent what you thought at that time? A.—To a certain extent it does yet.

Q.—I am asking then? A.—Well, it did them, to a certain extent, although that letter was written for the express purpose of having The Expositor newspaper perhaps keep quiet in order to prevent them from creating too much trouble for me at Little Current.

Q.—Was that to mislead also? A.—A number of the Executive officers—

Q.—Was that done to mislead also? A.—It was done for that purpose, to keep them quiet.

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Q.—Was it misrepresenting your feelings, and views, and opinions, or not? A.—It did not represent my feelings and views to the full extent, although partially it did, and it was written for the express purpose of keeping The Expositor quiet.

Q.—And to mislead him? A.—To mislead him.

Q.—Just as Mr. Whitney was to be misled? A.—It was part of the arrangement I had to keep the constituency quiet.

Q.—I know you say that, but I am asking you about this particular letter. With whom had you this arrangement to keep the constituency quiet? A.—Well, I had to carry out the arrangement to keep the constituency quiet or else I would have never had the opportunity of making the statement on the floor of the House, if I had been asked to resign before that, and The Expositor is a prominent Liberal paper.

Q.—You still think, you say, that the people are not represented by either political party? A.—I say there is a large section in Ontario that is not represented, and I am sure, my Lord, you will agree with me that the Liberal party do not represent the good element of the people of this Province.

Q.—If you answer my questions we would get on much better. I want you to say whether you adhere to this or not. You say the "people," not a section of the people. The people are not to-day represented by either political party, and they are going to demand something more. Is that a correct expression? A.—In the constituency I represent there is a large section of Socialists who are contending for just what I express there. They

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had a candidate in the field, and I have more or less of a conviction that many of their contentions are correct, and I say yet the people, some of them, are not represented by either party.

Q.—Do you call yourself now a straight Conservative? A.—I certainly am a straight supporter of the Conservative party as constituted now under the leadership of Mr. Whitney. I would be glad to advise the Conservative party of some improvements I think could be made in their policy, but I am still a straight Conservative.

Q.—You are not addressing a public meeting? A.—I am trying to explain the position I take to-day.

Q.—I do not wish you to explain. I wish you to answer simply these short questions I am putting to you, about matters which are from your own hand, whether they correctly represent your feelings at the time you wrote them? A.—They do, to that extent. I believe yet there is a section of the people who are not represented.

Q.—It is "the people are not represented." It is not a "section" of the people? A.—You could not call the whole of them adhering to any party.

Q.—Had you any mining deal in course of progress in the beginning of September? A.—In the beginning of September? I had with Mr. Bristol.

Q.—Had you any mining deal? A.—I had an option on a mining property down at Arnprior with Mr. Bristol, or connected with it, and that option expired in November and was not carried out.

Q.—Had you any deal in September which you were in hopes

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of getting wound up speedily? A.—No mining deal except the one I speak of, with Mr. Bristol, in regard to the Bell property. The option was good until the 1st of November. When that came we let the option expire, we did not do anything with it.

Q.—I suppose you followed the course of the evidence here with some care? A.—Yes, my Lord.

Q.—And you know what has been said about the payment on the 11th

September? You stated the money, \$1,500, was paid to you on that day. Now, we are in search of the owner of that money, whether it was legitimate money of yours, or whether it was money paid corruptly, which should be forfeited to the Crown. You have heard what has been said by various witnesses. You gave the history of that package, coming from Mr. Stratton, then to Mr. Myers, then to Mr. Chase, then to you and Sullivan. You have heard that Mr. Stratton denies that, Mr. Chase denies that, Mr. Myers denies that, Mr. Sullivan denies that. You have heard further that on this day, the 11th, when you say the money was paid in the forenoon, Mr. Boland was all that morning with Mr. Stratton, accompanied him down-town, Mr. Boland saying there was no opportunity for you to see Mr. Stratton on that day; Myers and Costello say you were not there with Mr. Sullivan on any day but the 9th. Your partner, Mr. Crossin, says that on the morning of that day, the forenoon of that day, the time that you say you were interviewing Mr. Stratton getting the money, that on the forenoon of that day you paid \$900 into the Ontario Bank? A.—He is mistaken.

Q.—In the face of all that evidence, do you still adhere to your statement

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that this money was paid to you on the morning of the 11th? A.—Why, certainly, my Lord, most decidedly so. Mr. Crossin is mistaken as to the payment of the \$900 in the forenoon. It was paid in the afternoon. The bank books will show it.

Q.—They are all mistaken? Not Mr. Crossin alone? A.—But I say the bank books will show that Mr. Crossin is mistaken, and that the money was paid in on the afternoon of the 11th—the \$900 in the Crossin business.

Q.—Where did the \$900 come from? A.—It was part of the half that Mr. Sullivan received. Mr. Sullivan and I divided the \$3,000 and took \$1,500 each. And then I received of his \$1,500 a loan of \$1,200, for which I gave him my I.O.U., and there were ten \$100 bills in the loan which I received from him, and the balance were fifties, and I put nine \$100 bills of that into the Ontario Bank the same afternoon, and I put the other \$100 bill in Hearst & Burk's Bank at Gore Bay, and the \$50 when I returned.

Q.—So the \$900 came from Mr. Frank Sullivan? A.—Yes, part of the same \$3,000, and I looked upon it as a loan, and considered, when I made the statement in the House, that if I did not mention that Mr. Sullivan would

be more apt to tell the truth, if he was going to get his money back. In my examination here in the Court I was not asked about that at all.

Q.—You did not speak about that at all? A.—I looked upon it as a loan.

Q.—You did not speak of the \$500 afterwards at any time, did you? A.—I beg pardon?

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Q.—The \$500 afterwards—you did not speak of that to anyone? A.—That I received on the 29th January?

Q.—Yes? A.—I produced that \$500 before that.

Q.—You gave Mr. Sullivan a receipt for the money? A.—An I.O.U.

Mr. Blake: He did not produce that.

The Chief Justice: He was asked about it, Mr. Blake.

Mr. Blake: Yes, and he denied it.

The Chancellor: Then the \$1,000 which was afterwards received by you and Mr. Sullivan on the 29th January, you got that, as you say, and divided it with him. You did not mention the fact of receiving the money to Mr. McGregor, I think you said? A.—I showed it to McGregor before I came to Toronto at all. I showed it to him before we started.

Q.—You said you had not showed it to anyone? A.—A. I said I had not shown it to Mr. McGregor in Toronto the night of the 29th January, but I showed it to him after he got back.

Q.—You did not speak of that during the conversation at the Crossin piano factory? —A. I do not recollect that I did, my Lord.

The Chancellor: That is all.

Mr. Johnston: Would your Lordship ask this question, when the money was to be paid back to Sullivan?

(2980)

The Chancellor: When was the money to be paid back to Sullivan? A.—It was to be paid back to Sullivan whenever we completed the deal and arrangements—the timber, mineral, and everything that was talked about; we were to have this timber and everything—when that was cleaned up, he was to get his \$1,200 back. Now, is there anything more you want in connection with that Conmee conversation?

The Chief Justice: What is that, Mr. Gamey?

Witness: Mr. Conmee's statement.

The Chancellor: No.

The Chief Justice: If you desire to make any statement, do so.

The Chancellor: If you wish to make any statement upon any subject, make it, but do not make a long speech. We do not want a speech. Make any observations you wish to make.

Witness: I wish to say this in regard to Mr. Conmee's evidence, if your Lordships will permit me. I was in Toronto between the 7th and 11th June, had a conversation with Mr. Conmee, as he asserts we had, at the Rossin House, and the question of a smelter proposition was spoken of, and I left Toronto on the afternoon of the 11th June, went to Sudbury, and Mr. Conmee left on the night of the 11th June, and the next day I got on the same train. The conversation he speaks of was on the train on the 12th June, in which he says I told him a protest was filed. Now, I went to a banquet at Thessalon on the night of the 12th June, and I have persons here who were at the banquet who know I referred that night to a conversation with Mr. Conmee on the train that day, and I want to say that it

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is utterly impossible for Mr. Conmee's statement to have been true, considering the fact that the return for my riding were not given out by the returning officer until the 17th June, and that the protest was not filed against me until the 14th July. So that if Mr. Conmee says I told him on the 12th June that a protest was filed, it is utterly absurd—such evidence; we had no such conversation at all. And he goes further and attributes to me statements in regard to the Sault protest, and he says in his evidence further that I told him I had been home and consulted my people, and they were willing I should support the Government. See how utterly impossible that would be. I only left here on the 11th, just a few hours prior to his leaving, and the conversation took place on the following day, on the 12th June, and I had never been at home in the meantime at all.

Then I want to say further in regard to his evidence. He says I told him about Mr. Whitney's speech on minerals at Sudbury. I was not at Mr. Whitney's meeting in May at Sudbury at all, and Mr. Whitney did not make any speech on mining at Sudbury beyond three or four minutes. He was sick when he was at Sudbury, and his whole speech did not last over 15 or 20 minutes. I spoke to him yesterday, and he said to me that my information was correct, he had not made any remark at all on mining. Dr. Arthurs speaks of the same thing, which is absolutely false, because I could not have told him Mr. Whitney was making ridiculous speeches as they say at his meeting in Sudbury, when he did not make any speech in regard to mining, except a very few minutes,

three or four, or five minutes. Those are facts I can prove if you give me an

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opportunity. I can get people who were at Mr. Whitney's meeting to show he did not make such a speech. It would be utterly impossible for me or any other living man to characterize his speech as ridiculous in regard to mining. Both Dr. Arthurs and Conmee swore to that. To my mind it is a put-up talk for them to swear to it. I was never on the train with James Conmee, and had a conversation with him during the whole of last summer, only on the 12th June; then for James Conmee to stand in the box and say I told him there was a protest filed on the 12th June, I want to show how utterly absurd that was.

The Chief Justice : The protest was not filed until the 14th July ? A.—14th July, my Lord.

In his conversation at the Rossin House he says I was going to support the Government. The facts are that he asked me to join him in a smelter proposition, because I was a Conservative, not because I was going to support the Government, because he said if you join me in this proposition you will be able to satisfy the Conservative leaders and Conservative party that the proposition is a reasonable one. Now he puts it in his evidence that I was going to join him because I was going to support the Government.

The Chancellor: Do you wish to make any statement about those slips ?

Witness : I felt, when Mr. Johnston has been so kind as to inform The Globe newspaper that he was going to take criminal action against me, when he is so kind as to tell your Lordships he is going to report all this to the Crown Attorney, I felt that I had better make that statement in the criminal

(2983)

case, when it comes up. Otherwise I would be delighted.

I wondered just this, too. While I have no counsel here to-day, and while I have not had any counsel to stand up for me at the time I was away in Buffalo, and protest against the putting in of that evidence—I want to ask my Lords to-day if that evidence is relevant to this case at all, that Mr. Johnston so kindly put in in regard to the deposit slips, and those things ? I cannot understand how it is relevant to this case at all. He was allowed to put it in, and there was no counsel here to object on my behalf.

(2984)

The Chancellor : It was perfectly relevant, and your interests were protected by counsel who were here. You were not overlooked.

Mr. Johnston : There are two statements here which I think I ought to call your Lordship's attention to, on the 21st day of April.

The Chancellor : That will suffice. Mr. Gamey. You do not wish to say any more upon that subject ?

Mr. Gamey : No, my Lord.

Mr. Johnston : This affects Mr. Gamey's position, and your Lordships might desire to ask him a question.

Mr. Blake : Are these in ?

Mr. Johnston : Oh, no. I merely am stating what is said. The explanation, on the 21st, which he is said to have given to a reporter of The World, and also to a reporter of The News, and which were made public property.

The Chancellor : I do not think we will go into that.

Mr. Blake : Are we not going too far afield ?

Mr. Johnston : Merely to ask him if that is so. He accounts for the \$900. "During the whole summer I was engaged in gathering the money together from various sources, and in September when I came down to Toronto I brought the money and paid it to Mr. Crossin." That has been published.

Mr. Blake : Surely, my Lord, we are going very far afield.

Mr. Johnston : I think not. We have two statements.

Mr. Blake : It is going very far afield, to go through all the newspapers in respect of this matter.

Mr. Johnston : There are four reporters who can say what he did say.

(2985)

I do not want a wrong impression to go abroad as to any new evidence that has come into existence.

The Chancellor : Mr. Gamey, this perhaps is relevant. This is published here. Just come into the box and speak as to this.

Q.—It is said here, in this newspaper, The Toronto World, apparently an interview with a reporter, and I suppose the reporter is available ?

Mr. Johnston : Mr. Cox.

The Chancellor : "How do you account for that \$900 deposit ? That is very easily explained. I arranged some time before with Mr. Crossin to pay \$900 into the business. I collected the money during the summer. This \$900 had nothing to do whatever with the \$1,500 bribe."

Witness : Just let me say, my Lord, that part of that is correct, but part

of it I do not assume the correctness of at all. I arranged with Mr. Crossin to give part of the money—

Q.—But the important part is, “I collected the money during the summer.” A.—What I said was it was private funds, and I considered the loan from Sullivan as a private deal entirely. I said that had nothing to do with the \$1,500. That is the way that was put.

Q.—That is your explanation?

Mr. Johnston: There are four papers in which it is published by four different reporters.

The Chancellor: The same thing, I suppose?

Mr. Johnston: That he collected the \$900 from different sources during the summer on the Island.

(2986)

The Chancellor: That he collected the money during the summer.

Witness: I probably did not say that at all. I do not remember whether that was said or not. I will not say positively whether it was or not.

Q.—If it was said it was not true? Is that it? Is that what you say? A.

—Yes, it was not true. I have explained to you where the \$900 came from.

Q.—And you have explained here apparently, according to this report—where is the newspaper?

Mr. Johnston: It is marked there, my Lord. “I collected the money during the summer.” “During the whole summer I was engaged in gathering the money together from various sources.”

The Chancellor: “During the whole summer I was engaged.” This is The Daily News of Wednesday.

Witness: I do not remember the different reporters who were there.

Q.—Please listen to this. “During the whole summer I was engaged in gathering the money together from various sources, and in September, when I came down to Toronto, I brought the money and paid it to Mr. Crossin.” What do you say as to that? A.—That is not true.

Q.—That is not correct? A.—No.

The Chancellor: Very well. Then we will keep those papers on file. You can call witnesses on that point, Mr. Johnston, if you wish to corroborate those statements, because this is new information we get for the first time about the \$900.

(2987)

Witness: I am willing to admit I told the papers.

The Chancellor: Just stop talking and leave the box.

Witness: I told the papers what they say.

Mr. Johnston: The four witnesses that I propose to call will be from The Mail and Empire, The Globe, World and News.

Mr. McEvoy: I understand The World reporter has gone to New York since that.

The Chancellor: Are those reporters engaged in this case here?

Mr. McEvoy: There is one of the gentlemen there, and Mr. McLean is another.

The Chancellor: Call them if there is no other evidence to go on with.

John S. McLean sworn. Examined by Mr. Johnston:—

Mr. Blake: I may say I have telephoned for Mr. DuVernet. Your Lordships understand my position in regard to this matter? I have just got word that he is out of the city and cannot be here.

The Chancellor: He will have to cross-examine these witnesses again. We really must go on with this Commission.

The Chief Justice: This is a matter not personally concerning Mr. DuVernet. This is a part of this inquiry.

Mr. Johnston: Q.—You are a reporter on The Globe? A.—Yes, sir.

Q.—And did you see Mr. Gamey in Buffalo on April 21st or thereabouts? A.—Yes, sir.

(2988)

Q.—At what place did you see him? A.—Mansion House.

Q.—Was the subject of the \$900 deposit in the Ontario Bank discussed at that time? A.—Yes.

Q.—What did he say to you? A.—My recollection is that he said that it was—no, my recollection is that he said that he had it some time before. If you will allow me I will say I notice the other papers say that he said it was collected in the summer. My recollection was he said some time before, but at any rate you will see by a subsequent answer that he said distinctly in response to a question of mine that it was not part of the \$1,500 which he got from Sullivan.

Q.—“It is said that the \$900 was part of the \$3,000 you claim to have got from Mr. Stratton, and that you gave Frank Sullivan only \$600? A.—Not at all. I got the \$900 before, as I have said. Frank Sullivan divided the \$3,000 with me. Why don't they take his evidence.” A.—Yes, sir.

Q.—Is that what he said to you? A.—That is my recollection.

Q.—At Buffalo?

Mr. Johnston: I do not know whether it was open to me to cross-

examine Mr. Gamey or not. I suppose not.

The Chancellor: I do not think so. You could have examined him if you had wished. Either counsel could have called him. But the court having called him, I do not think you should examine him, unless you put the questions through the court.

(2989)

Jesse E. Middleton sworn. Examined by Mr. Johnston:—

Q.—You are a reporter on The Mail and Empire? A.—Yes, sir.

Q.—And you were present in Buffalo about the 21st or 22nd April to see Mr. Gamey? A.—Yes, sir.

Q.—You saw him at the Mansion House? A.—I did.

Q.—About what hour, do you remember, you saw him? A.—Twenty minutes after 12.

Q.—And you took an interview with him? A.—Yes, sir.

Q.—And you took his statement? A.—Yes, sir.

Q.—Did you correctly report it? A.—Yes.

Q.—Now, you asked this question about the \$900 deposit, as to his explanation: "Certainly I can, said the man from Manitoulin, and I might as well begin at the beginning with Crossin. I entered into partnership with him. I agreed to pay \$900 last fall into the company. During the whole summer I was engaged in gathering the money together from various sources, and in September, when I came down to Toronto I brought the money and paid it to Mr. Crossin, who, on that day, decided to bank it. We went to the bank together and made the deposit." Is that correct? A.—

(2990)

That is correct, sir. It is a joining together of a number of answers to several questions. It is not accurate verbally.

Q.—No. A.—It is the gist of what he said.

Q.—The fact is correct? A.—Yes, sir.

Q.—"It has been said that the reason you left was that you had really given Frank Sullivan only \$600 of the \$3,000 you received from the Government; that you had used \$900 to pay the Crossin Company, and \$1,500 to deposit in the bank to your credit. That is not true, said the member for Manitoulin. Sullivan himself divided the money and gave me only \$1,500 of the \$3,000. The \$900 you got from another source entirely? A.—Yes. I told you that I had gathered it up

from various sources during the summer. That \$900 was paid to the Crossin Piano Company, and since then I have paid \$500 more in the same account." A.—That is correct.

Q.—That is correct?

Q.—Then did you report for The News as well? A.—No.

Mr. McEvoy: The News man is in New York.

John Bone sworn. Examined by Mr. Johnston:—

Q.—You are a reporter on The Star? A.—Yes, sir.

Q.—Were you present in Buffalo interviewing or seeing Mr. Gamey about the 21st or 22nd April last? A.—Yes.

Q.—Where did you see him? A.—At the Mansion House.

Q.—Did you have a long talk with him? A.—Yes, sir, I had quite a talk with him.

Q.—Who else were there? A.—The representatives of The Globe, Mail, World, News and one or two Buffalo papers.

Q.—We will hear about that later on perhaps. Was he asked during that in-

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terview about the \$900 deposited in the Ontario Bank on the 11th September? A.—Yes.

Q.—What did he say about the money—where he got it? A.—As I recollect the conversation he said that he had been collecting it during the summer on the Island, that \$900. He told me that he had borrowed a considerable amount of it; that he had borrowed three sums of \$400, \$200 and \$250.

Q.—That would be \$850? A.—He told me the places he had borrowed them, but I cannot say which was which. The places were one on Manitoulin Island, and one at the Sault and one at Sudbury.

Q.—That was making up the \$900? A.—Yes.

Q.—Was any claim made that it was part of the \$3,000 at all? A.—Not on his part. He was asked that.

Q.—And what did he say? A.—He said it was not.

Q.—He said it was not. Did he say how much he got of the \$3,000? A.—I don't remember what he said.

Q.—But the important point was the \$900 that you were asking about? A.—Yes.

Q.—And that the others were asking. Was there any hesitation at all in telling you how the \$900 was got? A.—No, not the slightest hesitation.

Q.—There could not be any misunderstanding in regard to the question that you put? A.—I do not think so.

Q.—Then you reported it in your paper, and whatever your paper contains would be a correct report of the interview made at the time? A.—I did not report that conversation for *The Star*.

(2992)

Q.—Who reported it? A.—Well, I do not know who wrote the report of it.

The Chancellor: You gave the information? A.—No, sir, I did not. That interview was early in the morning. It was reported for the morning papers. I did not report it for our afternoon paper at all.

Q.—One of the reporters tells us he saw him at night, I think? A.—This was after midnight—early in the morning.

Mr. Johnston: Mr. Roe of *The World* is not here.

The Chancellor: If he comes back any time before this Commission closes you can call him. We will not wait for him.

The Chief Justice: Is Mr. Verral here yet?

Mr. McPherson: I think he is here, my Lord.

George W. Verral sworn. Examined by Mr. McPherson:—

Q.—What is your occupation? A.—I have several.

Q.—Do you keep a livery stable among other occupations? A.—Yes.

Q.—On York street, in the City of Toronto? A.—Yes.

Q.—Have you your books here to show the business you did on the 10th and 11th September, 1902? A.—Yes.

Q.—Will you produce them? A.—Shall I bring them in?

Q.—Yes, if you please, including the book which will show Mr. Stratton's account. What books do you keep in your business? A.—The work book, or day book, and ledger.

Q.—What does the day book show—the daily record? A.—All the work done.

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Q.—Will you turn to the 10th September if you please and let me see the entries for that date?

The Chief Justice: 10th September last?

Mr. McPherson: Yes, my Lord. I see you keep a day book? A.—Every alternate day.

Q.—For odd and even number days in the month? A.—Yes. There is Wednesday, the 10th September. These are the particulars.

Q.—That is Friday, the 12th, you have given me there? A.—No, that is the 10th.

The Chancellor: You want charges to Mr. Stratton?

Mr. McPherson: Not only for Mr. Stratton, but any rigs driven that day to the Parliament buildings—on either of those days.

Mr. McEvoy: Are you just fishing? Mr. McPherson: Now, this first column shows what? A.—The name. The name to whom the driver is charged.

Q.—Where you know the name of the person? A.—Yes, and the address, and the cash column, and the name of the driver and the vehicle, and the time.

Q.—The columns show the time out, and the time when returned? A.—Yes, and then the remarks.

Q.—Will you look down over the remarks column there to show what carriages were at the Parliament buildings that day? You have to look on both sides, have you not? That either came from or went to the Parliament buildings?

Mr. Johnston: They seem to have been all to the Albany Club.

(2994)

Mr. McPherson: I have not seen any to the Albany Club. Your eye has a blue color in it this morning.

The Chancellor: Mr. Verral might have gone through these books, and have told us whether there are any entries or not. He might have done that before coming here.

Mr. McPherson: I tried to get Mr. Verral here to do it, but was not able to do so.

Q.—Now, we will take your answer for the 10th September. After examining the books for the 10th September, do you find any carriages going to or returning from the Parliament buildings? A.—No.

Q.—And on the 11th September. Let me look at the ledger. Now, that is what I want.

Mr. Johnston: You should give the evidence.

Mr. McPherson: There is none on the 11th.

The Chancellor: Then, Mr. Verral, I think you can take your books and return to your work.

Witness: Thank you.

The Chancellor: Now, Mr. Johnston, you had better go on with Mr. Jones, if he is here.

Mr. Johnston: Your Lordship will remember the position I took. I am not putting him in as my witness at all.

The Chancellor: Well, we will call him. We want to get the evidence finished.

Mr. Johnston: I am quite willing to examine him.

The Chancellor : He is called in the interest of the court.

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Mr. Johnston : Very well, my Lord. David A. Jones sworn. Examined by Mr. Johnston :—

Mr. Johnston : The examination will be of some length. It was more a matter of convenience that one of us should examine him in order to save the Commissioners.

The Chief Justice : Yes. He is not treated as your witness.

The Chancellor : He is brought for information on this charge.

Mr. Johnston : Q.—Your home is at Beeton ? A.—Yes, sir.

Q.—And you have been examining mining and other properties in northern and eastern Ontario for some years past ? A.—Yes.

Q.—And you have been dealing a good deal in mines ? A.—More or less.

Q.—Now, I understand you are an uncle by marriage of Mr. Gamey ? A.—I believe so.

Q.—Well, have you any doubt about it ? A.—I have never been at his place, but I have his word for it. I think it is so.

Q.—You did not know your niece that he married particularly ? A.—Certainly I knew her earlier, but I have not seen her in a long time.

Q.—You know Mr. Gamey pretty well ? A.—I have known him for perhaps six or seven years.

Q.—And you saw him before the last election ? A.—Yes.

Q.—Do you remember when you

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saw him, talking about election matters ? A.—Yes, we talked several times about it.

Q.—Before the election ? A.—Yes, sir.

Q.—Then what was the position that he was taking at that time ? A.—He told me that his friends wanted him to run at the last election before—that the election before this last election—that would be, I think, in '98, was it ?

Q.—Yes, '98, and what ? Anything he said with reference to which side he was going to take, according to the party that was returned to power ? A.—He said if he ran he would run as an Independent.

Q.—Any reason given for it ? A.—Well, he said that he would run as an Independent, so that if the Ross Government was supported—returned to power—that he would give them an independent support similar to Beatty of Parry Sound.

Q.—Now, you were away in 1901, I believe ? A.—Yes, sir.

The Chancellor : This was before he was nominated, do you say, Mr. Jones ? A.—Yes, your Lordship.

Mr. Johnston : Were you up at Hudson's Bay and James Bay during the whole summer of 1901 ? A.—Yes.

Q.—Prospecting and examining ? Did you tell anybody—I do not want the particulars—but did you tell anybody immediately after this conversation that you had with Mr. Gamey as to his political position ? A.—Yes.

Q.—The name ? A.—I told George Sylvester of Sudbury.

Q.—Where ? A.—Of Sudbury.

Q.—Coming to the other matter, you were up at Hudson's Bay during the whole summer of 1901 looking after, I understand, mineral and im-

(2997)

ber matters ? A.—Minerals principally. There is very little timber up there. We were above the timber line.

Q.—Then you got back late in the fall, I understand ? A.—Late in the fall.

Q.—And shortly afterwards you heard about Mr. Gamey. I am only leading up to what is really in issue here. Shortly afterwards you heard that Mr. Gamey and Mr. Fraser were likely to be the candidates ? A.—I heard there were two in the field.

Q.—That was along through the winter some time ? A.—The fall.

Q.—Did you see him before the elections ? A.—No.

Q.—Did you write to him ? A.—I wrote to him.

Q.—Have you got the letter ? A.—Yes.

Q.—I do not care anything about the contents of it.

The Chancellor : Is that one that is put in ?

Mr. Johnston : No, my Lord. I am merely putting this in to show what happened.

The Chancellor : You wrote to him on what date ?

Mr. Johnston : He wrote to him on the 12th November, 1901. This letter was in typewriting addressed to Mr. Thomas Gamey, Little Current, Ontario, and begins, "My Dear Gamey."

Mr. Blake : I object to that being put in.

The Chancellor : Yes.

Mr. Johnston : I am not putting it in.

Mr. Blake : Or being referred to, my Lord.

The Chancellor : I do not know what is referred to. Mr. Gamey said there were some letters from Jones about a mining deal.

(2998)

Mr. Blake : They are produced.

The Chancellor : I am addressing my attention to this particular point. Mr. Gamey said "those mining deals" meant corruption. If he can show prior communications about mining deals, it will be important.

Mr. Blake : I am objecting to a copy.

Mr. Johnston : It is the original.

Mr. Blake : It is addressed to "Thomas Gamey."

The Chancellor : Unless it reached the real Gamey, it will not count.

Mr. Blake : That is the objection I am taking.

The Chancellor : It goes for nothing if he does not connect it.

Mr. Johnston : If my learned friend will have a little patience I will show what happened. I do not propose to put it in.

The Chancellor : It is only upon that collateral issue that this reference there to "mining deals" was a cloak for something else. If there was a bona-fide prior correspondence that would assist to throw light on it.

Mr. Johnston : Q.—Then the letter was not called for apparently by reason of the wrong address ? A.—Yes.

Q.—And you got it back subsequently from the dead letter office ? A.—Yes.

Q.—And you produce the envelope, "Mr. D. A. Jones, Beeton, Ottawa branch," sent from the dead letter office. That is not put in.

The Chancellor : That does not go in. That is a dead letter.

Mr. Ritchie : We want to see it.

(2999)

Mr. Johnston : If it is seen at all I shall stand by my strict rights.

The Chancellor : I do not know that. I think they can look at it and not put it in.

The Chief Justice : The nisi prius rule is, if you call for a letter from the opposite party, and you look at it, the person who looks at it must put it in as part of his case.

Mr. Blake : Your Lordship will observe that that is not the position here at all. This letter is produced. This letter is from this witness. This letter is asked to be looked at. The date of the letter is given. Surely that being so, we are at liberty to look at that letter.

The Chancellor : It seems to me you are at liberty to look at it, but it is not evidence.

Mr. Blake : We are at liberty to look at a letter which is in their hands, from this witness.

The Chief Justice : If you had called for it it would be different.

The Chancellor : It is not in now.

The Chief Justice : It is a dead letter to all intents and purposes.

Mr. Blake : But we can look at it.

The Chancellor : I think so.

Mr. Blake : Then will you produce that letter, Mr. Johnston ?

Mr. Johnston : Then what I ask my Lords is this : If my learned friend reads this we propose to ask your Lordships to admit it.

(3000)

The Chief Justice : If they call for it and read it.

The Chancellor : If they use it in cross-examination.

Mr. Blake : If I use it, it is so, my Lord, but surely a letter which is produced—

The Chief Justice : He has already produced it, and said such a letter was written, but returned to the dead letter office. He has not used it for the contents. But, if you call for it, and look at it, in my opinion he is entitled to make you put it in.

Mr. Blake : But, my Lord, more than that. He has opened the letter, he has given the date of it, and it is opened.

The Chancellor : But nothing about the contents.

Mr. Blake : The most important part to my learned friend, of the contents, may be the date, and the date is given and taken from the letter, 12th November, 1901.

Mr. Johnston : I asked him if it was the 12th November he wrote this letter.

Mr. Blake : And the letter is opened, and that is given. I submit, therefore, that the letter is an open letter here for us to look at.

Mr. Johnston : My learned friend can take his course. If he demands the production of it of course I shall produce it, and shall ask it to be put in.

Mr. Blake : I am not demanding the production of a letter already produced.

The Chief Justice : It has not been looked at, or its contents disclosed. I have a very clear opinion, that if you call for it and look at it you have to put it in, if the opposite party requires it.

(3001)

Mr. Blake : I quite agree, if I call for it, but it has been opened, and the date has been given.

Mr. Johnston : Not at all. The date upon which he wrote this letter was given. The contents not given at all.

Q.—It came back to you, as I have stated. Mr. Jones, through the dead letter office? A.—Yes.

The Chancellor: You are fixing the date of that letter. That is all you are doing at present.

Mr. Johnston: Yes, my Lord. I am not giving the contents.

The Chief Justice: The contents have not been disclosed.

Mr. Johnston (resuming): Q.—And you sent another letter to this gentleman, Mr. Gamey, addressed “Thomas”? A.—Well, I am not positive about the address of the second letter.

Q.—We will have it here. However, that speaks for itself. You need not bother with that. Then, did you see him after the elections? A.—Yes.

Q.—Where did you see him? A.—At the Walker House.

Q.—About what time? A.—I am not sure of the time. It was either in June or July.

Q.—Did you have a talk with him at the Walker House about political or mining matters? A.—Yes, sir. I had a talk with him.

Q.—What was the nature of the conversation? Tell us briefly what it was. A.—Well, I was going to explain to him this letter. I do not know whether I had the letter with me, but I scarcely think I had; but I told him I would show it to him, and

(3002)

the letter was a little—

Q.—Never mind about that. You were referring to a letter which you had sent him? A.—Yes.

Q.—And then you had a talk with him? A.—Yes; that is, we had a talk about the election.

Q.—What position was he talking then, if any, in regard to the election? A.—Well, after we talked a few minutes about the election I made the remark that Ross was sustained, or something like that, and he said, “Yes, he is sure to be the Premier for the next four years, or something to that purpose.”

Q.—Then what did he say about his own position, if he said anything? A.—Well, he said that Whitney was going to be a back number before the next four years were up, something to that purpose, and he says, “I may tell you right now,” or some words to that effect, that I do not propose to sit in Opposition for four years and get nothing for my constituents.

Q.—Was anything said about any other member having taken that position? A.—He said that he would see Mr. Smyth of Algoma, and he thought that Mr. Smyth would take a similar position.

Q.—Was Beatty's name mentioned on that occasion? A.—Yes, he said that he would give the Ross Government an independent support similar to Beatty of Parry Sound.

Q.—Was Campbell's name discussed? A.—Yes, Campbell was spoken of, and he said that Campbell was a very strong Conservative, and he would not do anything in that line, or something.

(3003)

Q.—Then did he say anything about mining matters on that occasion? A.—I do not know that we spoke directly about mining matters on that occasion. What we always talked of—

Mr. Blake: Not always.

Mr. Johnston: Upon that and other occasions? A.—Well, what was always talked of—that he would be a friend of mine in the Government.

Q.—Were you and he standing in together about operating—

Mr. Blake: Do your Lordships not think that is leading?

The Chancellor: He has not proved adverse. You should not stimulate his memory by suggesting.

Mr. Johnston: I thought that was not a leading question in any event.

Q.—Was anything said about you and he being together?

The Chancellor: As to their relations?

Mr. Johnston: Yes, as to your relations? A.—In what respect?

Q.—As to being interested together or not being interested together? A.—Well, he said if he was elected—that was in a former conversation—that he would be my friend, and that he would do anything that he could for me, and any franchises he secured—that I operated in connection with him—we would divide the profits.

Q.—Now, do you say that was before the election took place? A.—Yes, that was before the election took place.

Q.—Was it discussed afterwards—that same relationship? A.—Well, he said he would do what he could for me.

Q.—Was this after the election? A.—Yes.

(3004)

Q.—Then during that conversation at the Walker House after the election—try and get down to some specific transaction, if there was any? Was there any particular transaction named or talked over, whether a mine, timber limits or anything of that kind? A.—Well, any franchises that were got.

Q.—But was there any particular one mentioned upon that occasion? Did you mention or did he mention any

one? A.—I don't recollect that just at the moment.

Q.—Did anything come out of that conversation particularly but what you have told us, that was in June, I think you said.

The Chancellor: June or July he said.

Witness: June or July.

Mr. Johnston: Did anything more come of it? A.—Well, I had another conversation with him, and I don't recollect positively whether the first or second conversation—whether this was in the first or second conversation, but there was something in reference to him receiving the patronage. We talked over the probabilities of there being any friction between the two parties up there, and he said that he would see Mr. ———, his opponent.

Q.—Mr. Fraser? A.—Mr. Fraser. That he would see Mr. Fraser and see one of his prominent supporters in Gore Bay and talk the matter over with him.

The Chancellor: Talk what matter? A.—The matter of his supporting—giving the Government an independent support.

Mr. Johnston: Then you were telling us about the patronage? A.—In speaking of the patronage, I said it

(3005)

would be necessary to be very careful, that there should not be any friction, and he said that he wanted to act perfectly fair; that he only wanted half of the patronage for his Conservative friends, and I agreed I would see about it.

Q.—Now, who were you to see? A.—Well, I did not tell him who I was to see.

Q.—Whom did you intend to see? A.—Well, I went to see Mr. Smith.

Q.—Who is Mr. Smith? A.—Mr. Aleck Smith.

Q.—The Liberal organizer? A.—Yes.

Q.—Did you go and see him? A.—Yes, sir.

Q.—And did you tell him then what had been said or talked of generally between you and Mr. Gamey? A.—Well, I told him that part of it that would interest him.

Q.—That was the patronage question? A.—Yes. I did not tell him that Mr. Gamey and I were pulling together.

Q.—You did not tell him that? Did you see him then between the time that you speak of in June and July until about the 12th August? A.—Well, I did not see Mr. Smith—

Q.—But Mr. Gamey? A.—I saw him a second time in July, if the first

was in July, and, if not, I had two conversations with him before I wrote that letter.

Q.—Then he says that some time about the 12th August he came down here and he saw D. A. Jones of Beeton—that was you? A.—Yes.

Q.—“Who seemed to be authorized to deal with me.” Had you any authority from anybody to deal with Mr. Gamey? A.—None whatever.

(3006)

Q.—Had you spoken to any Minister of the Crown or anybody connected with the Government up to that time with regard to Mr. Gamey? A.—No.

Q.—Had you seen Mr. Stratton, Mr. Gibson or any other member of the Government individually about it? A.—No.

Q.—Had anybody come to you and spoken to you about it on behalf of the Government? A.—No.

Q.—Did you know the Sullivans at that time? A.—I had heard of Captain Sullivan.

Q.—Did you know them personally? A.—I never knew there was such a person as Frank Sullivan until this occurrence in the House.

Q.—And as regards Captain Sullivan, you had heard of him? A.—Yes, sir, he was pointed out to me in the Walker House, and I am not sure whether I had ever spoken to him, more than just bidding him the time of day, or not.

Q.—When did you first have him pointed out to you? A.—I am not sure. It was perhaps a year ago.

Q.—At any rate, you never had any talk with him? A.—Never had any conversation with him or anything to do with him directly or indirectly.

Q.—And no communication, directly or indirectly, from or on behalf of the Government to you to deal with Mr. Gamey or anybody else? A.—No, sir.

Q.—Now, he says that on this trip you told him that the Government were anxious to get information for trials against Smyth and Miscampbell? A.—Well, I have no recollection of seeing him on that particular trip, but I would not say positively that I did not

(3007)

Q.—What did you say to him, if you did have a talk along those lines—that is, about the Government being anxious to get information for the trials against Smyth and Miscampbell? A.—Well, the only thing that was said, the principal thing that was said about Miscampbell—he said that he was very well acquainted with Miscampbell; that

he had, he thought, more influence with him than any other person, and that he was satisfied that he could get Miscampbell to do as he was going to do.

Q.—That was his talk to you? A.—Yes, sir.

Q.—Then did you see him before you wrote? A.—Oh, I beg your pardon. It is Smyth I should say, instead of Miscampbell. I mixed the names.

Q.—Do you know Smyth, the member? A.—I did not know him until I met him here at the Walker House.

Q.—In connection with this investigation. You did not know him before that? A.—No.

Q.—Did you know Miscampbell before that personally? A.—No, and never spoke to either of them to my knowledge.

Q.—What you have said refers to Smyth? A.—Yes.

Q.—What was said about Miscampbell, if anything? A.—Well, he said that Miscampbell was a very strong Conservative, and that he would not support the Government, or do anything in that line.

Q.—Anything said about his protest—at that time I mean? A.—Well, it was either that time or the next time.

The Chancellor: Whose protest?

Mr. Johnston: Miscampbell's, my Lord.

(3008)

Witness: I do not know that there was anything said about protests. I do not think that there were any protests filed.

Q.—But about protesting Miscampbell, or anything of that kind, was anything said on either one of those occasions? A.—Well, there was something said about getting evidence.

Q.—Looking towards a protest? A.—Yes.

Q.—What was said about getting evidence? A.—Well, I asked him if he knew of evidence or could get evidence sufficient to open that constituency.

Q.—And what did he say? A.—He said that he would not dare do that, that it would ruin his business.

Q.—That is he personally, I suppose, he meant? A.—Yes.

Q.—And what else? A.—Then I said if he could get that evidence, so nobody would know anything about it, except the inner circles, or a proper party, or something like that, that he would never be exposed in the matter, and could he get it? And he said then that if he got evidence he would want to be well paid for it.

Q.—I see. If he got evidence he would want to be well paid for it? A.—Yes.

Q.—You are the Postmaster at Beeton, and you are a Liberal in politics, or have been? A.—Well, I have taken very little interest in politics for the last twenty years.

Q.—I know, but your tendencies are that way? A.—I am not a politician.

Q.—Then when he said he would have to be well paid for it, or words to that effect, what did you say? A.—I said I would see.

(3009)

Q.—Now, then, you wrote a letter to him. What is the date of that letter, exactly?

The Chancellor: 19th August.

Mr. Johnston: "19th August when I received it."

The Chief Justice: I think the letter is dated the 16th.

Mr. McEvoy: Exhibit 1.

The Chief Justice: 16th August; received Mr. Gamey says about the 19th.

Mr. Johnston: Now, Exhibit 1 is a letter that you sent to Mr. Gamey? A.—Yes.

Q.—That was evidently addressed to Thomas Gamey?

The Chancellor: Corrected in the letter in reply.

Mr. Johnston: Exhibit 2. It says: "Your letter to hand. Thanks for the same. My initials are R. R. instead of Thomas. Be sure to address correctly."

Q.—Now, you start off with "In accordance with our conversation." Is that the conversation you have been referring to? A.—The conversation I had had previous to that.

Q.—I saw the present acting manager." Who was that? A.—Aleck Smith.

Q.—Had you seen him up to that time? A.—Yes, I saw him before I wrote this letter.

Q.—"And talked over our arrangements, and explained the whole matter as arranged between us. It was entirely satisfactory, and steps will be taken to carry out the deal fully, and I am now prepared to say that you will receive better treatment than you expected, you will be given certain powers that will place you in a position

(3010)

that you could not otherwise occupy, and I will assist you so no other will care to oppose you with any chance of success." What were you referring to? A.—I mean if he had the patronage there, and with the Reformers, and his own Conservative friends, he would be a strong candidate at the coming elections, that nobody would dare to oppose him.

Q.—What do you mean by “carrying out the deal fully”? A.—That is the whole understanding between me and him.

The Chancellor : At what coming election? A.—Well, he said to me during the time that we were talking—he said to me that he would make all the money he could out of his position, whether he was elected or not, at the next election.

The Chancellor : You meant the election to come? A.—The election to come, and that is why I spoke of it.

Mr. Johnston : He was talking of making himself solid for the future? A.—I was trying to show him that he would be solid for the future if he had that.

Q.—“In the meantime, by shaping things and paving the way.” “You know how to manoeuvre,” and so on. “I wish you would send me further pointers as we talked.” What do you mean by that? What do you mean

(3011)

by that? A.—Well, he was to manoeuvre there that he would keep peace and quietness in both parties, that there should be no friction in the majority of the Reform rank, and that if there were any kickers, as they were termed, that he would give me word in time, so that something might be done to keep them all in line, and keep everything—to keep peace and harmony in the camp. He said he was sure he could keep the Conservatives off. I said if he would send word I would take the necessary steps.

Q.—That was your idea? A.—Yes.

Q.—“Then we can make a good haul at once.” That is, you and he were supposed to make some money out of this transaction. In what way were you and he going to make money? A.—Well, out of any franchises that we might get.

Q.—What was his object—can you tell from what he said—in supporting the Government? A.—Well, his object was, he told me, to do the very best that he could for his constituents, and to be in a position that he could get franchises by which I could operate them and divide the profit.

Q.—That is what it was? A.—Yes.

Q.—Then, this was laying the way for you and him to operate together in regard to franchises, as you called them, of what nature? A.—Well, anything that might occur.

Q.—Then getting in Algoma and Sault Ste. Marie, you can find out certain important information that will be sufficient to answer the purpose desired. What constituencies were you

dealing with there, attacking in that way? A.—The constituencies were Smyth's and Miscampbell's.

(3012)

Q.—“Then that will make a clear sweep of the three.” What three?

A.—Well, if he got sufficient information to open those two constituencies, and his own, would make the three.

Q.—Now, you are advising him in this letter, “Get all the information as soon as possible and state figures, value of same, and have it come to hand, quick, sure.” What was he to get as arranged between you and him? A.—A.—I expected him to get the necessary information to open those two constituencies, providing it was necessary for Algoma. After that letter was written, and I saw him, he told me that Mr. Smyth, he was sure, would support any franchises which he was interested in, and that it would not be necessary to get anything.

Q.—Not necessary to get evidence as against Smyth, because Smyth would support him in getting franchises—him and you—support him and you? That is what you say? A.—Yes, it amounted to that because I was with him.

Q.—Then, did you get any answer to that excepting the one I have read—the short answer? A.—That was the answer that he gave me.

Q.—That was the answer he gave you? Then, did you see him again? A.—Yes, I saw him before I wrote the second letter.

Q.—When did you see him? A.—The second letter is filed.

Q.—The second letter is when? A.—In September, I think.

Q.—19th of September.

The Chancellor : That is not put in, is it?

Mr. Johnston : That is the exhibit filed, Jones to Gamey.

(3013)

Witness : That is the letter.

Mr. Johnston : Was he to be paid for his services in getting evidence against Miscampbell? A.—Well, I said I would see about it, and then I went to ask Smith if it would be legal to pay him for getting the evidence, and Smith said yes, it would. Well, I said he would want to be well paid for it, and he would want all of his expenses besides being well paid for his time, and he said that would be all right.

Q.—Had anything been said about railway passes up to this time that you recollect? A.—Well, before I wrote this letter—this last letter—there had.

Q.—What had been said? A.—Well, he said that if he got the passes for

the balance of the year it would save him about \$100.

Q.—That is before the House met ?
A.—Yes. And I said that I thought they could be got for the balance of the year—that I would see about them.

Q.—And did you see about them ?
A.—Yes.

Q.—Whom did you see ? A.—I went to ask Mr. Smith—Mr. Aleck Smith, if they could be got. He said I think they can. I said are you sure. I think he mentioned that they were applying for some others, too, at the same time, and he would get them. Well, then, I said, I will tell him that they will go forward. He says yes. And that is why I wrote him.

Q.—Then had you any talk with him about the form of your letters ? A.—Well, after I had written this letter—of the 19th September. No, this first letter.

Q.—What is the date of that again ?
A.—That is the 16th August. After I

(3014)

had written that he saw me—the first time he saw me he explained to me that I should be very, very careful in addressing letters to him, besides that not being his proper initials, he said that there was—

Q.—That is Mr. Gamey's talk ? A.—Yes. He said besides not being his proper initials, that there was either some funny story, or funny things, I don't recollect which he said, that went on at the Gore Bay postoffice, and he did not want anybody to interfere, or rather he did not want anybody to see his letters, or something like that.

Q.—Well, we had something like that from Sullivan, so we understand that now. Then your letter of the 19th September, was that written after this warning he had given you about the Gore Bay postoffice ? A.—Yes, this letter was.

Q.—On the 19th September. Now you say, "I was sorry I did not see you before you left, as there was some points in regard to our local matters that I wished to talk over." What mining matters had you been discussing before that letter was written ? A.—Before this letter was written I met him in the Walker House, and he walked down the passage-way, and there was someone in the reading-room. Then he tried to open a door to get in. I am not sure whether there was someone in the room back of the bar, or whether the door was locked. We then walked out and stood at the west corner of the Walker House near the telephone pole there.

Q.—And while there what did you talk about ? A.—While there he said for me to be very careful again. I told

(3015)

him I would write him, and he said to be very, very careful about saying anything, that if anybody saw it in the letter that they would know what my understanding and his was.

Q.—Then had you any talk then about mining matters ? A.—Yes, I told him I had got some word of some good things down east that I thought we could make some money out of.

Q.—And it was necessary to get what before you could make money out of them ? A.—Well, those down east—I just simply—if I got them—I was going to divide up.

Q.—Where were you to get them from ? A.—Oh, not from the Government.

Q.—They were private deals ? A.—Yes, had nothing to do with the Government, directly or indirectly.

Q.—Then you wrote about the railway passes, "Is there any mining news around up there ? I have some gilt-edge things now, and I think you can make a nice pot out of it." A.—Well, that was some samples that I had got from down east; they were samples of copper, and he had a copper mine in which he had made a good thing, and I thought we would make a good thing out of this from what I had heard of it. I had not seen it yet.

Q.—As a matter of fact, what did you do with the samples ? A.—Well, I went down afterwards and got samples, and brought them here and left them with the Bureau of Mines.

Q.—That is Mr. Thomas Gibson ? A.—Thomas Gibson and his secretary—I forget the name.

Q.—Then you say you saw that party we were trying to see and ar-

(3016)

range things in the shape as a verbal option, and your efforts will place us in a shape to make a haul sure. Who was that party ? A.—That party was the parties necessary to get the information necessary to open the Sault election.

Q.—Open the Miscampbell election ? A.—Yes. That was what I meant.

Q.—And do you know the name of the party ? A.—No, I do not know the name of any party.

Q.—But it was somebody he had told you about ? A.—No. He had not told me of any particular name that he would go to.

Q.—I know that, but there was some party he was going to see, as I under-

stand, from what you say? A.—He was going to see if he could collect the necessary information.

Q.—“I will surprise you when I see you.” A.—Well, I had just got—

Q.—He was going to collect information. Perhaps I should not have stopped you? A.—He was going to collect the necessary information, and the reason why I put it in that way was because he had given me a warning not to write anything which, if found by anybody else, would lead to an understanding of what we were talking about.

Q.—And then, while speaking to Jones while in the city, he spoke of someone being sent up to see Smyth. Is that so? A.—I knew nothing about it, directly or indirectly.

Q.—Then did you ever alter that have any further communication with Mr. Gamey? A.—Well, I met him several times, but he told me that I was not to be seen talking with him after I had written this letter to him—

Q.—That is the last letter? A.—Yes.

(3017)

Q.—Exhibit 5? A.—Yes. He told me that I should not be seen talking to him, that his Conservative friends were suspicious of him, and that it would injure him if it was known.

Q.—Now, at any time during any of these interviews or correspondence, had you any connection, directly or indirectly, with the Government or any member of it? A.—No, not any.

Q.—Nothing to do with it? A.—Nothing to do with it.

Q.—Entirely upon your own understanding? A.—Entirely upon my own—it was my own private interest.

Q.—To go in with Mr. Gamey? You were familiar, you have told us, with all the mining locations, and so on. You were going in with him. You were getting his assistance with the Government, that he was professing to support; you and he to divide up, and was there any object in your interviewing or seeing the Minister in any way or caring one way or the other? A.—Well, it was my purpose not to see them, not to let them know what our understanding was. Of course I thought when I had told Smith that that they would perhaps find out sooner or later.

Q.—Aleck Smith, that is the Smith you mean? A.—Yes.

Q.—Then I think he says you told him you could go into Gibson's at any time, no matter how many were waiting there? A.—That is not true. I have frequently went into Thomas Gib-

son's any time and talked with him on mining and got much mining news from him.

Q.—That is the Director of Mines? A.—Yes.

Q.—Thomas Gibson—he has nothing to do with the Attorney-General's Department? A.—Not that I am aware of.

(3018)

Q.—He is in the Crown Lands? Then, from that day on do you know anything about the transactions whatever between Mr. Gamey and the Government? A.—I never knew he was at the Parliament buildings—never knew he wrote a letter to the Government and he never told me he had spoken to the Government or to Sullivan in any way, directly or indirectly.

Q.—You and he were in together for the purpose of making money out of these deals and transactions that you speak of if you could? A.—Well, we had been in deals before.

Q.—Tell me what deals you had been in before? A.—Well, I had bought some mines off him—I think six mines, or two water powers, I think, there was in the block, and at another time he built a roasting—

Q.—That is back two or three years ago? A.—Yes; another time he had built a roasting apparatus—for a smelter—I was with him in that, and he brought down a proposition of some mines last fall or last winter to me and wanted me to go in with him, but his options on them were so short I explained to him it was impossible for me, and he admitted himself that his option was too short, and he thought I was justified.

Q.—He brought down some options for you last fall? A.—It was an option he had.

Q.—Wanting you to go in with him? A.—Yes.

Q.—And you thought the time was too short, and he agreed to it and dropped it? A.—Yes.

Q.—That is your business relations? A.—Yes.

(3019)

Q.—Did you ever know of any negotiation whatever between the Government and Mr. Gamey or anyone representing the Government and anyone representing Mr. Gamey? A.—No.

Q.—Of any kind? A.—None whatever.

Q.—And you have told us your desire was to keep away from the Government? A.—Of course I did not mind the Government knowing what he was going to do.

Q.—That would be perhaps a benefit to you. That is all. There is one question here I might ask you, "Treated better than he expected." What did you mean by that? A.—Well, I understood from him he expected half of the patronage, and when I spoke to Mr. Alex. Smith I said that he only expects half of the patronage for his people, but I said if he had the whole of it I think he would dispense it justly between both parties, and Mr. Smith said, "Why, any person that supports the Government is entitled and usually gets all the patronage," and I said then to Mr. Smith in reply, "Then I may say to him he will be better treated than he expects."

Q.—That is how that came to be put in the letter? A.—That is why.

Mr. McEvoy: There were two letters taken from Mr. Jones, and only one put in.

Witness:—Here are two letters.

Mr. McEvoy: Those are the two letters you received.

Mr. Johnston: We will see what the evidence says. That is the best way to get over it.

The Chancellor: Is that cleared up now?

Mr. Johnston: No, my Lord.

(3020)

The Chancellor: You spoke of some three letters Mr. Gamey sent to Jones.

Mr. McEvoy: There were two letters given up and only one produced.

The Chancellor: You are entitled to have the other if it is necessary to this.

The Chief Justice: Do you remember what you produced, Mr. Jones, when called on your subpoena? A.—Yes, I produced two letters.

Q.—Written by yourself? A.—Two from Gamey in reply.

The Chancellor: One correcting the address? A.—Yes, and the next one saying he would be down about a certain time.

The Chief Justice: Have you got both there now?

Witness: I have my two letters.

The Chancellor: They were taken by some of the counsel?

Witness: Yes. I produced them here.

The Chancellor: Is that not forthcoming then? He had better state the contents if it is lost, if it is important.

Mr. McEvoy: I think it can be found. I think my learned friend will find it among their papers.

The Chief Justice: Mr. Blake might go on with the cross-examination.

Mr. Blake: We have not got it.

Mr. McEvoy: I mentioned it to you that night so that you might look it up.

Mr. Blake: If it is here it can be looked after.

Cross-examined by Mr. Blake:—

Q.—Then, Mr. Jones, how long before this letter of the 16th August was

(3021)

it that you had the talk with Mr. Gamey as to sharing with him in any franchises that you could get, and that he would have the patronage by supporting the Government? How long before the letter of the 16th August?

Witness: It was in June or July our first talk was.

Q.—I am asking you how long before the 16th August was it that you had that defined talk with him that you were to share with him any franchises, and that he was to get patronage, supporting the Government? A.—It was always an understanding with me.

Q.—I will put it in this way: How long before the 16th August had you a conversation with Mr. Gamey about sharing the franchises with him, and about the patronage? A.—Well, that is putting the two together. I had a conversation with him in Sudbury at the Balmoral Hotel.

Q.—I am asking the time. How long before the 16th August had you the conversation as to your sharing the franchises with him, and his getting the patronage? A.—We were always—

Q.—Try and answer my question? A.—I cannot answer to a date, because the date I did not have.

Q.—Had you a conversation with him in August as to sharing the franchises with him, and his obtaining the patronage? A.—I was to see about the patronage, and it was always understood—

Q.—I am asking you in August. Had you a conversation as to that? A.—I think that we either had it in July or August.

(3022)

Q.—You think you had it either in July or August? A.—Yes.

Q.—But you cannot on your oath say whether or not you had a conversation in August upon that question? A.—I think we did.

Q.—Was it in August that you mentioned to Mr. Alexander Smith the fact that Mr. Gamey was anxious to get the patronage, and to give his support to the Government? A.—I am not sure whether it was in July or August, but I think perhaps it would be in August.

Q.—Possibly you will tell me this : How many conversations had you with Mr. Alexander Smith upon the subject of Mr. Gamey and his constituency, and Algoma and the Sault, and these various matters ? Had you half a dozen conversations with him ? A.—I do not think so.

Q.—Four or five ? Give me as nearly as you can ? A.—I might have had two or three perhaps.

Q.—Would these be in the month of August so far as you can remember ? A.—Well, I recollect having one particular one, and I could not say about others.

Q.—And that in August ? A.—In July and August.

Q.—Well, you give me that you think you had a particular one with Mr. Gamey in August; the probabilities are that you would have with Mr. Alexander Smith about the same time, giving him the result of the Gamey talk ? A.—I had to go several times, and I called him up by 'phone before I got him. I did not see Mr. Smith until I think we had had the second talk—at least the second talk.

Q.—With Mr. Gamey ? A.—With Mr. Gamey.

Q.—That would be in August then ? A.—Well—

(3023)

Q.—To the best of your knowledge ? A.—I think the second conversation was in July, but I am not—

Q.—Well, about when in August would it be that you had a talk with Mr. Smith ? A.—I could not tell you.

Q.—Would it be before the writing ? It must have been before the writing. A.—It was before I wrote that letter.

Q.—Then what was it that you told Mr. Smith ? A.—I told Mr. Smith that Mr. Gamey had signified his intention of giving the Government an independent support similar to Beatty of Parry Sound.

Q.—And what about the patronage ? A.—That he expected that if he did that, that he would receive fair treatment; that I told him I would see about the patronage, and then is when I asked him in reference to the patronage.

Q.—And then he told you that he would get not only the one-half, but the whole patronage as well ? A.—That all parties who supported the Government were entitled to the whole of the patronage that was the ordinary course.

Q.—And then of course his election petition would be dismissed, if he was going to support the Government ? A.—Well, when I first saw Mr. Gamey I had heard nothing—

Q.—I am not asking the first. I am asking when you got on to these details that you are speaking of. Of course if he was going to support the Government they were not going to protest his seat. A.—Well, I do not recollect of speaking to Mr. Smith in reference to any protest against Mr. Gamey. My memory does not serve me in that.

Q.—Will you swear that you did not ? A.—I will swear that I do not believe that I spoke about that during that conversation. I might have done so afterwards, but not during this first

(3024)

conversation.

Q.—How long before you wrote the letter of the 16th August had you talked with Mr. Smith over the question of the protest ? A.—I do not think that I talked with him at all over the protest before that time.

Q.—Before that ? How early in August was it that you did speak to him about the protest ? A.—I am not sure. I am not positive that I did even speak to him about it.

Q.—But if you did speak to him, about what date would it be ? A.—Well, I could not say.

Q.—Do you think it would be after the letter of the 16th August ? A.—I feel quite certain that I did not speak to him before that letter was written.

Q.—But there was no object in pursuing an election protest against Mr. Gamey if he was going to support the Government ? A.—After I got word about the election petition, and I met him, and we talked it over, he seemed very much annoyed about the petition, and I think I told him that I did not think the petition would amount to much.

Q.—Of course not. If he was going to support the Government ? A.—If he was going to support the Government ? I perhaps told him I did not suppose—

Q.—That it would be pressed ? A.—That the petition would be pressed.

Q.—That is as I understand what took place between you, but I understood that that took place before the 16th August ? You see it was such an absurdity to be pressing an election petition against a man who was going to support the Government. Isn't that so ? A.—Well, so far as I know the Government knew nothing of that.

(3025)

Q.—I am not saying whether they did or not.

Mr. Johnston : It all turns upon that.

Mr. Blake : It has nothing to do with it whatever. It does not turn upon it in the least. I am asking you as a man of common sense, would it not be an absurdity for them to be pressing an election petition against a man that said, "Why, I am going to support you?" A.—I would not want to do a man an injury that was my friend.

Q.—No, certainly not, although you might do it by mistake? A.—Yes, by mistake.

Q.—You are a very good man. A.—Thank you.

Q.—I am sorry that on oath you will not say it is the case. However, we will let it go at that. Then you recollect having two or three conversations with Mr. Smith, and you say, and no doubt rightly, that you took for granted that of course he would let the Government know this valuable information which you were giving him. A.—There was no conversation between him and I in reference to what he would do with the information.

Q.—But you knew the position that he occupied? He was the agent, was he not? You knew his position? You spoke to him because of that, did you not? A.—I spoke to him because I thought he was connected with the Reform party.

Q.—Connected with the Reform party, and not only thought it, but you knew it? A.—Well, I knew he was credited with it by the papers, but not officially from him, or any other source.

Q.—You knew him sufficiently well to call him Aleck, did you not? A.—Well, I have had very little conversation.

(3025½)

Q.—But you did know him sufficiently well to address him as Aleck? A.—Mr. Smith.

Q.—You swear to that? With you it was not "Aleck," was it? A.—I have noticed his name in the paper as "Alex. Smith."

Q.—That simply slipped from your lips, "Aleck"? A.—I do not think it.

Q.—However, you mentioned that to him, and can you tell me now the date of these two or three conversations? A.—With Mr. Smith?

Q.—Yes. A.—I cannot tell you the dates.

(3026)

Q.—You can give it to me possibly by this. Were there a couple of conversations after the 16th of August? A.—I would not say there was.

Q.—What is your best memory upon it? A.—My best memory is that

I saw him before I wrote this letter, and that is—

Q.—I think that would be correct, that you saw Mr. Smith before you wrote the letter of the 16th August? A.—Yes.

Q.—Because that conveys some information which, as I understand, you got from Mr. Smith? A.—Yes.

Q.—And possibly you wrote to Mr. Gamey not long after you had seen Mr. Smith? A.—Well, my memory does not serve me. I never expected—

Q.—The probability would be, looking at this letter, that it would be one that you would have written shortly after seeing Mr. Smith, to pass on the information which he gave you? A.—It might or it might not; I couldn't say.

Q.—What is your best memory upon it? A.—Well, I have not anything to guide me specially in it.

Q.—But the two things that seem to have been discussed between you—let us be clear upon that—was, firstly, that you were to share with Mr. Gamey in any of the franchises he got as a very good thing; that was one, was it not? A.—Yes.

Q.—And the second was that he was to get—was it you thought, firstly, one-half, corrected by Mr. Smith, to the whole of the patronage? A.—Well, I inferred from his conversation that he expected only half of the patronage.

Q.—But Mr. Smith told you that any man that supported the Government would get the whole of the patronage, didn't he? A.—That was the ordinary rule.

(3027)

Q.—And there was no reason why that rule would not come into force here? A.—Well, I think he said Beatty of Parry Sound had it.

Q.—And of course Mr. Gamey would have it? A.—If he went—

Q.—If he supported the Government? A.—If he did the same.

Q.—If he did the same? Then those were the two matters that were the subject of discussion between you, and were settled and arranged as I understand, between you and Mr. Gamey? A.—That was two points.

Q.—"That was two points." Well, then, we discussed the question of the protest which you seemed rather to have taken for granted, when he was worried and annoyed about it, and spoke to you—taken for granted that of course that would not be pressed, if he was going to support the Government. Now, I want to know whether that was discussed in August or not—whether you can give me the date? A.—Well—

Q.—I should imagine so from this letter of yours, because the whole seems to be put very clearly and very distinctly in that letter. A.—Do you mean that I discussed it with Mr. Gamey or with Mr. Smith?

Q.—Well, that you had discussed it with Mr. Smith I understand you have stated clearly? A.—No, I did not state that I did discuss the protest with Mr. Smith at all.

Q.—Oh, indeed. I beg your pardon. I thought you had said that you had discussed it? A.—Not at all.

Q.—What is your memory upon that? A.—My memory is that I did not say that I discussed the protest with Mr. Smith—that is, early; I might have later.

(3028)

Q.—That is what I want to get at. Was that in August that you did discuss it in the later period? A.—Well, I would not say when I discussed it, and I would not say that I did even discuss it.

Q.—But you have a recollection that you did, although you will not say absolutely? A.—No, I have not a recollection. If I did I would state it.

Q.—All you can say is that you think it probable that that did take place, although you will not say absolutely? A.—I would be more inclined to say that it did not take place.

Q.—But your mind is in suspense? You do not say it either one way or the other? A.—Well, I do not recollect of it taking place.

Q.—Then, will you tell me when it was that you spoke to Mr. Gamey about the protest? Was that before or after the 16th August? A.—Well, I think that would be before the 16th August.

Q.—I should think so from the letter.

Mr. Johnston: The letter says nothing about the protest.

Mr. Blake: I do not want my learned friend to interfere. I shall show what I think in the letter cannot be otherwise read.

Mr. Johnston: I object to my learned friend referring to the letter as conveying a meaning which it does not bear out.

The Chancellor: I do not know at present what the letter says.

(3029)

Mr. Blake: I have no objection to discussing this, if the witness should retire. I think it is scarcely worth while.

The Chancellor: Oh, no. Just go on.

D2

Mr. Blake, resuming:

Q.—And do you recollect whether it was that Mr. Gamey spoke to you complaining about the protest, or whether it was you first spoke to him about it? A.—I think he spoke to me complaining about it first.

Q.—I should think so. And was it then that you mentioned to him that he need not be troubled about that if he was going to support the Government, or some such remark? I am not giving you the words? A.—Perhaps that would be what I would say.

Q.—Perhaps that is what you would say. Then, as I understand the franchises that you would get would be such things as would be going there, in the matter of limits, or pulpwood, or mining, or matters of that kind? Those are what you would cover under the term "franchises"? A.—Anything; contracts or anything that we could get.

Q.—I am covering, am I not, what are usually understood by the word "franchises," pulpwood or timber limits or mines or contracts or anything? A.—Anything.

Q.—That a man of intelligence like you could turn into money? Am I not correct in that? A.—I presume so.

Q.—You presume so. Then you have reason to know, have you not, the influence that a member has in getting these franchises? A.—No.

Q.—Why did you laugh? A.—Why did I laugh?

Q.—Yes? A.—Because I like to smile occasionally. It breaks the mon-

(3030)

otony.

Q.—Because it is monotonous if you do not smile occasionally. But you were not wasting your time in making arrangements with Mr. Gamey? You thought that he, as member, would be able to control some matters which you could turn into money? A.—I thought he would be a friend at court, and I would be benefited by him being there, and he was a relative, and I wanted to benefit him and benefit myself.

Q.—Quite so. Therefore, as you put it, you wanted to be benevolent, first, to D. A. Jones, and then to R. R. Gamey—a not unusual class of benevolence in the world? That is about the position, is it not? A.—I suppose I wanted to make a little myself legitimately.

Q.—The letters are perfectly plain. Then Mr. Gamey states he had no mining deal with you since '98. Had you any dealing with him since that

year; if so, what was it? A.—Well, he had a smelter.

Q.—I am asking about a mining deal? A.—That was in connection with mines, because it was treating the ores.

Q.—But you see I may be a manufacturer of iron, but yet still I may not have a mine. I am dealing now with a mine. He said the last that you had was in '98? A.—Well, he brought one down to me in the fall or winter, an iron proposition that he had, but I did not think it advisable to go into it.

Q.—You had not any deal? Whatever talk you may have had, you had no deal since '98? A.—Nothing but an understanding, that if he had anything that he wanted me to take up—

Q.—You had not any deal since '98—no actual deals—no transaction in re-

(3031)

gard to a mine since '98? A.—No, not if you take the smelter out.

Q.—You had something in connection with a smelter, you say. What amount of money did you put into that? A.—Not a dollar. I financed it.

Q.—That is to say, you raked off as much as you could? A.—Not a dollar.

Q.—Not a dollar? A.—No.

Q.—Well, what was the matter? Couldn't you get it? A.—Well, if you want to know the history of it—

Q.—I want to know whether it was a transaction in respect of which you advanced any money, or in respect of which you got any money out of it? A.—Well, if it had been a success I would have got money out of it.

Q.—If the sky was to fall we would catch larks, but I am asking you the question whether you did put any money into it, or whether you got any money out of it? You did not? A.—I put him in communication with parties who furnished the money to test it, and if it had been a success when it was tested—

Q.—Just answer my question. You did not put any money into it, did you? A.—I put money and time in it going and seeing the parties.

Q.—You did not put any money into the deal itself? A.—No.

Q.—And you did not get any money out of the deal? A.—No.

Q.—Now, on the first occasion, or rather I will take up the last occasion that you saw Mr. Alex. Smith. What did you say to him in reference to Mr. Gamey? A.—Well, I do not recollect

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of any special conversation except the three points that I—or two points—I only mentioned two points—yes, I

mentioned the three points. Those are the three points we were talking of.

Q.—Just mention them to me again, so that we may not lose them—the three points? A.—Well, I spoke to him in reference to getting the Grand Trunk and C.P.R. passes for the balance of the year. I spoke to him in reference to the patronage, and I also spoke to him in reference to whether it would be legal, and whether he was willing to pay for the necessary information to open Algoma.

Q.—I see. And did Mr. Alexander Smith on any of these occasions confer with others before he gave you the answer, or did he give you always the answer direct? A.—The answer was direct.

Q.—The answer was direct. Seemed to be a man clothed with full authority to answer you, and did answer you? A.—He answered me, whether he had authority or not.

Q.—Whether he was clothed with that authority or not. You said he would have to pay handsomely, did you not, for the information in regard to it? A.—I said he would have to pay all of his expenses, or any expenditure he had, and be well paid for his time.

Q.—And he was willing that that should be done. Then as to the passes, he was to get them, and as to the patronage? A.—He was to receive the same treatment that anybody else would receive, he said he supposed.

Q.—Did you convey, and if so, about when, convey that information to Mr. Gamey? A.—Well, I attempted to convey

(3033)

it to him in the letter.

Q.—That is what I thought. You conveyed that information to him in this letter of the 16th August. Do you keep copies of all your letters, Mr. Jones? A.—No, sir. Sometimes I keep copies and sometimes I do not.

Q.—So that I should presume from this that you had had an arrangement with Mr. Gamey whereby you were to see the "acting manager"? A.—Well, when we talked these matters over I said I would see about it.

Q.—Did you then use the term, "acting manager"? A.—No, sir, I do not suppose I did. I said I would see about it.

Q.—Because you say here, "In accordance with our conversation I saw the present acting manager". I believe the Premier was then in England? A.—I think perhaps he was about that time.

Q.—Mr. Smith had been for eight or nine years the secretary, had he not? A.—I could not say.

Q.—But a number of years, at all events? A.—I could not say. I did not know that he was secretary until I saw it in the paper the other day.

Q.—Well, at all events, the representative of the Reform party? You knew that. Now you say that you saw the present acting manager, and talked over our arrangement, and explained the whole matter as arranged between us, and it was entirely satisfactory, and steps will be taken to carry out the deal fully. What do you mean by "deal fully"? A.—Well, the whole understanding between him and I.

Q.—The whole understanding between you and him, and the reason that I stated to you that I thought the question that I asked was covered by this,

(3034)

"That the deal could not be fully carried out," if you were proceeding with an election petition against the man whose presence there was necessary to carry the arrangement out—you could not carry your deal out fully if you were going to have Mr. Gamey unseated, could you? A.—Well, I did not want him unseated.

Q.—You see that that could not be done. If you unseated him you have not got the friend at court? A.—No, I did not expect he would be unseated.

Q.—Of course not. How could you have carried out any portion of the deal if he had been unseated? A.—Well, I did not dream for a moment that he—

Q.—That they would be foolish enough to go on and unseat him? A.—That they would be foolish enough to unseat him.

Q.—"And I am now prepared to say that you will receive better treatment than you expected." What do you mean by "better treatment," that the acting manager told you he would receive? A.—Well, that was in reference to that point there—that point there was in reference to the patronage. I understood him to mean that he would have half the patronage.

Q.—That is what you had reference to? A.—Yes. That was the patronage, and that he would have the whole of it, if he supported the Government.

Q.—Then you said, "you will be given certain powers that will place you in a position." What were these certain powers that were to be given? A.—Well, the powers would be the patronage.

(3035)

Q.—But something more than that, wouldn't it mean? A.—No.

Q.—Certain powers that will place you in a position that you could not otherwise occupy? A.—Read the whole of it.

Q.—But there is so much in a sentence of yours, I like to take it piece by piece. A.—Thank you.

Q.—"You will be given certain powers that will place you in a position that you could not otherwise occupy." A.—That has reference to the position that he would occupy politically if he wanted to run again.

Q.—The position that he would occupy if he would want to run again, and what was it? What were those powers that were to be given to him that were to have this wonderful effect? A.—Well, he would have the patronage, and the influence of the Reform party, and his own Conservative friends, and it is not likely the Government, if he supported them, would bring out a candidate against him.

Q.—All this, then, would be in his favor. "And it will assist you so no other will dare to oppose you with any chance of success"? A.—That explains the former part of it.

Q.—You think that explains the former. What do you mean by "No other will dare to oppose you"? A.—I mean no other candidate would dare to oppose him with any chance of success if he was running again at another election.

Q.—Had you said to him that the honorable thing to do, if he was going to change from Conservative to Reform, would be to resign? A.—I had not, sir.

(3036)

Q.—That would not have suited the Jones' book, would it? A.—That was something I did not want him to do.

Q.—"In the meantime be shaping things, and paving the way. I will be fixing things here for you." What were you to fix down here for him? A.—Well, I was to see after the railway passes for him, see about the patronage, and see after the means to pay him for the necessary information if he got it for Algoma.

Q.—You were taking a large bill, were you not? A.—Yes, a big contract.

Q.—But you were not undertaking anything that you did not think you could perform, of course, it would not be honest? Eh? A.—I do not think I would.

Q.—You do not think you would? You are a good deal up about the Parliament Buildings, of course? A.—Certainly.

Q.—You are a good deal up there. You know a pulpwood district when you see it? A.—I perhaps would.

Q.—And a timber limit which had possibilities? You would not say if that came across your path? A.—I would not be human if I did.

Q.—And mines, and minerals you are absolutely at home amongst, whether it is copper, silver, iron, or whatever else it may be? A.—I know something of it.

Q.—And you have had many a good talk with Mr. Gibson as representing the mineral department upon these subjects? A.—No.

Q.—Mr. Thomas Gibson? A.—Mr. Thomas Gibson—I have spoken to him.

Q.—Well, he is above all, the man that would give you

(3037)

information there? A.—Well, I was asking information in reference to minerals.

Q.—But I say, he above all, Mr. Thomas Gibson, is a man of great intelligence? A.—Yes.

Q.—And he is the man that would give you the information? A.—If I asked him about any mine, or anything, he would give me the information.

Q.—Well, all that you were to do, and that is the fixing that you have reference to, and then you say, "I wish you would send me further pointers as we talked about." What were these further pointers? A.—Well, he was to so manoeuvre up there to keep all the people in line, and he would send down pointers from time to time if any person was objecting or creating any disturbance in the ranks.

(3038)

Q.—And then he was to be fixing things there, and I will pull things in line to suit? A.—Yes.

Q.—You were going to pull things in line to suit? A.—If I got the particulars I would then take into consideration what I would do, but I could not prepare a brief until I got the case.

Q.—You could not prepare the brief until you got the case. Then bring the balance of your brief at 2 p.m., please.

(Adjournment 1 p.m. until 2 p.m.)

AFTERNOON SESSION.

May 14th, 1903.

Mr. Blake: Then you stated that you were going to work in line with Mr. Gamey, and you say, "I can tell you how we can make a good haul at

once." This letter was written, you said, shortly after a conference with Mr. Alex. Smith? A.—It was written after I had seen him.

Q.—Now, I am asking you whether he had suggested anything in regard to information as to Algoma and Sault Ste. Marie? A.—No, he had not.

The Chancellor: Smith said that? Witness: He did not suggest anything.

Mr. Blake: Now, do you say, not taking any interest in politics at all, that it was you that made the suggestion as to Algoma and Sault Ste. Marie? What was your interest, Mr. Jones, not being an ardent politician, in endeavoring to advise ways and means as to these two constituencies?

(3039)

A.—Well, it was to have Mr. Gamey have more influence. He was as anxious, and more anxious—

Q.—I am not asking as to that. Speak for yourself. The kind, benevolent uncle, doing so much for your nephew. It is gratifying to meet those people in this cold, wicked world. You say, therefore, that your effort was to make your nephew strong in these two constituencies? A.—Yes.

Q.—No thought of yourself? A.—Yes.

Q.—Oh, indeed. Where were you to come in? A.—I was to come in because if he had more influence with the Government we would be able perhaps to get more—

Q.—More pickings? A.—Franchises.

Q.—Shall we call it pickings? A.—Call it what you like.

Q.—I would call it "stealing," but it was in ease of you I was calling it "pickings." Put your own name to it? A.—Legitimate franchises, I will put it.

Q.—However, what you say is, and let me see what was the suggestion you were making to your nephew. "I can tell you how we can make a good haul at once." That was of "money" at once. A "good haul." What did you mean by the word "haul"? A.—Well, if he secured the necessary information to open these two constituencies, then he would have enough influence, I thought, so that we would be able to get better terms.

Q.—Get better terms. That is in regard to the franchises. We need not go back upon that; or, anything that would turn into good gold? A.—Anything that we could make something out of legitimately.

Q.—Yes. You being the judge of what was legitimate, I suppose. A.—

(3040)

Well, I think I can judge correctly on that.

Q.—Exactly. We will see when this ends. Now, you state:—"I can tell you how we can make a good haul at once. Now, you being an outsider and a Conservative, having agents and friends in Algoma, and Sault Ste. Marie, you can find out certain important information." These two constituencies had returned Conservatives, had they not? A.—I think they were so returned.

Q.—And he, because of his position as a Conservative, was to get from his Conservative friends information that a Reformer could not get—could not get as easily at all events? A.—I suppose they would tell him quicker than they would a Reformer what was going on.

Q.—That he would get it more quickly than a Reformer. Now, he was to endeavor to get that information, that is, certain important information, that will be sufficient to answer the purpose desired. What was the purpose desired? To get their seats, was it not? A.—It was to get information of corruption in the constituencies that would open them.

Q.—Desirable to open the seat and try to get a Reformer put in? That is the case, is it not? A.—That is about it.

Q.—So that he was to make use of his position as a Conservative amongst Conservatives to be used by the Reformers to unseat? That is what you suggested to him. A.—He was to get the information.

Q.—That was suggested to him? A.—That was the way it was.

Q.—That was the way in which it was to be done. Quite legitimate? A.—I think it is legitimate—any improper expenditure—to find it out.

(3041)

Q.—And you thought it was proper that the Government should spend its money in doing that? A.—Not at all.

Q.—That the Reform party should spend its money in doing that—Mr. Alex. Smith? A.—Yes, he said it was—

Q.—I want to get some kind of idea as to what you considered to be legitimate. Now, you considered that to be a legitimate method of getting information, a Conservative to go among his Conservative friends, and get such information as can be handed over to Mr. Smith for the Reformers and get him unseated by it, that is what you say in your letter? A.—That was what he was willing to do.

Q.—That is what you asked him to do? A.—That is what I asked him.

Q.—That is what you asked him to do. Are you bringing up many nephews in the same way? A.—I did not bring him up.

Q.—He kicked out of this, I believe. Now, you say, "And can communicate it privately to me, and I can pass it on to the proper place." What was the proper place? A.—Smith.

Q.—Any Smith? It must be a blacksmith I should think? A.—Alex. Smith.

Q.—And we will make a clean sweep of the three. That is to say, you had got hold of Manitoulin, and you were patronizing him into it, and then you were going to get hold of the Sault, and then you were going to get hold of Algoma? Those were the three you meant, were they not? A.—Yes, those were the three.

Q.—You are not a politician? A little? A little? A little? Eh? Well, a great deal? A.—Put it just whichever way you choose.

(3042)

Q.—Put it whatever way I like. A great deal of a politician, able to get these three seats; "get all information as soon as possible and state figures, value of the same." That is to say, the amount that he would charge for his treachery, was it? A.—You can call it treachery, or what you choose.

Q.—I give what I consider to be the proper term, and he was to say what he was to be paid for it. Is that what you mean by the expression "State figures and value of the same"? A.—Well, I meant him to—

Q.—Is that what you meant, how much he was prepared to charge for this information? A.—That is what it appears.

Q.—That is what it appears to be. You wrote the letter, and he knew you were to get half of it? A.—No, sir.

Q.—The whole of it? A.—None of it.

Q.—Are you sure? A.—Sure.

Q.—"And state figures, value of the same, and it will come to hand quick, sure."

Mr. Johnston: "And have it come to hand quick, sure."

Mr. Blake: I am reading from my brief.

Q.—"It will come to hand quick, sure." Then you say, get all information as soon as possible, and so on. If I was situated like you I could pick up thousands of dollars. What did you mean by that? A.—I simply meant that he could do that in franchises.

Q.—You mean he could do that in franchises. These were the franchises that you were each to have one-half

in? A.—Well, the franchises we could divide. But of that he was to have

(3043)

simply the expenses, and he was to be paid for his time.

Q.—A large pay, I think you put it in your evidence? A.—Well, paid for his time.

Q.—That was to be a little piece of plunder, the whole of which he was to get, and then you were to share in this other. "If I was situated like you I would pick up thousands of dollars worth." You were to get one-half of that? A.—Franchises—Yes.

Q.—That had reference to the thousands, "And no one would ever dream of you or me in the matter." Why did you care whether they dreamt of you or him in the matter? A.—Well, I would not want them to think that he was mixed up in it.

Q.—For yourself you did not care. You were older and more accustomed to it? A.—No.

Q.—But for the young man you did not like that there should be any harm come to him? How kind? A.—You misunderstand me.

Q.—This is what I was asking you. "If I was situated like you, I would pick up thousands of dollars worth soon, and no one would ever dream of you or me in the matter." What do you mean? A.—I mean, he will pick up thousands of dollars worth of franchises that we could make money out of.

Q.—What do you mean by saying "And no one would ever dream of you or me in the matter?" A.—Well, he could not as a member take hold of some things that I could as a private individual, but he could give me the information.

(3044)

Q.—You were to be the blind? A.—I was not to be very blind.

Q.—Oh, no. Your eyes were too wide open, I think. But you were to be the blind? It was in and through you that the matter was to be done, and his name was not to appear? A.—Well, if he would give me early information of anything that was going on, and I could get any money out of it, I would—

Q.—Your name was to be used? A.—I would use my own name and not his.

Q.—And that is what you mean by this, "No one would ever dream of you or me in the matter"? Is that it? A.—Yes.

Q.—Were you to use Capt. Sullivan and Shannon's name? A.—I do not know anything about those.

Q.—And you say it is a snap worth trying for? A.—Well, he was always

asking me to give him some information.

Q.—But all these suggestions unfortunately seemed to be coming from D. A. Jones? A.—The verbal ones came, I guess, from him.

Q.—But you put yours in writing. lest there should be any mistake about it? A.—Well, I wrote that.

Q.—You wrote that at all events. This was after your conversation, you say, with Mr. Alex. Smith. Was that the reason that you could put in here these words, "And it will come to hand quick, sure"? What assurance had you that it would come to hand quick? A.—My own assurance.

Q.—And on what did you base your assurance? A.—My own opinion.

(3045)

Q.—Your own opinion, and on what did you base your own opinion? A.—Well, I thought that they would be willing to—

Q.—You thought Smith would keep his word? A.—I thought they would be willing to pay—

Q.—Handsomely? A.—A reasonable amount—a legitimate amount, for collecting information which he stated was legitimate.

Q.—For collecting this information to which you refer? A.—Yes.

Q.—I see. And you had had a conversation first with Mr. Smith, who told you it would be legitimate to pay for such information? A.—I asked him if it would be legitimate first, and he said it would.

Q.—He said that it would. You did not write until you got that assurance or that statement from Mr. Smith? A.—I did not write that until after I had asked Mr. Smith.

Q.—Until after you had asked that and had had that answer. Then this letter of September 10th, when you speak about mining matters—that had reference to the matters which were the subject of your earlier letter, and of your discussions? A.—That was principally mining in that letter.

Q.—Oh, I know, you used the word "mining," but you did not really mean it? A.—I meant mining in the letter.

Q.—What mining matter on the 19th September had you with Mr. Gamev? A.—I had samples and had been talking with people from the east, and had arranged—

(3047)

Q.—Who from the east? A.—Best was one, of Bancroft, and Mr. Membrey, and I went down and examined.

Q.—When did you go? A.—I wrote that letter.

Q.—But what had you when you wrote that letter? A.—I had samples, and I had his assurance and others about mines there.

Q.—You had never discussed that with Mr. Gamey? A.—I told Mr. Gamey that I had got some information which I thought would be valuable about mines down east.

Q.—What was it that you wanted to talk over on the 19th September? A.—I was going to talk over about those mines.

Q.—Did anything come of it? A.—I went down—

Q.—Did anything come of it? A.—Not yet. We have not made any money out of it yet.

Q.—You have not bought them? A.—I have not bought them yet.

Q.—Now, we will drop that. "If you have not already received your railway passes, and do not at once write to me, as I ordered them to go forward." Whom did you order to send them forward? A.—I spoke to Mr. Smith—Mr. Alexander Smith.

Q.—You say, "I ordered them to go forward"? A.—Yes, sir.

Q.—You are no relation to the great Mogul, are you? A.—Well, I asked Mr. Smith if he would forward them, and he said he would. I said then you forward them.

Q.—So that that is what you mean? A.—That is it, if they could be procured.

Q.—"And I ordered them to go forward, and if they do not, I will see af-

(3048)

ter them next week. I have some gilt-edged things now, and I think we can make a nice pot out of them." A pot of money, you meant, of course? A.—That is the common phrase in mining.

Q.—The only two things in the world, honey and money. It was not honey, it must have been a pot of money. Then, out of what were you going to make the nice pot? A.—Well, from the information I had received of some mineral claims there, I thought we could do it.

Q.—Did you make anything out of it? A.—I spent money.

Q.—Did you make anything out of it? A.—Not yet.

Q.—Live horse, and you will get hay? A.—I expect to get it, too.

Q.—"You see that party that we was trying to see and arrange and get things in shape." Who was that party? A.—The party was the Sault.

Q.—W. R. Smyth? A.—No.

Q.—What was his name? A.—It was the Sault. It was a phrase that I put in there in order to prevent anybody from knowing what was going on between us.

Q.—I see. Did you think that your nephew would understand your guileful expressions? A.—I thought he would understand that.

Q.—And then what you did mean by the latter part of this letter of the 19th September was the member at the Sault, whether he had seen him? A.—No. That was intended to ask him for the information, if he had got the necessary information from the Sault.

Q.—To unseat Miscampbell or Mr. Smyth? A.—Not Mr. Smyth.

(3049)

Q.—Mr. Miscampbell was it? A.—Yes.

Q.—"And arrange to get things in the shape of a verbal option." What was the verbal option? A.—Well, that was put in that way in order to prevent anyone from knowing.

Q.—But you see I am afraid that this contradicts a little your statement as to the other letter, because you say, "Your efforts will place us in a shape to make a haul sure." Will place us in the position. I am afraid that you were not going to leave it all to your nephew, as you kindly intended in the other letter. "Will place us in a shape to make a haul sure." You began to relent about the kindness of letting him have all this, did you not? A.—That is according to our arrangement.

Q.—He was to have half of this, was he? A.—He was to have half of anything he could get from franchises.

Q.—But did you call this a franchise? A.—No, but it would place him in a position that we would have—

Q.—You would control the market? A.—No.

Q.—You would largely control the market? A.—He would have more influence.

Q.—Then, you say at the end of this letter, "I will surprise you when I see you when you are going to Toronto." How were you going to surprise him? A.—I was going to surprise him with samples that I was getting, and I brought samples, and they are up at the Parliament buildings, or were there.

Q.—They have been collecting dust, but nothing has come of them? A.—There has been a great many samples of mines collected and nothing has

(3050)

come of them as soon as you collect them.

Q.—I am not disputing that. But you on your oath say that, "I will surprise you when I see you," means that you were going to re-show him some samples of mines? A.—I was going to show him some samples that I had of mines in Bancroft, one is copper, owned by Mr. Best.

Q.—You think he would have understood that, following as it does immediately “your efforts will place us in a shape to make a good haul sure”? “I will surprise you when I see you when you are going to Toronto.” A.—That I can explain it further if I tell you that he asked me on account of what he had stated before in reference to the postoffice, to write very carefully, and I did so.

Q.—I see. It could be understood in several ways, so that he would not be sure of anything. Was that what you intended? A.—I guess he would be sure enough. He knew what it was all right.

Q.—And he has told us what it was, surprised with the amount of patronage, and the like, and so on? A.—It had no reference to patronage whatever.

Q.—I see. A.—It was simply a mining matter.

Q.—It was simply a blind, was it? A.—It was mining.

Q.—It was simply a blind? A.—I told him before I wrote I was going to write him about—

Q.—Was it simply a blind? A.—You can call it what you like.

Q.—But is it not so, using language that did not mean what it seems to mean? A.—I intended to convey the

(3051)

meaning to him, but if anybody else saw the letter, that they would not be able to know what was going on between us.

Q.—Do you carry on an extensive correspondence of that class, Mr. Jones? A.—That is the only one that I recollect of.

Q.—Then you tell me that you saw Mr. Alexander Smith. I want you now, refreshed since the morning possibly, to try and tell me how many times you saw Mr. Smith? A couple of times, you thought, in August. How many times now do you think you saw him in August? A.—I say I think I saw him once in August, and I am not positive about seeing him any more before I wrote either one of those letters, or I may have seen him the second time.

Q.—Then there would be once after the writing of this letter, or twice? A.—Well, I may have seen him—I frequently see him and do not have any conversation with them.

Q.—Well, seeing him to have a conversation with him? Would it be once or twice after the 16th of August? A.—Well, I may have seen him once, but I would not say positively.

Q.—Did you see him more than once? A.—More than once, and perhaps not once.

Q.—Now I want you to tell me how long you saw Mr. Gamey before the 16th of August? Did you see him, for instance, as he says, about from the 7th to the 12th of August? A.—I have not a recollection of seeing him on the 12th of August, but I have a recollection of seeing him on the 12th of August, but I have a recollection of seeing him either in June or July.

The Chancellor: Who is that? A.—Mr. Gamey.

Mr. Blake: When and where? A.—At the Walker House. Q.—Cannot you give me a date so that we can consult the register and see when he was here?

(3052)

We want to help you out with this date? A.—I cannot give you the date.

Q.—Will you swear, sir, that you saw him in June? A.—I will say either June or July.

Q.—And you will not put it nearer than that? A.—I will not put it nearer than that.

Q.—And you will not give what period in June or July, the beginning, or the end or the middle of the month? A.—Well, I did not make a note at the time.

Q.—I did not ask you whether you did or not. Will you give the date? A.—I cannot.

(3053)

Q.—So that all you will tell the court is that you think you saw Mr. Gamey either in June or July, once, I believe? A.—If I saw him in June, I think I saw him again in July.

Q.—And if you did not see him in June? A.—If I did not see him in June I think I saw him twice in July.

Q.—But you cannot give it nearer than that, and you saw him once in August? A.—I may have.

Q.—You may have. Did he at the first interview discuss with you the question of his protest? A.—No. I had not heard of any protest then.

Q.—He did not do that until August? A.—I think that he spoke of the protest in July, but I will not be positive.

Q.—Then that must be towards the end of July that you saw him? A.—It would be some time in July.

Q.—You cannot give it nearer than that? Have you got no record or memorandum or anything whereby you can tell? A.—I will tell you one instance.

Q.—Listen to me. Have you any record or memorandum whereby you can give the date? A.—I recollect this. That a Mr. Sommers, the banker at Beeton, I told him in reference to Mr. Gamey's conversation, that he was intending to give the Liberals a support.

Q.—I am not asking that? A.—I am trying to place the date for you.

Q.—And as to whether you have any record or memorandum which will give you that date? A.—Well, my recollection is the only record that I have in that matter.

(3054)

Q.—You have no way of clearing that up? A.—Yes, and I am trying to do it, if you will allow me.

Q.—Have you any means, by any record—

The Chancellor: He speaks of this conversation with some banker? A.—Mr. Somers, the banker at Beeton, whose stenographer wrote that letter that is in question here. I told him as soon as I had a conversation, or shortly afterwards, with Mr. Gamey, and then when it came out in the papers that it was protested, I am not sure whether it was me that showed the paper to him, or he called my attention to it, that there was a protest out against Mr. Gamey, and how would that affect his course, and we talked it over, and I also talked to Mr. Dougherty, and I think Sylvester of Stouffville about it, and that was in July, too, that I spoke to him.

Q.—I was asking the period in July. I am afraid you have not brought us much nearer to it. With all these discussions, do you still continue the statement that you are not a politician? A.—Well, I do not know what you would term a politician. But I do not consider myself a politician, and did not even go out to vote last year, when there was both a Conservative and a Reformer in our riding. I did not go and vote.

Q.—No money going there? A.—I do not know.

Q.—Then at all events, Mr. Gamey did not see you after these letters which have been referred to—did not see you any further about the matter? It all dropped there? A.—It ended there largely, because he told me—

Q.—I am not asking that. It ended there? A.—I saw him after that

(3055)

several times.

Q.—But you had no further discussion and talks about this particular matter? Couldn't you urge him up to any course, or what was the difficulty in the way? A.—The difficulty was he

said that the Conservative party suspected that he did not want me to be seen talking to him; that it would injure him if he was seen talking to me.

Q.—That is that they would doubt his sincerity as a Conservative? A.—Yes, that was what he stated.

Q.—And so he pulled off from you for fear that he should be discovered? A.—Well, he did not want to create any friction then, he said.

Q.—Or any suspicion? A.—Well, if you want to know the reason. He said that the majority was dwindling; if Ross did not succeed in holding the reins of power he wanted to be in line with his own party; he did not want to do anything to injure his party.

Q.—Thank you, very much. So that he was in a state of doubt at that time? A.—Well, afterwards, I could not say just what time it was afterwards, but—

Q.—I want to know just when it was that that was told to you? A.—It was told to me more—

Q.—When was it first told to you? A.—After I wrote him that last letter; I could not say how long after that.

Q.—That was after you wrote him the letter of the 16th of August or the 20th September? A.—The September letter.

Q.—That was after the letter which is the 19th—after the letter of the 19th September? A.—That will be the letter.

(3056)

Q.—After the letter of the 19th September, he stated that he did not want to be seen with you, as they would suspect him—his Conservative friends would suspect him? A.—That was about the upshot of it.

Q.—Had he said anything to you on that subject earlier than this letter of the 19th September? A.—Well, I do not remember the dates that those talks were.

Q.—You have given me that as a date, and you have stated that it was after the letter of the 19th September? A.—I know he did speak to me afterwards. He may have said something before, but I will not say positively.

Q.—Therefore, after the 19th September, he stated that to you, and then did you do what he asked and keep away from him? A.—Well, we would bid each other the time of day.

Q.—But you had no further talk with him after that day? A.—Well, we spoke as friends would in the ordinary way, but there was no conversation—

Q.—He saw you? A.—Yes.

Q.—He had an opportunity of discussing this question of franchises and the like, if he had desired it? A.—Well, there was no chance for franchises until—

Q.—Until after the House met? A.—Until he declared himself I suppose.

Q.—There were no chances for franchises until he declared himself, and therefore there was no further talk between you? You had your understanding distinctly? A.—We had our understanding, and we might have spoken.

Q.—But you had your understanding? A.—Several times we spoke to each other.

(3057)

Q.—But you said nothing came of it. You were relying upon this understanding he had entered into with you of course? A.—Yes, I relied on him.

Q.—You relied upon that. Possibly you are relying still? Nothing to break it—to interfere with it? A.—Just whatever you think.

Q.—Well, has there been? A.—He has never said anything to me, except his statement in the House, but I thought his chances were very small after the statement.

Q.—After the statement, but so far as you were concerned, nothing had taken place until the statement in the House, as between you, to interfere with the arrangement that you made as to halving the franchises? A.—That he would be my friend? No.

Q.—Nothing whatever. That is all, thank you.

Re-examined by Mr. Johnston:—

Q.—Had you anything else on hand between the 16th September and the time of the statement in the House that required his assistance? A.—None whatever. I expected that matter down there, but when I got down it was—

Q.—Now, would a man understand the letters that you wrote to him, after the preliminary conversation that you say you had with Mr. Gamey? Was there that connection between the conversation and the letters that a man would understand what you meant by the letters? A.—I said to him, as I stated to you, standing by that telegraph pole or telephone pole at the corner of the Walker House, that I would write him about the mining down east, and any questions that I asked him would be in that way, when he cautioned me in reference to it.

(3058)

Q.—Was there enough in the conversation that you had with Mr. Gamey to enable him to read your letters and understand what they meant? A.—I thought he would understand from what we had talked over.

Q.—Then you say that you had something that would surprise him.

Did you show those things to other people—samples? A.—I took samples—

Q.—Wait. Did you show them to other people interested in mines? A.—Yes.

Q.—Where they surprised? A.—They were also surprised.

The Chancellor: About their richness, do you mean? A.—Yes, their richness.

Mr. Johnston: And you took them to the department and showed them to Thomas Gibson? A.—Not to Thomas Gibson, but to his Secretary; I forget his name.

Q.—He is a mineralogist? A.—Yes, and he said he was totally surprised that there should be such samples—such rich samples from that section of the country, and I think he caused some remarks to be put in the papers about it.

Q.—Did Mr. Gamey say anything about saying anything to you with reference to Miscampbell's election as to what he knew about it on any of these occasions? A.—Well, he said he had heard there was a lot of funny work doing or something like that, or expenditure in other words.

Q.—Did he say to you that he had any information at that time? A.—No, he did not—only rumor.

Q.—Then at the time he was looking for information as against Miscampbell, you were asked if he was willing to betray his friends. At that time was Mr. Gamey pretending to be a friend of the Conservatives or of the Reform Government? A.—Mr. Gamey had assured me for the last three years that he would support the Reform Government if they were in power.

Q.—I am asking you, if he was pretending then politically or in any other way that these Conservatives were friends of his or treating them as such?

(3059)

A.—He was simply pretending to me that he was doing everything he could to make himself strong with the Government.

Q.—Whatever Government it might be. Now who first suggested the price of information in regard to these constituencies? A.—Mr. Gamey.

Q.—Who was it that stipulated as to terms, or talked money in connection with the Miscampbell riding? A.—Mr. Gamey.

Q.—Then you were asked about Mr. Gibson giving you information about mines. Was that information that you alone could get, or could any man get it? A.—Any person walking in there, if they knew the questions to ask, would secure the same information that I did.

Q.—The trouble was knowing the questions to ask? A.—Well, he would do his best—what I saw of him—to give everybody every information that he could.

Q.—That will do, thank you.

The Chancellor: How long after, in your recollection the 1th September, was it that Mr. Gamey told you what you said about the reins of power and dwindling majority? A.—My memory does not serve me positively, but I recollect speaking to him several times, and we were just speaking in that way, and he said—

Q.—I know what you told us. What I want to find out is when it was he said that? It was after the 10th September, but how long afterwards? A.—Well it was before the election in the three Norths, but I cannot tell you the date exactly. It was before the election in the three Norths I recollect that; it was the time there was said to be one of a majority—claimed to be one of a majority.

(3060)

The Chancellor: Now, that is all the information that the commissioners require on this investigation, so far as they are concerned, but you have some other witnesses, I believe, Mr. McPherson. Where are those absentees of yours?

Mr. McPherson: I have one of them here.

The Chancellor: Then let us go on with that. There may be a misconstruction of what I said, "All we required." I did not mean we had all we would like to get; I suppose it is all we will likely get.

Laughlin Galbraith, sworn. Examined by Mr. McPherson.

Q.—Where do you reside? A.—The township of Campbell, Manitoulin Island.

Q.—What is your occupation? A.—Farmer.

Q.—How far do you live from Providence Bay? A.—In the neighborhood of four miles.

Q.—Were you at a political meeting addressed by Mr. R. R. Gamey prior to the 29th May, 1902?—before the 29th May, 1902? A.—Yes.

Q.—Where was that meeting? A.—In the school house.

Q.—At Providence Bay? A.—Yes, sir.

Q.—Do you know about the date of that meeting? A.—I rather think it was the evening of the 3rd of May.

Q.—Did you hear Mr. Gamey speak on that occasion? A.—Yes, sir.

Q.—Can you tell me, speaking generally, what attitude he took on that occasion in reference to Mr. Whitney and his policy. A.—Well, he spoke

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in favor of Mr. Whitney and his policy.

Q.—And speaking generally, what attitude did he take at that meeting in reference to Mr. Ross and the Ross Government, rather, and their policy? A.—He denounced the Ross Government.

Q.—Was Mr. A. F. Campbell's name adverted to that night by Mr. Gamey? A.—I did not hear it.

Q.—Was anything said that night by Mr. Gamey from which anybody might reasonably suppose that if Mr. Gamey was elected he would give an independent support to the Ross Government or their measures? A.—Not in the slightest.

Q.—Or that he would support the Ross Government in any way, or their measures? A.—Not in the least.

Q.—Or their policy? A.—No, sir.

Q.—Were you at the convention when Mr. Gamey was brought out as a candidate? A.—Yes.

Q.—Did you hear any remarks made by him there that day? A.—As regards what?

Q.—Accepting the nomination? A.—I heard the statement made there by him at the nomination—yes.

Q.—What position did he take there in reference to the acceptance of the nomination? What did he say? A.—He took the position of a good Conservative.

Q.—What did he say? A.—Well, he spoke about his intentions as regards the Whitney policy as being an improvement to what things had been, and he condemned several parts of the doings of the policy of the Ross Government.

Q.—Did he on that occasion reserve to himself the right

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to be independent in any way? A.—Not in the least.

Q.—Do you know W. J. Berry? A.—Yes, sir.

Q.—Of Providence Bay. Did you see him on the night the meeting was held at Providence Bay, of which you have spoken? A.—On the evening of the 3rd of May.

Q.—Yes? A.—Yes.

Q.—Where did you see him? A.—On the road to Providence Bay, on my way to Providence Bay.

Q.—When you were going to Providence Bay you saw W. J. Berry? A.—Yes, sir, but he was going from Providence Bay; he rather met me.

Q.—Where was he going? A.—I do not know just where he was going.

Q.—He did not say? A.—I did not ask him.

Q.—Anything said about the meeting? A.—I invited him to get into my rig and go with me back to the meeting.

Q.—What did he say?

Mr. Johnston: That is not evidence.

Mr. McPherson: If he can say he was at the meeting.

The Chancellor: This man can say if he was or was not, without going into the conversation.

Mr. McPherson: Did you see W. J. Berry at the meeting? A.—No, sir.

Mr. Johnston: That is not enough.

Mr. McPherson: If you will wait I will see if there is anything else.

Q.—About what time did the meeting open? A.—Well, I would not just say. It was somewhere near 8 o'clock,

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I should think, or probably a little after 8.

Q.—And closed at what time, probably? A.—I could not just say to that. I should think it would be after 10.

Q.—And about what time was it that you met Mr. Berry on that night? A.—It would be between 7 and 8 o'clock.

Q.—Now, did you have an conversation afterwards with Berry as to that meeting? A.—Yes.

Q.—When was it? A.—It was either the 10th or 11th of March last.

Q.—That is, of this last month, or two months ago? A.—Yes, sir.

Q.—1003? A.—Yes.

Q.—Where did that conversation take place? A.—In Alex. Muchmore's store in Providence Bay.

Q.—What did Berry say then in reference to the meeting?

Mr. Johnston: That is not evidence.

The Chancellor: We will take it. Go on.

Witness: Well, he started to tell me certain things that Gamey said at the meeting, and I contradicted him. I said they never were said. He said that Gamey said he had not—

The Chancellor: You need not go through all that. He told you something Gamey said, and you contradicted him? A.—Yes, sir.

A.—Anything more? A.—He said he did not know, for his part, he was only told it. He said he was not at the meeting himself.

Mr. McPherson: All he knew of what Gamey had said was what he had been told? A.—Yes, that is what he allowed.

(3064)

Q.—That is what he said.

Cross-examined by Mr. Johnston:—

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Q.—In order that there may be no mistake about this man, W. J. Berry, we will look up the evidence.

The Chancellor: He says he was at Gamey's meeting. That is his evidence.

Mr. Johnston: I want to locate the man, so that there will be no doubt about the Berry, and where he lives.

The Chancellor: Providence Bay. He was a contractor and builder.

Mr. Johnston: Page 1729. His name is William John Berry? A.—Yes, sir.

Q.—And he lives at Providence Bay?

William John Berry? A.—Yes, sir.

Q.—And that is the man you mean?

A.—Yes, sir.

Q.—He is a contractor and builder?

A.—Yes, sir.

Q.—And the meeting was on the 3rd day of May? A.—That evening.

Q.—At the schoolhouse, Providence Bay? A.—Yes, sir.

Q.—And there is no mistake about the man? A.—Not on my part.

Q.—And there is no mistake about the meeting? A.—Not on my part.

Q.—And there is no mistake about the time or the place where it was held on your part? A.—No, sir.

Q.—And you swear he was not at that meeting? A.—I swear I never saw him.

Q.—I am not asking you that. I thought you would not take the jump so quickly. Will you swear that he

(3065)

was not at that meeting? A.—I will swear I did not see him there.

Q.—Will you swear he was not there? A.—I will swear I did not see him there?

The Chancellor: You cannot get any further. That is all he can say.

Mr. Johnston: I thought you would not quite swear what you were setting out to do. Now let us see what else you know about this thing. He may have been there for anything you knew? A.—Well, I take it from his own words that he was not there.

Q.—He may have been there for anything you know? A.—I did not see him there.

Q.—That is all you will say. None of us saw him there, you know. Now, in favor of Whitney Mr. Gamey spoke. What did he say? A.—He said a great many different things. I don't just remember all he said.

Q.—What did he say? Name one of them? A.—Well, he spoke on different things, of Whitney's policy, that would be an amendment to the mining laws, and timber laws.

Q.—Name one? A.—And colonization road moneys.

Q.—Name one thing he said would be an amendment to the mining laws? A.—Well, he said that one thing was on the mining laws, that the Ross Government had passed resolutions that a man had to take to the surface so many tons of ore in a certain short space of time, and that a poor man could not do it, and that the Whitney policy made an allowance, so that a poor man would have a better show. That was one particular.

(3066)

Q.—That was the line he was taking. Arguing upon the line of the mining policy in that way? A.—And different other things.

Q.—Then you did not hear A. F. Campbell's name mentioned? A.—I did not hear it mentioned.

Q.—That is as far as you can go? A.—I did not hear it mentioned.

Q.—Is that as far as you can go in your evidence? A.—I did not hear A. F. Campbell's name mentioned at all.

Q.—Will you answer my question. Is that as far as you can swear on that point? Yes or no will tell me. I did not hear A. F. Campbell's name mentioned? Is that as far as you will tell me? You did not hear A. F. Campbell's name mentioned, and my question is, that is as far as you can swear on that point? A.—That is as far.

Q.—That is all I want. Now, you take a considerable interest in politics? A.—I do not know.

Q.—Well, do you? Nobody else knows? A.—I do not consider that I take an awful lot.

Q.—You do not take any interest in politics perhaps, do you? A.—Well, not a great deal.

The Chancellor: We seem to have had no politicians in this inquiry at all; all perfectly unconcerned.

Mr. Johnston: Yes. The only men that had practical politics were D. A. Jones and Gamey, apparently.

Mr. Blake: And Mr. Stratton. Mr. Stratton had a little. He is a Minister with \$7,000 a year.

Mr. Johnston: Anything said at that meeting about supporting the best measures for Manitoulin? A.—I did

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not hear it.

Q.—Was it said, can you say? A.—I did not hear anything said by Mr. Gamey only supporting the measures of the Whitney Government.

Q.—Can you say anything stronger than that, that you did not hear it said? Am I to take that the same as I did the other? A.—Regarding?

Q.—I ask you the question if you would listen and not be so anxious to answer before you hear the question.

I asked you if anything was said at that meeting by anybody about supporting the best measures for Manitoulin? A.—I did not hear of that.

Q.—Is that as far as you can swear on that point? A.—That it as far.

Q.—Was anything said about Mr. Gamey not being allowed or that he would not support measures coming from the Ross Government, if these measures were in the best interests of Manitoulin? Anything said about that? A.—At this meeting?

Q.—Yes? A.—I did not hear it.

Q.—Is that as far as you can go on that? A.—Yes.

Q.—You mean if you heard it you do not remember it? A.—I did not hear it, sir.

Q.—Have you a deaf ear and a quick ear? A.—I never knew that I had.

Q.—You can hear well, and if you had heard it you could swear to it, I suppose? Would you remember it all? A.—I would swear it if I knew it.

Q.—Would you remember it all from that time to this? A.—I did not hear

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it, sir.

Q.—I am asking you the question? A.—I would.

Q.—Tell me the answer to the question. Do you remember all that was said at that meeting? A.—I do not know whether I would remember it all or not, but I know that I do not remember hearing that anyway.

Q.—I am satisfied with your answer. Now, at the convention, did Mr. Gamey pledge himself to support the Whitney policy? A.—Yes.

Q.—He said in so many words that he was going to support the Whitney policy, and so pledged himself? A.—Yes.

Q.—When he accepted? A.—Well, I do not know that there was any personal pledging done.

Q.—I asked you if he did and you said yes, sir. Do you want to take that all back? A.—I did not say that he pledged himself personally at all, only what he said on the platform.

Q.—I asked you if when he accepted the nomination he pledged himself to support the Whitney policy, and you said he did? A.—He pledged himself on the platform publicly that he would stand by the Whitney policy.

Q.—When he accepted the nomination is the question I am asking you? A.—Yes, sir.

Q.—And at that time he got up and pledged himself personally to support the Whitney policy? A.—Yes.

Q.—A moment ago you said he did not do it? A.—I did not say he did not do it. I said he did not do it personally to me, only what he did on the platform.

Q.—To the convention? A.—Yes.

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Q.—And a man who says that he did not do anything of the kind would be telling what is not correct according to your memory of it? A.—Yes.

Q.—So that if two or three men who were at that convention have sworn that that is not correct they are mistaken, that is all? A.—They are.

Q.—How far was Mr. Barry from Providence Bay when you met him? A.—Well, it was just in the neighborhood of two miles, as far as I know.

Q.—Do you know where he was going? A.—I do not know. I did not ask him.

Q.—Do you know where he lives? A.—Well, when he is at what he calls his home he is in Providence Bay; he generally works around.

Q.—Had he any jobs out in that direction at that time that you know of? A.—Not that I was aware of.

Q.—He could go out two miles on his wheel or three miles, and get back in time for a meeting between 8 and 10? A.—He was wheeling on his feet at this time. He was on foot.

Q.—I thought you said wheeling? A.—No, he was walking.

Q.—You were driving? A.—Yes, sir.

Q.—And he had time enough to walk back to Providence Bay in order to attend the meeting between 8 and 10 o'clock, if he wanted to? A.—Well, yes, if he wanted to.

Q.—What time did you see him going out? A.—It was between 7 and 8 o'clock.

Q.—What time did you get to Providence Bay? A.—It would be well on to 8 o'clock.

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Q.—The meeting opened at 8. Were you there at the opening of the meeting? I did not say the meeting opened at 8. I said near 8—as near as I could tell.

Q.—How long were you in Providence Bay before you went to the meeting. A.—Not long.

Q.—How long, 10 or 15 minutes? A.—I could not say as to minutes.

Q.—Put your horse in the shed or stable? A.—I tied my team in the shed.

Q.—And did you go direct from there to the meeting? A.—Pretty near. I did not leave the Bay or go far away. I went to the meeting shortly afterwards.

Q.—How many minutes? A.—I could not say to the minutes.

Q.—About 10, or 15, or 20 minutes, or half an hour? A.—I was not any half hour.

Q.—How long do you say you were? A.—I could not say to the minute, but as near as I can tell I was not any more than probably 15 or 20 minutes at the outside—perhaps not 20—I could not say to the minute.

Q.—Fifteen or 20 minutes would be about your best recollection of it? A.—I was not twenty minutes.

Q.—Fifteen minutes would be your best memory? A.—Somewhere about that.

Q.—Then you went to the meeting after that? A.—Yes, sir.

Q.—Had the meeting commenced when you got there? A.—It was just commencing.

Q.—And that commenced a few minutes after 8 o'clock, because you only stayed until about 10? A.—I could not state to the time it opened.

(3071)

Q.—Shortly after 8 is what you said, and you got there about the time the meeting opened, and you met Barry about two miles out of Providence Bay? A.—Yes.

Q.—And the meeting closed about what hour? A.—I could not say.

Q.—You could say whether it was before 10 or after 10? A.—I should think it would be after 10.

Q.—Perhaps about half-past 10? A.—Perhaps.

Q.—How many speakers do you remember? A.—Just the two.

Q.—Gamey? A.—And Mr. Roland Hill.

Q.—Any resolutions passed at the meeting? A.—Not that I remember.

Q.—Any in general. A.—Not in general.

Q.—Any resolutions of any kind passed at that meeting? Was there a Socialist meeting at Providence Bay the same night? A.—No, sir, not as I know of.

Q.—Two meetings going on that night? A.—Not that I ever heard tell of.

Q.—And did Mr. Gamey speak at the other meeting? A.—No, sir.

Q.—Another night at Providence Bay do you remember a Socialist meeting? A.—I was not there, sir.

Q.—Do you remember there being one? A.—I heard them say there was one some other night.

Q.—At which Mr. Gamey spoke? A.—I do not know anything about it.

Q.—But you understood Gamey had spoken and McMillan had spoken. A.—I was not there. I never heard it that way.

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Q.—How did you hear it? A.—I did not hear it that way. I heard there was a Socialist meeting there.

Q.—Did you hear who the speakers were? A.—No. I did not inquire. I was away from home at the time.

Re-examined by Mr. McPherson:

Q.—If Mr. A. F. Campbell's name had been mentioned there that night would you have heard it? Were you so that you could hear? A.—Yes, I was as close as I am to you now to the speakers.

Q.—Have you any doubt in your mind as to whether his name was mentioned that night or not? A.—Not the least.

Q.—Is your memory clear on that? A.—Yes, sir, clear on that.

The Chancellor: Now, the next witness.

Mr. McPherson: I have not anyone else here. The other people I mentioned—two of them will not be able to be here until to-morrow.

The Chancellor: Well, I think we must close all this oral testimony to-morrow. You must understand that, and have them here. We cannot be dragging on with these half days. You must close it to-morrow, except as to the bank. They may not be ready, but all these outside witnesses—you must have them here and finish them so that we can get ready for argument next Thursday, if that is to be the day.

Mr. Ritchie: Then will it be understood that we are to be ready to take up the bank evidence the first thing on Saturday morning?

(3073)

The Chancellor: I thought the bank evidence would be ready to-morrow?

Mr. Ritchie: To-morrow night.

The Chancellor: Then let it be on Saturday morning, but all the rest of the oral witnesses must be exhausted to-morrow, so as to leave Saturday free for the bank, and get the case closed as far as the evidence goes, this week.

Mr. Ritchie: Of course, there will be certain oral witnesses I may have to call in connection with the bank. I am not calling them until after I make the investigation, but they will all be short and all connected with that.

Mr. Ritchie: Then, I may say the expert is working at the Treasury Department at the present time. I do not know that his report will be in.

(Adjournment, 3.07 p.m. until 10 a.m. to-morrow, May 15th, 1903.)

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TWENTY-THIRD DAY.

May 15th, 1903, 10 a.m.

The Chancellor: I would like Mr. Gamey to put that memorandum book he spoke of in the hands of Mr. Grant, so that we can look at it.

Mr. Gamey: It is at the hotel. I will go down and get it.

The Chancellor: It may be left in Mr. Grant's hands at any time.

Mr. Gamey: Shall I get it now?

The Chancellor: Any time. At lunch time, or to-morrow. Then, Mr. Johnston, if you are in communication with the bank, I wish you would have the bank officers throw any light they can on this \$900. Mr. Gamey says the books will show.

Mr. Ritchie: I am looking into that. I want to have the receiving teller here. Mr. Coffee is here. I would like him to put in the cheques that I examined of the Trust & Guarantee Company. There are four or five I examined. I would like to have them here in court. We may have to refer to them. You already put in, Mr. Coffee, the \$3,000 one.

Mr. Coffee: Give me the ones you want.

Mr. Johnston: We want those cheques verified in some way.

Mr. Ritchie: Which cheques?

Mr. Johnston: Any cheques you put in from the banks.

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Mr. Ritchie: I purpose verifying everything. I will call an officer of the bank to verify everything.

The Chancellor: You asked Mr. Coffee on his subpoena duces tecum to produce certain cheques.

Mr. Ritchie: Yes, my Lord.

The Chancellor: Then they had better be left in Mr. Grant's hands. They will be returned if not used.

Mr. Ritchie: Mr. Coffee and I understand each other. I have given him a list. They were looked at here in court.

The Chancellor: Now are there any witnesses to be called?

Mr. Ritchie: There are two witnesses, my Lord, who are going to be asked as to a certain fact. They both speak as to the same fact. I would ask that the one should retire while the other is giving evidence.

John Loughrin, sworn. Examined by Mr. McPherson:—

Q.—Where do you reside? A.—Town of Mattawa.

Q.—And what is your occupation?
A.—Registrar of the District of Nipissing, and stipendiary Magistrate.

Q.—You are registrar of deeds? A.—Yes.

Q.—And you were formerly the representative in the Legislative Assembly for the district of Nipissing? A.—Yes.

Q.—Do you know the Hon. J. R. Stratton? I suppose you do? A.—Yes, sir.

Q.—And see him occasionally when you are in Toronto? A.—Yes.

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Q.—Now on an occasion when you and Dr. James—you also know Dr. James, the present representative in the Legislative Assembly for Nipissing? A.—Yes.

Q.—Do you remember an occasion when you and Dr. James were here last autumn? A.—Yes.

Q.—Do you remember seeing Mr. Stratton on that occasion? A.—No, sir.

Q.—Did you and Dr. James go to Toronto together on that occasion? A.—Yes.

Q.—Perhaps you will tell me what business you came on? A.—Well, we came—the fall exhibition was going on at the time—we came down to the exhibition, and there were some of the road grants in connection with the district that we went to see the Commissioner of Public Works about, and went home.

Q.—Where did you see the Commissioner of Public Works? A.—In his office at the Parliament buildings.

Q.—What time of day was that? A.—Now I cannot swear positively, but I think it was in the forenoon.

Q.—Who was present? A.—There was the Hon. Mr. Latchford, Dr. James, and a young man named Cahill, and myself.

Q.—Who is Mr. Cahill? A.—He is at present tie inspector on the Tennis-caming Railway, and he is a farmer and merchant living in the township of Wanfield. There was a party of ten or twelve of us came down.

Q.—How long were you and Dr. James at Mr. Latchford's that day? A.—I suppose perhaps half an hour.

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Q.—You think that was in the forenoon? A.—Yes, I am pretty nearly positive it was in the forenoon.

Q.—Does your memory serve you to place anywhere near the hour? Would it be between 10 and 11? A.—No, I know we went out to the exhibition

after dinner. We went out to the exhibition.

Q.—Was Mr. McCool there? A.—No, sir.

Q.—Charles McCool, M.P. for Nipissing? A.—No, sir.

Q.—Was he in town at the time? A.—Yes.

Q.—Did you see him at the buildings that day? A.—Well, after dinner I had an appointment with the Assistant Commissioner of Crown Lands in connection with a farm in the township of Bonfield, a farmer named Valois was here, and I had an appointment to meet the assistant Commissioner immediately after dinner, and we hired a hack at the Rossin House corner and drove up there with this farmer, went in and saw the Assistant Commissioner of Crown Lands, McCool was in the hack, but he was not in the buildings. As soon as I had my interview with the Assistant Commissioner of Crown Lands we all drove out to the exhibition together. That is the only time I saw McCool at the Parliament buildings during my visit to Toronto in September.

Q.—Do you know from anything Mr. McCool said whether he was at the Parliament buildings on any other occasion on that day? A.—No, I do not.

Q.—How long did you and Dr. James remain in town on that occasion? A.—Well, I think either three or four days here. The doctor went home to Ottawa, and I went home to North Bay.

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Q.—You think you were here three or four days? A.—Yes, sir.

Q.—Were you both here three or four days? A.—Yes.

Q.—Where did you stay? A.—At the Rossin.

Q.—Is that the occasion that you are speaking of that you did not see Mr. Stratton? A.—Yes, sir.

Q.—Now, on what other occasions were you and Dr. James here together in the autumn of last year? A.—We were not here at all. That is the only time we were ever here.

Q.—The only time you were here?

Mr. Johnston: No questions.

Charles A. McCool, sworn. Examined by Mr. McPherson:—

Q.—Where do you reside? A.—Before giving my evidence I would like to inform the court I have not been paid my conduct money.

The Chancellor: That is a very important part of your journey.

Mr. McPherson: I will undertake your conduct money will be paid. You

may explain the circumstances under which you claim not to be paid.

The Chancellor : Never mind.

Mr. McPherson : It was formally tendered ? A.—Not formally.

Mr. McPherson : It was laid on his shoulder and he ran away. A.—That statement is not true.

The Chancellor : The witness having escaped, is captured, and is here. You have him here now. You need not dwell on that. Mr. Ritchie, you will undertake to pay this witness ?

(3079)

Mr. Ritchie : Yes, my Lord.

Witness : That is quite satisfactory.

Mr. McPherson : I am advised the money was tendered to him and he ran away from it yesterday, and the money was picked up afterwards and is awaiting him in Ottawa. He would not come, and then he wired the Registrar saying he would come here this morning. Isn't that true ?

Witness : That is not true. I did not run away from anybody.

Q.—They offered you the money ? A.—No. Nobody tendered me money.

The Chancellor : Mr. McPherson, you are giving evidence now.

Witness : I am giving the evidence now.

The Chancellor : He is under oath and you are not, Mr. McPherson. He is here now, anyway.

Mr. McPherson : You were here in Toronto on an occasion last autumn, perhaps on more than one occasion, were you ?

The Chancellor : Where do you live ? A.—Ottawa.

Mr. McPherson : And your occupation ? A.—Lumberman.

Q.—And you are the representative in the House of Commons for the District of Nipissing ? A.—Yes.

Q.—You know the Hon. J. R. Stratton, of course ? A.—I do.

Q.—And frequently see him when you come to Toronto ? A.—Yes.

Q.—You saw him in the month of September, I am informed, last year ? Is that true or not ? A.—I cannot say as to that. I was here during the Exhibition week. I did not see him on that occasion. I may have been here at some other time in Sep-

3c80)

tember, but I know that I did not see him during the Exhibition week, because although I drove up with a party of friends to the buildings—how I come to recollect it so well—I did not get out of the carriage. I remained in the carriage. Dr. James and Mr. Loughrin went into the build-

ing, I think. That was the only occasion I had been up to the buildings at all on that trip here.

Q.—Perhaps you did not see him at the buildings. You may have seen him some place else ? A.—No, sir, not at that time.

Q.—My instructions are very positive that you were in consultation with him upon that occasion ? A.—At the time of the Exhibition ?

Q.—Yes ? A.—It is not true.

Q.—How long were you in Toronto on that occasion ? A.—Oh, three or four days—three, I think.

Q.—You came here on the 10th of September, I believe ? A.—Well, I cannot tell you exactly. If I had my diary here I could.

Q.—You stayed at the Rossin House ? A.—Yes.

Q.—You registered ? A.—Yes.

Q.—And had a room there ? A.—Yes.

Q.—Did you stay there all the time you were in Toronto on that occasion ? A.—Yes.

Q.—Then we will be able to verify that. Did you have any business ? A.—Yes.

Q.—Political business ? A.—No.

Q.—Any political business at all ? A.—Not that I remember of at all.

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Q.—Will you say you did not ? A.—I did not. I came here on my own business, and to take in the Exhibition as well.

Q.—Did you know Mr. Loughrin and Dr. James were also to be here ? A.—No, not until I met them.

Q.—And it was only a coincidence of your all being at the Rossin House at the same time ?

Mr. McEvoy : That is what the Rossin House is for.

Mr. McPherson : I ask you the question ? A.—I am just trying to fix that. I think so. I do not think that I knew that either of them—I might possibly have known that Dr. James was to be here, but I certainly did not know that Mr. Loughrin—I would not say positively one way or the other about Dr. James, because it is so far back.

Q.—How would you know that Dr. James was to be here ? A.—Well, because if I happened to be at Mattawa a few days before I may have arranged with him about coming here to take in the Exhibition; I do not know.

Q.—Did you do so ? A.—I do not think so. To the best of my belief it was only just a chance meeting here.

Q.—Were you at Mattawa a few days before you came to Toronto ? A.—Oh, well, my business was at Mat-

tawa at that time. We were in the lumber business there, and I could not account for how many times I might have been at Mattawa during the month, or what time of year.

Q.—Have you any memory on the subject as to whether you were at Mattawa then? A.—No.

Q.—Do you remember whether you came to Toronto from

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Ottawa or Mattawa on that occasion? A.—I did not come from Mattawa, that is certain.

Q.—You came to Toronto from Ottawa? A.—I may have come down from Sudbury. I would not say as to that, but my recollection is I came from Ottawa. I would not say positively.

Q.—What business had you to transact with the Honorable J. R. Stratton in the month of September, 1902? A.—None.

Q.—Will you pledge your oath you did not see him at all to discuss any matters with him? A.—I could not do that. I will pledge my oath I did not see him at the time you asked about, on the Exhibition week. I was only at the buildings on the one occasion, and I did not go into the building that day, and I did not see Mr. Stratton at all.

Q.—Did you see Mr. Stratton any place else than at the Parliament buildings? A.—Not that I remember of. I do not think I spoke to him or saw him to speak to him at all.

Q.—You are giving your best memory on that? A.—Yes.

Mr. Johnston: No questions.

Dr. Michael James, sworn. Examined by Mr. McPherson:—

Q.—Where do you reside? A.—I reside in Mattawa.

Q.—And your occupation? A.—Physician.

Q.—You are the representative in the Legislative Assembly for the District of East Nipissing? A.—Yes.

Q.—You know the Hon. J. R. Stratton, of course? A.—Yes.

Q.—And occasionally have occasion to see him on matters connected with

(3083)

your constituency and otherwise? A.—Yes.

Q.—Tell me under what circumstances you came to the city in September last year with Mr. Loughrin? A.—Well, one reason—it was during the time of the Toronto Exhibition, and there was a cheap rate, and I had some business in connection with the department. I had to see Mr. Latchford on business.

Q.—How long before that had you been on business in Toronto of any kind? A.—Well, I was in Toronto, I think, in July.

So that the necessities of your constituency had been accumulating from July to September? You had not been here to look after any of your business in connection with the departments? A.—From July to September—no sir.

Q.—Now had you any communication, letters or telegrams, with the Hon. J. R. Stratton about September, 1902? A.—I do not know. I could not tell you. I frequently have communications from the Hon. Mr. Stratton. I had a great many communications with Mr. Stratton in regard to licenses, in connection with the Town of Mattawa.

Q.—And had you any in September, 1902? A.—I could not say whether it was in September.

Q.—You had them immediately before you came here in September, 1902? A.—I could not say to the exact time.

Q.—You have no memory on it at all? A.—I have no memory. I have copies. I have his letters.

Q.—When you speak of cheap fares? You have your pass as a member? A.—Yes.

Q.—And had it then? A.—No, sir.

Q.—Didn't have it then? A.—No.

(3084)

Q.—And when did you and Mr. Loughrin make your arrangement?

The Chancellor: Is the pass only good for the session?

Mr. Riddell: It is issued the first of the year.

Mr. Johnston: Mr. Jones had not issued the passes at that time.

Mr. McPherson: His efforts were unavailing.

Mr. McPherson: Q.—Tell me the circumstances under which you arranged with Mr. Loughrin to come to Toronto on that occasion? A.—Well, Mr. Loughrin had some business in the Crown Lands Department, he was looking after the interests of a Mr. Valois up there in connection with a farmer. It was put in his hands when he was representative.

The Chancellor: State it shortly. He had some business in the Crown Lands Department? A.—Yes.

Mr. McPherson: Had he any business so far as you know with the Provincial Secretary's department? A.—Not that I know of.

Q.—Had you any? A.—Not at that time I do not think.

Q.—Are you confident about that? A.—Yes, sir, I am confident.

Q.—My instructions are very positive, or I should not have troubled

you to come here? A.—Yes, I am confident I had no business.

Q.—No business at all. Had you any interview with the Hon. J. R. Stratton while you were in Toronto on that occasion in September? A.—Not that I know of.

Q.—Will you swear positively that you had not? A.—Well, I could not swear positively as to that. When I

(3085)

come down once every two or three months I usually see all the members of the Cabinet. I am positive I had no business with him.

Q.—What is your memory as to where you saw Mr. Stratton on that occasion in September? A.—I do not remember seeing Mr. Stratton in September.

(3086)

Q.—Did you see him at the hotel? A.—No, I did not.

Q.—Did you see him any place else than at the hotel? A.—Not that I remember of.

Q.—My information is very positive indeed that on the 10th September—on the forenoon of the 10th September, Mr. McCool and Mr. Loughrin and yourself all had interviews with the Hon. J. R. Stratton. What do you say as to that, as far as your knowledge goes? A.—As far as my knowledge goes I had no interview with Mr. Stratton on the 10th September. I may have seen him, I would not swear I did not, but I had no interview that I know of. I had no reason for any interview with Mr. Stratton.

Mr. Ritchie: Is Mr. Hammond here?

M. O. Hammond, recalled by Mr. McPherson:—

Q.—You have been sworn. You are under oath? A.—Yes, sir.

Mr. McPherson: You were a witness in the box with reference to The Globe interview? A.—Yes.

Q.—We wanted to be a little more precise in our information as to what was done on the day preceding the giving of the interview, that you saw Mr. Stratton. A.—I could not fix the time very definitely.

Q.—Forenoon or afternoon? Could you come that near? A.—Oh, it was in the afternoon.

Q.—It would be in the afternoon sometime? A.—Yes.

Q.—And what time in the afternoon? A.—Well, I can—

Q.—In the early afternoon or late? A.—It would be after 3 o'clock.

(3087)

Q.—How much after 3 would you put it? A.—I could not say.

Q.—Can you recollect anything else you did that day at the Parliament

Buildings? A.—Oh, I went around the Departments in the usual way.

Q.—And can you recollect what time you left the Buildings that day. A.—No, not definitely.

Q.—Now, you also gave some information before about Mr. Frank Sullivan. You know Mr. Frank Sullivan, and have known him for some time. I think? A.—I do not think I ever knew who he was before that day.

Q.—You knew him to see him at any rate, whether you connected the individual Frank Sullivan? I am speaking of the 28th and 29th January. The 29th was the day the interview was given, and I have been speaking of the 28th.

The Chancellor: Were you there on the 28th? A.—Yes, the 28th.

Q.—That was the day you saw him after 3 o'clock in the afternoon? A.—Yes.

Mr. McPherson: Tell me what took place, no matter what hour of the day? What took place between you and Mr. Stratton on the 28th?

The Chancellor: Hasn't he given that?

Witness: I gave that.

Mr. McPherson: He did advert to it. I understand it is desirable to get it a little more definite.

The Chancellor: Go on.

Mr. McPherson: What do you say? A.—Along what line do you want?

(3088)

Q.—Just the conversation that you had with Mr. Stratton on the afternoon of the 28th of January? A.—When I went into Mr. Meyers room he intimated that Mr. Stratton would like to see me. I went in, and Mr. Stratton asked me first if we were publishing any interviews about the Carnegie library. I telephoned the office from his private 'phone, and found out we were not. And I was about to leave when he handed me the draft interview, which I have already referred to.

Q.—That, I think, you said was typewritten at that time? A.—Yes.

Q.—Were there any alterations in writing on that interview as you then saw it? A.—Not that I remember of.

Q.—Not that you recall. What else took place then? A.—That was an interview he said which it was intended that I was to try and get, or Mr. Gamey was to give.

Q.—That he was to try and get Mr. Gamey to give—

The Chancellor: No, he did not say that. Take the words actually. Do not paraphrase them. That was an in-

interview it was intended—repeat what you said.

A.—That was an interview which Mr. Gamey was to give me, and Mr. Stratton was to see him in reference to it, before I saw him.

Mr. McPherson : Anything else that you can recall ? A.—The matter has passed out of my mind to a large extent.

Q.—Now I wanted to ask you specifically, but you need not answer the question until their Lordships rule upon it. I want to ask specifically as to whether Mr. Stratton gave you the impression at that time that he would endeavor to get Mr. Gamey to give that interview ?

(3089)

Mr. Riddell : That is objected to. The Chancellor : You can ask him that.

Witness : That was the impression I had.

The Chancellor : Your impression was Mr. Stratton would try to get him to give it ? A.—Yes.

Mr. McPherson : Now, coming to speak of Frank Sullivan. You had, I understand, seen the individual whom whom you afterwards knew to be Frank Sullivan about the premises before you knew who he was ? A.—I think I had seen him in the buildings without knowing who he was.

The Chancellor : You are speaking of your impression. What do you mean when you say that ? A.—I do not remember the exact words, my Lord.

Q.—But you are saying that Mr. Stratton would try to get Gamey to give the interview. What is involved in that in your mind ? A.—I presumed Mr. Stratton was to see him with reference to it before I saw him.

Q.—Was it with reference to its publication chiefly ? A.—With reference to Mr. Gamey giving it to me.

Q.—For publication ? A.—Yes.

Q.—The publicity was the matter, then, was it, or not ? A.—I presume so.

Mr. McPherson : Speaking again of Frank Sullivan. Do you remember to have seen Frank Sullivan about the Provincial Secretary's Department ? A.—No, I do not remember seeing him there.

Q.—Do you remember seeing him in company with Gamey ? A.—Not before that day. I never saw Mr. Gamey before that day, excepting at Sudbury, as I said before.

(3090)

Q.—Now in reference to seeing Mr. Sullivan after the 20th January, do you recall seeing him after the 29th Jan-

uary ? A.—Oh, yes, I saw him different times after that.

Q.—In and about the Provincial Secretary's department ? A.—No.

Q.—Did you see him there at all ? A.—Not that I remember.

Q.—Where did you see him ? A.—Saw him up in the corridor of his own flat I think more often—in the corridor of the flat in which his office is or was.

Q.—Now, since you were in the box, I have been informed that you made a statement to the effect that there was evidence that you—at least there were things that you thought were material in some way to this inquiry, of which you had information or knowledge, but the questions were not asked you, and you did not give the information, but would have given it if the questions had been asked. Is that true ? A.—I think I said there were one or two points overlooked.

Q.—Will you be good enough to tell me what they were ? A.—The point I had in my mind was, that I do not think I was asked as to whether Mr. Gamey saw Mr. Stratton after giving me the interview.

Q.—What do you say as to that ? A.—Well, he went into the passageway.

Q.—Went into the vestibule between the outer office—

The Chancellor : Let him tell himself. He says he went into the passageway. Use your own words ?

(3091)

A.—After having given me the interview.

Mr. McPherson : What do you refer to as the passageway ? A.—Between

Q.—There is a vestibule leading from the outer office where Mr. My-Mr. Myers' room and Mr. Stratton's private office.

ers sits, into Mr. Stratton's private office ? A.—Yes.

Q.—And you say Mr. Gamey went into that vestibule ? A.—That is my recollection.

Q.—Do you know who was there while Mr. Gamey went in there ? A.—Inside with him ?

Q.—Yes. A.—No.

Q.—Do you know where Mr. Stratton was at that time ? A.—No, I do not think I saw Mr. Stratton at that time.

Q.—Was there anything else in connection with that that you would have told if you had been asked ? A.—Not that I remember.

Q.—Was there anything else—any other matter which you believed to be relevant to this inquiry, as to which you could give information now, the question not having been asked ? A.—I do not remember anything.

Q.—Anything else that occurs to you? A.—No.

Q.—You said a minute ago there were one or two matters. You mentioned one. What were the others? A.—I say I do not remember any other Mr. McPherson.

Q.—Did I misunderstand you when you said a minute or two ago that there were one or two matters as to which you were not questioned, and as to which you would have given answers? A.—I said one or two, and I say I do not remember any other.

(3092)

Q.—That was merely a slip, was it in saying that? A.—That was merely a generality.

Q.—Did you get any intimation in connection with The Globe interview before you had this talk with Mr. Stratton on the 28th January? A.—No.

Q.—Neither directly or indirectly? A.—No.

Cross-examined by Mr. Johnston:—

Q.—You published an interview not as originally given Mr. Hammond? A.—I beg pardon.

Q.—You published the interview, but not as originally given in this particular paper. There was a good deal more of it? A.—It was changed from the paper which I saw on the first day.

Q.—You do not understand me. There was a good deal more in the paper than was contained in this interview, Exhibit 17? A.—There is my introduction.

Q.—There was a good deal of talk published as between you and Mr. Gamey? A.—I think there was something of a general character.

Q.—In other words, the interview published in The Globe was double the length of what is written in this interview? A.—I do not know what proportion the two would bear.

Q.—Could you produce a Globe with the interview in it? A.—I do not know whether one is available now or not.

The Chancellor: Is not that in the exhibits?

Mr. Johnston: No, my Lord. I do not know whether it was put in or not. I do not think so.

The Chancellor: The interview was put in in the exhibits.

(3093)

Mr. Johnston: I had it intending to put it in. It may be here.

The Chancellor: I think it is printed in this book of exhibits.

Mr. Johnston: The whole of it?

The Chancellor: I do not know whether it is in or not.

Mr. Grant: I am quite sure it was not put in.

The Chief Justice: Exhibit 17 is the draft.

Mr. Johnston: That is the original, my Lord.

The Chancellor: Then was there more than that?

Mr. Johnston: Yes.

The Chancellor: Then you had better put that in.

Mr. Johnston: Yes.

The Chancellor: That has not been put in?

Mr. Grant: No, my Lord.

Mr. Johnston: The interview that appears here as exhibit 17 is scarcely half of the whole interview.

The Chief Justice: Then you had better put in the whole.

The Chancellor: You mean that this was extended and added to before publication?

Mr. Johnston: Oh, yes, both preliminary, and other matters.

The Chancellor: Where is the manuscript the printer would have? A.—That would probably be destroyed long ago.

Mr. Johnston: You asked him a lot of questions about the island, and so on, according to the interview in The Globe? A.—I believe I did.

Q.—And you took down those answers from him? A.—Yes.

Q.—And you wrote an introduction as well? A.—Yes.

(3094)

Q.—With which Mr. Stratton had nothing to do? A.—Nothing whatever.

The Chancellor: As I understand now, Mr. Hammond, there was a paper given to you the first day? A.—Shown to me.

Q.—And did you read it? A.—Yes.

Q.—Then when you got the paper again was there a difference? A.—Yes.

Q.—In what respect? A.—It was on another sheet of paper.

Q.—Was it changed in form or in substance? A.—It was materially the same, but there were quite a number of alterations.

Q.—What would you call them, modifications or changes in language, or how would you describe the alterations? A.—I really do not think that they were very material alterations; the gist was pretty much the same. There may have been changes in the nature of modifications.

Q.—And those were changed, as you understood, by whom? A.—I had no particular knowledge of that. I knew that the document was handed to me finally by Mr. Gamey. The changes appeared to be in his handwriting—the ink changes I mean.

The Chief Justice : Those are the ink changes that appear in Exhibit 17 ? A.—Yes.

Mr. Johnston : I shall put in for your Lordships' consideration the issue of The Globe of the 30th January showing the whole interview as published, and I am fixing now, that all that appears in that interview, excepting what is shown in Exhibit 17, was your work—either your own

(3095)

composition, or information you got from Mr. Gamey ? A.—Yes.

The Chief Justice : In other words you prepared it yourself for the press ? A.—Yes.

Q.—You did not merely hand that in as something prepared by someone else ? A.—No.

Mr. Johnston : Now, look at this Mr. Hammond for a moment, Exhibit 17. "It would be best in the interests of my constituency, as well as New Ontario generally, if the Ontario Government has a strong enough support to carry on the work." That, of course, meant the Ross Government as you would read it ?

Mr. McPherson : I think the writing speaks for itself, my Lord.

(3096)

Mr. Johnston : I am cross-examining this witness, if you please. I am asking what he understood. I am reading from the third paragraph. "I have thought it over very seriously and have come to the conclusion that it would be best in the interests of my constituency as well as New Ontario generally if the Ontario Government has a strong enough support to carry on the work."

Mr. McPherson : My learned friend asks the witness to put a construction upon that. I object to that.

Mr. Johnston : What I asked him was this, because I proposed to examine him as to the changes that took place. That to you meant the Ontario Government in power, as far as you were concerned.

The Chancellor : I think he can ask him. There were some changes made to make the thing more explicit.

Mr. McPherson : I do not think the changes were made in the presence of this witness.

Mr. Johnston : He says he supposes the changes were made in Mr. Gamey's handwriting. I have laid the foundation, and my learned friend laid the foundation by asking this witness, and your Lordship did as well, as to whether the document was substantially the same, or whether there was any

change. I want to show what the change was.

The Chancellor : I think you are entitled to ask that.

The Chief Justice : The change as it appeared in print ?

Mr. Johnston : Yes.

The Chief Justice : In fairness to the witness I think he ought to have the printed interview before him.

(3097)

Mr. McPherson : I think what my learned friend is asking is the variation between the two interviews, the one of the 28th and the one of the 29th, not between the one of the 29th and the one in The Globe.

The Chief Justice : That involves the interview as it appears in The Globe, and the witness ought perhaps to have that before him, before he answers that.

Mr. McPherson : Then it is letting the witness put a construction upon Mr. Gamey's language.

Mr. Johnston : I am asking the witness what he understood.

The Chancellor : We are not bound by his construction. We can see what these changes amount to.

Mr. Johnston : Q.—When you read this interview first it had not these pencil marks in it ? A.—That is not the interview I read on the 28th.

Q.—When you read the interview first it had not these pencil marks, these changes in it, had it ? A.—That change was not made in my presence.

Q.—I am asking you if it had those changes made in it when you read it on the 28th January, or the 29th January, until you got it from Mr. Gamey ? Did it read originally "As well as New Ontario generally, if the Ontario Government has a strong enough support to carry on the work." ? A.—I do not remember that fact.

Q.—Did it convey to your mind that meaning, that you thought it was the Ross Government were to have a strong enough support—the one that you read before any changes were made ? A.—Oh, I understood him to refer to the Ross Government.

(3098)

Q.—Certainly. Then, when you got it back you published this interview as it appears here, Exhibit 17 ? A.—Yes.

Q.—That was published in The Globe just as it stands here to-day ? A.—Just as he handed it to me.

Q.—So that this is the same as The Globe interview, so far as it goes ? A.—If it is the same as it reached my hands it is the same.

Q.—And you believe it is the same as it reached your hands ? A.—Yes.

Q.—I do not suppose you would change a man's interview after you got it signed in that way? A.—Not at all.

The Chancellor: Is this what you are trying to get out, the difference in meaning between the first draft and the corrected draft? The first draft was "supporting the present Government"; the second draft was "supporting any Government in power."

Mr. Johnston: Yes.

The Chancellor: That would appear to be the fair construction. It does not require the witness to elucidate that.

Mr. Johnston: Did it occur to you when you read it after it was changed as being a material change? "Any Government in power having a strong enough support" instead of "If the Ontario Government has a strong enough support." Did that strike you as being a material change? A.—I do not know that it did.

Q.—Then it might be the Whitney Government under this, and still that did not strike you as being a material change? A.—I did not think of any Whitney Government being in power.

(3099)

Q.—Then take the paragraph "And I feel that I would best do that by helping the Government with an independent support." Do you mean to say that that does not materially change the effect of that document? A.—Oh, that might be a change.

Q.—And a material change? I am assuming that that change was made by Mr. Gamey? A.—A rather material change.

Q.—And the first one is a material change, putting "any Government" instead of "the Ontario Government"? That would be a material change politically? A.—Having reference to present circumstances. I only thought of the Ross Government.

Q.—"Decided to give the Government my support." Now, that is changed to "an independent support." Now that is a material change is it not? A.—Rather material.

Q.—"To carry out their development policy," changed to "carry out any good development policy." That is a material change?

The Chancellor: Is there not something struck out there?

Mr. Johnston: Yes, my Lord. "I want to see it kept in power, so that my constituents and New Ontario may be benefited." That was struck out of the document when you got it? A.—I presume so.

Q.—That is a material change, I suppose? A.—Yes.

Q.—Then it goes on: "Carry out any good development policy" instead of "carry out their development policy." You would call that a material change, too, would you not? A.—Rather material.

Q.—Then this is the crucial point of the whole matter.

The Chancellor: "All questions where they need any help."

(3100)

Mr. Johnston: Changed to "any good development policy." The word "their" is struck out, and "any good."

The Chancellor: "Where they need my help to carry out any good development policy."

Mr. Johnston: Instead of "their" development policy. "Where they need my help to carry out their development policy" was the original document, changed to "any good development policy." Then "I want to see the Government kept in power by a fairly strong support, and will stand by them on all questions which may involve a vote of want of confidence." Now, it stops there in the original apparently. That was a straight party support? A.—Yes.

Q.—It is changed now "In matters that I am satisfied with." A.—Yes.

Q.—In Mr. Gamey's handwriting? A.—Yes.

Q.—And that is a most material change? A.—That is a material change.

Q.—Beyond any doubt? A.—Yes, sir. That change was made in my presence.

Q.—Then that changes the whole character of the interview, does it not? A.—It modifies it considerably.

Q.—Doesn't it change it from a party vote to an independent support?

Mr. McPherson: I object to that question.

The Chancellor: I do not know that the witness should say that. It is for us to say whether it is a material change or not. We have the changes here.

Mr. Johnston: The reason I asked the question was this. The witness

(3101)

was asked the question by my learned friend as to whether there was any change made by Mr. Gamey. Well, I want to show—

The Chancellor: Here is the change made by Mr. Gamey. Any one can see what the import of that is.

Mr. Johnston: But I want to call the witness' attention to it. I do not want his evidence to go on record unqualified. I think it is right it should be corrected on the notes. The notes

will be read perhaps when this letter is not read.

The Chancellor: There is a long part written in ink. "I believe I can," and so on. That is a material change.

Mr. Johnston: Then, having made these changes, and having brought it back, you got it exactly in the shape in which No. 17 is now in? A.—I believe so.

Q.—And that was Mr. Gamey's view as revised by him, you understood? A.—Yes.

Q.—And that was as far as he was prepared to go? A.—Yes.

Q.—And that was not Mr. Stratton's interview at all as modified, as far as you know.

Mr. McPherson: I object to that. The Chancellor: The witness can give his opinion upon that. You asked him his impression. Neither I think is evidence.

Mr. Johnston: As far as you know, as a fact, this was Mr. Gamey's view, apart from Mr. Stratton's original production? A.—I took it to be Mr. Gamey's sentiment.

Q.—You took it to be Mr. Gamey's sentiment. And did you take the changes that were made as coming from Mr. Gamey independently, or did you take them as coming from anybody else? A.—I assumed they were

(3102)

made to correspond with his views.

The Chancellor: He made changes in the document to make it according to his sentiments? That is what you understood? A.—Yes.

The Chancellor: And the nature of the changes, the extent of them, is a matter to be judged by independent criticism.

Mr. Johnston: Then, when Mr. Stratton saw you, and you saw him on the 28th, you understood that Mr. Gamey was going to give an interview? A.—I understood I was to get one from him on the following day.

Q.—You understood, did you not, that he was to give an interview? A.—He was to give an interview.

Q.—And you also understood that the terms of that interview had to be submitted to Mr. Gamey before you could get it? A.—Oh, certainly.

Q.—And it had to be approved by Mr. Gamey before you dare publish it? A.—Oh, yes.

Q.—And the intimation, that you were to see Mr. Gamey, you, I suppose, representing the Government organ, and so on—that when the interview was ready, if you saw Mr. Gamey, you would get the interview? A.—Yes.

Q.—That was what you understood your part of it to be? A.—Yes.

Q.—But in the meantime the interview was not ready, by reason of the fact that Mr. Gamey had to be satisfied with it first? A.—Certainly, it had to pass through his hands.

Q.—And you understood that was the cause of the delay? A.—Yes.

(3103)

Q.—Q.—That will do.

Re-examined by Mr. McPherson:

Q.—When Mr. Gamey came out of Mr. Stratton's room with this paper in his hand, I understand you were sitting at the table or near the table where he subsequently sat down? A.—No, I think I was towards the south side of the room.

Q.—Then did you have any discussion before you and he sat down to the table for him to sign the interview? A.—Any discussion previous to sitting down?

Q.—Previous to sitting down? A.—Mr. Myers and Mr. Gamey and I talked for a minute or so.

Q.—Just in general conversation? A.—Just general conversation.

Q.—Not about this interview? A.—Not at all.

Q.—Then he sat down to sign it at your request, did he? A.—He led the way to the table on the other side of the room and we sat down on opposite sides of it, and he drew the interview from his pocket and asked me to read it.

Q.—Then did you read it? A.—I read it.

Q.—And you requested him to sign it after he had read it? A.—Yes.

Q.—When did he add these words "In matters I am satisfied with"? A.—Sometime during the time we were sitting at the table.

Q.—Before he had first handed it to you to read or after you had read it? A.—I don't remember.

Q.—Are those the words that Mr. Stratton wished you to strike out afterwards? A.—Which?

Q.—"In matters I am satisfied with?" A.—Yes.

(3104)

Mr. Johnston: We have had all that in chief.

Mr. McPherson: Then what else did Mr. Stratton say to you at any time about this interview? A.—That evening?

Q.—At any time? A.—I think the next day I handed it back to him. I do not remember what he said about it.

Q.—What did he say at any time about this interview after it was signed by Mr. Gamey—after he wanted you to strike out those words? A.—

I think he asked me not to send it up to the type-setters too soon as it might leak out to the other papers.

Q.—Now, I ask you expressly, did Mr. Stratton at any time ask you to suppress your knowledge regarding this interview? A.—Any particular part?

Q.—That is a fair question, and it cannot be misunderstood. I would like you to answer it as fairly as I have asked it. A.—He and I had a discussion respecting it.

Q.—And his desire was—

The Chancellor: Let the witness answer.

Mr. McPherson: Go on, then? A.—We had a discussion about what took place a few days after Mr. Gamey made his charge in the House.

(3105)

He asked me my recollection of what took place on the day of the interview, or the day before. I recalled some of the things that I remembered, and he said then that he did not remember one or two things which I had mentioned.

Q.—Your memory was better than his.

The Chancellor: Just let him go on. Do not ply the comments of counsel. The witness is trying to remember. Go on, if you have anything more to say.

Witness: And the next day he said to me that I was right.

Mr. McPherson: Anything else? A. I think at that time he asked me to prepare my statement and give it to Mr. Johnston. I did so. And a few days later on I met him in the corridor after the House rose at six o'clock. We walked along the corridor together, and he asked me if I could not forget some of the things. I did not go beyond at all. I do not know what he referred to in particular.

Q.—Anything else besides that? A.—No. I do not remember anything more.

Q.—Is that a perfectly fair relation of all that took place between you and Mr. Stratton, full and complete? A.—There may have been other details said. That is the purport of it all.

Q.—What was your reply to his request to forget part of it, or some of it? A.—I think I said that I might forget things that I was not asked about.

Q.—Anything besides that? A.—No. I do not think I said anything more than that.

(3106)

Q.—Did he say anything else than that? A.—I think he repeated the remark a moment later, but I did not go any further than that.

Q.—That is what remark? A.—Which I gave you previously; cannot you forget some of that, or something like that.

Q.—Then the statement that you prepared for Mr. Johnston did you write it out? A.—Yes.

Q.—And sign it? A.—I do not think it was signed.

Q.—Did you deliver it to Mr. Johnston? A.—Yes.

Mr. McPherson: Will you produce that please?

Mr. Johnston: To begin with, it is not a subject of production, because it was instructions for counsel. Secondly, the statement is not in existence, because each witness as he was heard in the witness box, his statement was at once destroyed.

The Chancellor: It is not in existence. That is an answer. I should have thought they would be entitled to it, apart from that.

Mr. McPherson: We are entitled to know whether there is a copy of it in existence.

Mr. Johnston: There is no copy of it.

Mr. McPherson: I think my learned friend ought to produce whatever he has on the subject of Mr. Hammond's instructions.

Mr. Johnston: There is nothing.

The Chancellor: Apart from that the witness has told you what he was asked.

Mr. McEvoy: He gave you a copy of the same statement.

Mr. Riddell: He gave you instructions also.

(3107)

Mr. McPherson: Does your Lordship think I should be entitled to anything further from Mr. Johnston, in the absence of the interview?

The Chancellor: Mr. Johnston says it is absolutely destroyed.

Mr. McPherson: What is substituted for it?

Mr. Johnston: There is no substitute. I have the evidence, and the moment I got each witness' evidence I destroyed the statement, for the simple reason that statements on the one hand, and evidence in the box, are apt to be conflicting.

The Chancellor: This witness has told you what he knows. It is not like a witness whom you were trying to extort something from. He has told you very frankly and fairly.

Mr. McPherson: Yes, my Lord.

Q.—Then I want to get very shortly if you please what your memory is of what took place between you and Mr. Gamey, after he signed that interview, at the time he signed it? A.—I asked

him some general questions about Manitoulin.

Q.—Did you make any notes of them? A.—I probably made notes at the time—yes.

Q.—You don't remember whether you did or not? A.—Oh, I must have made notes, because I published them as he gave them to me.

Q.—Did you have any discussion directly or indirectly with Mr. Gamey as to the alterations that appear on the face of this Exhibit No. 17? A.—I do not think I did.

The Chancellor: I thought Mr. Gamey's evidence was that he had taken that down to some place and made the alterations himself.

(3108)

Mr. McPherson: I think he did, with the exception of the particular one the witness speaks of as being made in his presence.

The Chancellor: "That I am satisfied with." But, Mr. Gamey did put that in, and all the rest of it, and accept it, and sign it?

Mr. Ritchie: Oh, yes, my Lord. But he did not discuss it with this witness at all.

The Chancellor: But they were made in Mr. Gamey's writing. I thought perhaps you were challenging that.

Mr. Ritchie: Oh, no, my Lord. The witness might lead one to suppose that he had discussed these changes with him at the time.

Mr. Ritchie: Now, I told your Lordships a moment ago I would undertake to pay that man's witness fees, but there is an affidavit in regard to the subpoenaing. There is an affidavit here by the gentleman who served it, in which he says on Wednesday, the 13th—

The Chief Justice: Who is he? The sheriff's officer?

Mr. Ritchie: Law clerk he is described. He says he put the money, \$20, on the shoulder of the said C. A. McCool, and leaving the same with him, at the corner of Wellington and Sparks streets, in the City of Ottawa. I have given an undertaking, and I will carry it out if your Lordships say so. I think that is an undertaking that ought to be carried out in Ottawa.

Mr. McCool: There was no service made on me at all. I will give the circumstances.

(3109)

The Chancellor: Did you see any money? A.—I never saw the money excepting in the House. There was a lawyer—a young lawyer there came and sent in a card to me at my seat in the House, called me out and at-

tempted to serve me. I says you cannot serve me here, and I demanded an original. He says you are served. He showed me the document. I saw a bill, but he did not say there was any amount of money. He opened up the summons, and I thought it was a one-dollar bill inside of it. However, I am not prepared to say what it was. He says you are served anyway. I says produce your writ. He was not able to do it, and I says all right.

The Chancellor: You are a member of the Ottawa House? A.—Yes. This was in the lobby of the House. Then, later, when I was coming down in the evening there were two gentlemen with me, Mr. Shiel, the member for Glengarry, and another member for a Quebec constituency—walking down the centre—it was not at the corner of the street at all—it was in the centre of the roadway from the Parliament Buildings down to Wellington street. All of a sudden I felt some fellow grabbing at my pocket. I turned around and there was a boy there. There was a document dropped on the sidewalk. He never said it was a subpoena, that there is a document, or money, or anything else. It was only afterwards Mr. Brodeur, the member for some place near Prescott or Dundas, came to me in the House after eight o'clock, or just about eight o'clock. He says this document was found upon the street. He says did you

(3110)

lose it. It was a subpoena. I did not know until then. I says was there any money in it. He said yes, there were four five-dollar bills enclosed in it. Well, I said, the money was never offered me. I says I presume that is a document that this boy tried to shove into my pocket, and I was turning around to slap him in the face.

The Chancellor: Then where are the four five-dollar bills?

Mr. McCool: Mr. Brodeur said they were returned to Messrs. Code & Burritt. I presume the money is there.

Mr. Ritchie: We will undertake that they will pay it to him in Ottawa. That is all he wants.

Witness: I asked before I gave my evidence that you should pay it.

The Chancellor: You are entitled to payment.

Witness: I have asked three or four times since for it.

The Chancellor: You are entitled to be paid now according to their undertaking.

Witness: When will it be paid?

Mr. Ritchie: Forthwith. I suppose you paid your railway fare.

Witness : That does not concern you.

The Chancellor : Who is pay master?

Mr. Ritchie : I will give my own cheque personally, my Lord.

The Chancellor : You will get it, Mr. McCool.

Mr. Ritchie : I will give him my cheque.

Mr. McPherson : You should give credit for the pass.

(3111)

The Chancellor: Now, do you call another witness?

Mr. Ritchie: That is all we have, my Lord, outside of the bank, and the loaning institutions, and the witnesses who may be called from there, and, of course, the Treasury Department.

Mr. Riddell: You asked to get those cheques to-day.

Mr. Ritchie: I am not going to ask about them to-day. I wanted them in connection with the examination of the bank.

Mr. Riddell: That means the Ontario Bank.

Mr. Ritchie: Yes.

Mr. Riddell: And what about the Dominion?

Mr. Ritchie: I will probably want them there.

Mr. Riddell: Cannot you get through some of them to-day?

Mr. Ritchie: I cannot go through them to-day.

The Chancellor: Then there is nothing for us, I suppose, but to adjourn until to-morrow.

Mr. Riddell: Will your Lordship wait one moment.

Mr. Johnston: See if Mr. Coffee is here.

(Mr. Coffee called, but not present.)

Mr. Johnston: Call Mr. Buckingham. I want the cheques Mr. Coffee has—the cheques he is asked to produce. I propose to call the evidence, my Lord, as to the Trust Company. There does not seem to be a desire on the part of anybody to call them. I shall have Mr. Coffee here. I will make him my witness, and make Mr. Buckingham my witness; and, the manager of the Loan Company, and also the manager of the bank. Telephone to have them here, and we will go on with them. My learned friends do not seem to have any intention of going on with them.

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Now, I produce Mr. Coffee, with the cheques, and Mr. Buckingham, who has been subpoenaed. My learned friends can examine them if they so desire.

The Chancellor: Mr. Coffee has been sworn already. You do not ask him

to be a witness? You are just producing documents?

Mr. Johnston: I am producing him here for the other side.

The Chancellor: Putting him in for the other side.

Mr. Ritchie: I suppose I will be able to run my case in my own way. I am not prepared to examine Mr. Coffee. I have not seen or got the report of an examination finished last night at 11 o'clock. If my learned friend intends to force my hands, I do not intend to submit to it, unless your Lordships say I am bound to.

The Chancellor: If you are not ready to cross-examine, there is no use putting him in the box.

Mr. Ritchie: They worked until 11 o'clock last night.

Mr. Johnston: This is the Trust Company.

The Chancellor: What about the Trust Company?

Mr. Ritchie: I cannot tell. The transactions are so interwoven I cannot tell until I know something about the Dominion Loan Company's cheques. They apparently pass from one to the other.

Mr. Riddell: Have you asked for the statement?

Mr. Ritchie: We have been trying to get access to it for the last ten days. It is only within the last day or two we have had access. You objected to our having access.

Mr. McPherson: There are letters here to which reference has been made.

(3113)

The Chancellor: Are we going to finish to-morrow night?

Mr. Ritchie: If Mr. Buckingham is here we will put him in the box.

Mr. Johnston: I am producing him here for you.

Mr. Ritchie: We did not ask you to produce him.

The Chancellor: You can put him in the box. Either party can examine him. You do not make him your witness. Put him in the box.

Walter E. Buckingham, sworn. Examined by Mr. Ritchie:

Q.—Where do you reside? A.—Guelph.

Q.—And you are a former partner of Mr. Coffee's in Guelph? A.—Yes.

Q.—And when did you come to town here? A.—Do you mean now?

Q.—Yes? A.—Last night.

Q.—And in obedience to a subpoena? A.—No.

Q.—Therefore I suppose you have got no productions with you? A.—I have.

Q.—You have. What productions?

A.—I have two bank books with me.

Q.—Let me see them, please. (Witness produces book.)

Q.—One A. E. Ames & Company. And what was this bank book produced for, A. E. Ames & Company? Why did you produce that here? A.—Because I was told that a transaction that took place that day might be brought in question.

Q.—And did you make that deposit yourself? A.—Yes.

Q.—At what time? A.—I made that deposit some time about 2 o'clock.

(3114)

Q.—That is a deposit there apparently of \$1,200? A.—Yes.

The Chancellor: What date? A.—September 11th.

Mr. Ritchie: And where did you get that? A.—I got that money at the Ontario Bank.

Q.—At what time? A.—Between 1 and 2—shortly before I deposited it.

Q.—Now, then, there has been no withdrawal from Ames & Company's account from that date? A.—Yes, there has been, but it is not entered there. That account is closed.

The Chancellor: The book is not entered up? A.—No.

Mr. Ritchie: The account is closed now? A.—By withdrawal.

Q.—When? A.—Sometime this year.

Q.—What time this year? A.—I think in January or February.

Q.—Of this year. Was it one cheque? A.—It was not withdrawn by cheque at all.

Q.—How was it withdrawn? A.—It was withdrawn I think by a letter that I wrote them, authorizing them to apply it on another account I had with them.

Q.—To apply it on another account you had with them. When did you write that letter? A.—Well, in January or February, to the best of my knowledge.

Q.—What was the other account you had with them to which this was transferred? A.—It was an account regarding some stock transaction I had with them.

Mr. Riddell: That is A. E. Ames & Company, the brokers.

Mr. Ritchie: We know who they are. And the number of this savings department book with Ames & Company

(3115)

is 2680? A.—Yes. Let me explain. I am mistaken about that. My whole account with them was closed in January or February, but that was closed about two weeks after it was opened.

Q.—That account was closed two weeks after it was opened, and what was the transfer that was made? A.—A transfer made from the Savings Bank account to my stock account, whatever you call it.

Q.—Had you a stock account with them before you opened this savings bank account? A.—No, I had not.

Q.—Then how long after this savings bank account was opened before you had the stock transaction with them? A.—About two weeks.

Q.—Then it was just at the date of your engaging in the stock transaction that the transfer of this \$1,200 was made? A.—Yes.

Q.—And what was the name of the particular stock? A.—It was an American stock, Chicago and Great Western.

Q.—Had you bought the stock through Ames & Company? A.—Yes.

Q.—And was this put up as a margin on the stock transaction? A.—Yes.

Q.—Any other cash paid in at the same time as margin? A.—Not at that time—no.

Q.—Now then how did you come to go to the Ames & Company to open this bank account? What led you to do it? A.—Why I do not know I am sure. I cannot explain that. I just made up my mind to do it.

Q.—Did Coffee tell you to go there? A.—No.

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Q.—Anyone connected with either the Dominion Loan or Trust and Guarantee? A.—No.

Q.—Just an idea of your own, to go there and make this deposit? A.—Oh no. I intended to use it in the way I did ultimately use it.

Q.—Then you have produced another bank book—the Dominion Bank? A.—Dominion Bank, Guelph. That is my own private account there.

Q.—You produce it for some purpose? A.—Yes.

Q.—What did you want to show by this? A.—I wanted to show this. On September 11th I got \$2,300 from O'Hara & Company.

Q.—Of Toronto? A.—And I wanted to show how that money was disposed of.

Q.—When did you get it from O'Hara & Company? A.—September 11th.

Q.—You got a cheque from O'Hara & Company for \$2,300? A.—\$2,300 and some odd dollars, I don't remember.

Q.—Are they the brokers? A.—Yes.

Q.—Was that a stock transaction? A.—Yes, it was.

Q.—Money that was owing to you on stock dealing? A.—Yes.

Q.—And they gave you their cheque?
A.—Yes.

Q.—And on what bank was the cheque? I could not tell you.

Q.—No idea? A.—No idea. I did not cash it at the bank.

Q.—Why didn't you cash it at the bank? A.—Well at first I intended to take that cheque to Ames & Company to make a deposit. Then as a matter of delicacy I did not want them to know I was dealing with O'Hara.

(3117)

Q.—But you could have gone to the bank and could have cashed it? A.—So I took that cheque to the Trust and Guarantee Company, and I gave Mr. Coffee out of it, or authorized him to take out of it \$400, and the balance he gave me a Trust and Guarantee Company cheque for, \$1,900.

Q.—Then this was a cheque of O'Hara & Company payable to your order I suppose? A.—Yes.

Q.—Which you endorsed, and you say gave to Mr. Coffee? A.—Yes.

Q.—And you got from him a cheque for how much? A.—I got from him a cheque for \$1,900, and a few odd dollars.

Q.—Then on the 12th September I see you deposited in the Dominion Bank at Guelph, \$1,090. What was that? A.—Well, as I told you, I had \$1,900 when I left Mr. Coffee. Of that amount I deposited \$1,200 with Ames. I took \$700 home with me. I had at home apparently in the till—I must have had \$390.

Q.—You must have had \$390 in the till. What do you call the till? A.—I keep a cash box in connection with my office, and that \$700 was deposited with whatever money there may have been there, making \$1,090.

Q.—That is your explanation as to that. Do you keep \$390 or \$400 usually in your cash box, in your office? A.—Well, a good deal larger amounts than that sometimes.

Q.—Do you usually do it? A.—I may keep it there during the course of the day. I deposit it.

Q.—But you were away from home, and that apparently was in your cash box during your absence from home.

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You found it there when you got back?
A.—I cannot recollect about it. It may have come in on the 12th.

Q.—Did it, as a matter of fact? A.—I cannot tell you.

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Q.—Or was it there from the 11th or 10th? A.—I cannot say.

Q.—You don't know. Then I see on the 13th, the next day, there is \$465 put in? A.—Yes.

Q.—What was that, do you recollect? A.—I have no recollection at all.

Q.—Your books ought to show that?

A.—They will show it.

Q.—You knew you were coming down, I suppose, for that purpose?

A.—Yes. I can produce the books at any time.

Q.—You could not tell from memory? A.—No, I could not.

Q.—And I see there is a payment out there of \$1,000. Do you know what that is—where that went to? A.—I do not, speaking from memory—I do not know at all.

Q.—So that you have not looked up your books to see where you got this? Mr. Riddell: He is only accounting for the \$1,900.

Mr. Ritchie: I understand exactly what he is accounting for.

Mr. Riddell: It does not appear so from the questions you are asking. I had not thought it was proper to go into a gentlemen's private account.

Mr. Riddell: I do not care what you think about propriety.

Q.—\$1,500 apparently went in on these two days? A.—Yes.

Q.—A little over \$1,500—\$1,550? A.—Yes, sir.

Q.—And the day before, or on the 11th there was \$1,200? A.—Yes.

Q.—So apparently within these three days you deposited to your credit over \$2,750? A.—Yes.

(3120)

Q.—Now you say you took the \$700 home with you? A.—Yes.

Q.—What bank did you go to? A.—Ontario Bank.

Q.—Who was with you? A.—Nobody.

Q.—Nobody was with you. Have you the cheque here?

Mr. Riddell: He has the cheque.

The Chancellor: The \$1,200 cheque.

Mr. Riddell: The \$1,900 cheque.

Mr. Johnston: \$1,905.

Mr. Ritchie: Is that the cheque? A.—That is the cheque.

Q.—And you presented that yourself to the teller, I suppose, for payment? A.—I did.

Q.—Did you give him a statement showing the bills you required on it? A.—I told him what I wanted.

Q.—Did you give him a written statement or did you simply tell him? A.—I do not think I gave him a written statement—no. I do not think I did.

It would be a rather unusual thing to do. I do not think I did.

Q.—You are satisfied of course that you did not. However, you think you told him? A.—Oh, yes.

Q.—What did you tell him? A.—I told him I wanted big bills.

Q.—You told him you wanted big bills. Anything else? A.—As large as he had.

Q.—And what did you get from him? A.—I got one hundred dollar bills from him.

Q.—You got nineteen \$100 bills? A.—I know I got twelve any way. I probably got nineteen.

Q.—You got nineteen \$100 bills on that cheque. That cheque is dated September 11th? A.—If you ask me my recollection I say yes.

(3121)

Mr. Riddell: It shows on the face of it.

Mr. Ritchie: Now, you say you got this. You were not sure whether it was twelve or what? A.—No. I beg your pardon?

Q.—Not sure whether twelve or nineteen \$100 bills? A.—At all events there were twelve \$100, and there may have been a few fifties, but they were all large bills. I think all \$100 bills.

Q.—Now, is this the first transaction that you had with the Trust and Guarantee Company—the first money transaction, I mean? A.—Oh, except in connection with some loans a long time previous to this—I mean for clients.

Q.—Did you have any account with them? A.—No.

Q.—Did you have any account with the Dominion Permanent Company? A.—No.

Q.—Then, this is the only transaction you have ever had with them—the only money transaction for yourself? A.—Yes.

Q.—And when was it you first heard there was any question raised about this cheque? A.—Yesterday.

Q.—Was that the first time you heard there was any question raised about it. When did you last see this cheque? A.—About twenty minutes to 10 this morning.

Q.—And you say O'Hara & Company will have or ought to have the cheque that you got from them? A.—Yes.

Q.—And your cheque, if I understand your evidence, would be a cheque for the amount of this cheque plus \$400? A.—Yes.

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Q.—Which you say you paid to Mr. Coffee? A.—Yes.

Q.—Did you ever have any communication with Mr. Coffee either verbally or in writing or with either of the two companies, the Trust and Guarantee or the Dominion Permanent, about this transaction until yesterday? A.—I have not.

Q.—Either directly or indirectly? A.—No.

Q.—Yesterday was the first communication. You came here and you were shown this cheque this morning? A.—Yes, sir.

Q.—That was the first time you had seen it from the time you had cashed it at the bank. You were here before, were you not, in the court room during this investigation? A.—Yes.

Q.—Was it in connection with the inquiry? A.—No, just curiosity.

Q.—You were not called here to give evidence? A.—No. Had not the faintest idea of giving evidence.

Q.—Did I understand you to say that you were owing Mr. Coffee \$400 at this time? A.—Yes.

Q.—That is the means you took of paying it? A.—Yes.

Q.—Giving him the larger cheque and taking from him a smaller one? A.—That is right.

Mr. Ritchie: That is all I wish to ask, Mr. Buckingham.

Cross-examined by Mr. Riddell:—

Q.—You were once in partnership with Mr. Coffee? A.—Yes.

Q.—Practising barristers in Guelph? A.—Yes.

Q.—Of course, you know him very well? A.—Yes.

Q.—And you have told us the transaction. You got a cheque for \$2,300 took it to Mr. Coffee, paid him his \$400 out of it, and got his cheque for \$1,900? A.—\$400 I paid him was not a loan. It was a winding up of our partnership business.

(3123)

Q.—Then you took this and got the money on it, deposited 12 one hundred dollar bills with Mr. Ames and took the rest home? A.—Yes. I may say I did not deposit that immediately after getting the cheque from Mr. Coffee.

Q.—On the same day? A.—Yes.

Q.—And have you gone and examined the deposit slip? A.—At Ames & Co.'s, yes.

Q.—So that you know what these bills were at all events. Those were \$100 bills? A.—Yes.

Q.—Then did you see that memorandum on the face of the cheque? A.—I cannot swear at all as to that.

Q.—I see it is nineteen \$100 and one \$5. Did you ever see that? A.—I saw it this morning.

Q.—Is that your memorandum? A.—No.

Q.—That no doubt will be the memorandum of the teller who paid you the money. And you were told, were you, by Mr. Coffee, that the prosecution were not accepting his explanation of this cheque and desired you to

clear it up? A.—He said he desired me to clear it up.

Q.—And you say that is why you came here? A.—Yes.

Q.—And was that why you brought these books? A.—Yes.

Q.—And had you any idea in the world that you would be asked about your private affairs? A.—No.

Q.—About where you got the money to deposit on the 13th? A.—No.

Q.—Or what was done with the \$1,000 drawn at another day? A.—No.

Q.—Then had this transaction anything whatever to do with the matters we are investigating under this Com-

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mission directly or indirectly? A.—I cannot see how it could. No, it had not any.

Q.—Do you know Mr. Stratton? A.—Very slightly.

Q.—Did you see him on the 11th September? A.—I did—yes.

Q.—Where did you see him on the 11th September? A.—Saw him at the Trust Company's office.

Q.—With whom? A.—Mr. Boland.

Q.—And what time in the day of the 11th September did you see him at the Trust Company's office? A.—About 11 o'clock.

Q.—Where was he? A.—He was in Mr. Coffee's office when I got in there, just going out of the back door.

Q.—Mr. Coffee's private office is in the south-east corner of the Trust and Guarantee Company's building, is it—that is to the right as you go in the door? A.—Yes.

Q.—Then he and Mr. Boland were passing out of the door which leads to the board room? A.—They were just passing out. There was some desultory conversation as they went out, and I nodded to them.

Q.—Do you know what they were discussing? A.—I did not know at the time. I found out afterwards.

Q.—From whom? A.—Mr. Coffee.

Q.—And I suppose I cannot ask you what Mr. Coffee told you about it? Did you know the matter then when Mr. Coffee mentioned it to you? A.—Yes.

Q.—You knew of the transaction? A.—Yes.

Q.—Did you know that that was a matter in which these gentlemen were interested? A.—Yes.

Q.—Was it a matter of which you knew something yourself? A.—Yes.

(3125)

Mr. Riddell: I propose to ask this witness now what it was he was told.

The Chancellor: No, I think not.

Mr. Riddell: Was that the first time you had ever seen Mr. Stratton, or had you seen him once before? A.—I had seen him before. I was introduced to him once before.

Mr. Riddell: These books I presume we need not put in at all.

Mr. Riddell: The cheque also I suppose may now be delivered back.

Mr. Ritchie: Which cheque? You may as well leave that in Court.

Mr. Riddell: Is it in amongst some other cheques?

Mr. Ritchie: It may be put in with another cheque. There is another cheque and draft, and they may all go in as an Exhibit, from the Trust & Guarantee Company.

Mr. Grant: Exhibit 76 is the other one.

Mr. Riddell: That is all, as far as I am concerned, Mr. Buckingham.

By Mr. Ritchie:—

Q.—You say on the morning of the 11th September you saw Mr. Stratton. What time did you go to the Trust Company's office? A.—About a quarter to 11.

Q.—You had just come from O'Hara Company's office? A.—Not directly.

Q.—And what you say you saw then was you saw Mr. Stratton and Mr. Boland? A.—Mr. Coffee opened the door. He knew I was there before this because I think he had come out and had seen me. I saw Mr. Coffee.

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fee. I say Mr. Coffee knew I was there; when I got there he was engaged. But, he came out of his office on some business, however, and saw me, so the next I know about it he opened his door and I went in. He told me to come in. As I went in there was some desultory conversation going on as Mr. Boland and Mr. Stratton were going out the door. I know Mr. Boland very well.

The Chancellor: In Mr. Coffee's office, you mean? A.—Yes.

Mr. Ritchie: Going out the back door? A.—Out of a private door, leading from the office to the private office.

Q.—And where did you see them after that? A.—I did not see them after that.

Q.—So then, as you went in Mr. Stratton and Mr. Boland walked out? A.—They were going out.

Mr. Johnston: He did not say they were going out.

Mr. Ritchie: Is that so? A.—They were standing up and were apparently moving.

Q.—Apparently moving out? A.—To go out.

Q.—And did they go out? A.—Yes.

Q.—They did go out. And you did see them after, that day? A.—No.

Q.—Neither Mr. Boland nor Mr. Stratton? A.—No.

Q.—Then, how long did you remain with Mr. Coffee? A.—Oh, I suppose, I really cannot recollect—it would be perhaps 20 minutes. I had a little personal conversation with him.

Q.—Probably twenty minutes. During the time that you were there did

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Mr. Stratton and Mr. Boland come again into the office? A.—I do not think so.

Q.—Well, then, was the whole matter settled up while Mr. Coffee was there—the cheque made out? A.—It was all settled up then—yes, sir.

Q.—And you went away. Then you went there about a quarter to 11 or probably somewhere about 10 minutes after 11 when you left? A.—Roughly speaking, yes. Well, no, I went there at a quarter to 11, but I had to wait for some time before I could see Mr. Coffee. That is the reason I say it was about 11 I saw him.

Q.—You think it was about 11 that you saw him, and then you did not go back there that day? A.—No. Go back where? To the Trust Company? I do not think so.

Q.—Then you say when you were there about a quarter to 11 that Mr. Coffee was engaged? A.—Yes.

Q.—And engaged with whom? A.—With Mr. Stratton and Mr. Boland.

Q.—So that then they were engaged there together for about fifteen minutes before you could get in? Was that it? A.—Yes.

Q.—Would it be more than fifteen? A.—It might have been.

Q.—It was all of fifteen minutes, you think? A.—It was quite a long time, I remember, because Mr. Coffee apologized to me when I got in.

Q.—Were there any other persons in the room but Mr. Boland and Mr. Coffee and Mr. Stratton? A.—No.

Q.—Anybody else in the room? Did Mr. Coffee know you were waiting? A.—Yes.

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Q.—How did he know that? A.—From having as I say come out and had seen me there.

Q.—How soon after you went in there was it Mr. Coffee came out and saw you? A.—It was very soon; perhaps a few minutes.

Q.—Did he speak to you when he came out? A.—Yes, he did.

Q.—Did he tell you he was engaged? A.—Yes, but he would be through soon.

Q.—And then apparently he was not through as soon as he expected, and you say it was quite a long time and then he came out and apologized? A.—He apologized when I went in.

Mr. Riddell: Let us get that clearly. I have made a little diagram here. This is the Trust & Guarantee Company. Here are the doors. As you go in to the right is Mr. Coffee's room. Then the board room, of course, is at the back of the building. Now, you said they went out and my learned friend I am quite sure misunderstood you. You told me they went out this back door towards the board room when you went in? A.—Yes.

Q.—They did not go out of the building? A.—Oh, no.

Mr. Ritchie: He does not know. He never saw them again? A.—I know what door they went out of.

Mr. Riddell: They went out this door which leads to the board room.

Mr. Ritchie: Is that so?

Mr. Riddell: Oh, yes.

Mr. Ritchie: I do not want to have any misunderstanding about that. He went out into the side door which leads into the office? A.—Yes.

(3129)

Mr. Riddell: Which leads towards the board room.

Mr. Ritchie: But a person going out from there would just go around here and out the front door.

Mr. Riddell: He might if he wanted to.

Witness: He can do that.

The Chancellor: It is a question of whether going out of the room or out of the office into the street.

Mr. Riddell: They were going out of the room.

The Chancellor: Going into the street?

Mr. Ritchie: Either way.

Mr. Riddell: Let me finish with the witness.

Q.—Now, in Mr. Coffee's room there is a door which opens from the main entrance, is there not? A.—Yes.

Q.—That is the door that you would go in? A.—Yes.

Q.—And the direct road, if a person were going out of Mr. Coffee's room, to go out into the street, would be to go out of that door and into the main passage and out that way? A.—Yes.

Q.—Then at the northeast corner of Mr. Coffee's room there is another door? A.—Yes.

Q.—That opens into the offices? A.—Yes.

Q.—From these offices also you can go, I suppose, into the main corridor

and thence out, if one desires? A.—Yes, there is a door here.

Q.—I will mark that "D" also. That instead of a person going into the offices, there is another door, which leads into the board room at the back? A.—I am not familiar enough with that to speak with certainty.

(3130)

Q.—I will have to call my learned friend Mr. McPherson. He and I are very familiar with it. At all events they were going out, not from Mr. Coffee's room into the main corridor, nor from Mr. Coffee's room into the street, but passing from Mr. Coffee's room into the main offices of the building? A.—They went out of the door leading from Mr. Coffee's room to the offices.

Q.—And where were you at that time? A.—I was standing here.

The Chancellor: This is a round-about way of getting at it. Do you know whether these two people went into the street, or went into the offices, which did you mean, when you said they were going out? A.—I meant they went into the offices.

Q.—You did not see them go out into the street? A.—No, I did not.

Mr. Riddell: I will put in that diagram.

Mr. Ritchie: But in either case, coming out of the room, no matter which door they went out, they would get into the offices? A.—No; this a vestibule for the public.

Q.—This is a general vestibule. How wide? How far is the door as you go in, leading into the building?

Q.—Why it is as convenient as that door is to that. I am not very much on measurements or distances.

Q.—15 or 20 feet? A.—Yes.

Q.—At all events no matter which door they went out of, out of Mr. Coffee's room, they could get through the general offices into the corridor? A.—Oh, yes, undoubtedly.

Q.—All you can say is you saw them go out of that door, and you did not see them afterwards? A.—Yes.

The Chief Justice: I do not remember whether you told us about the time of day you cashed that \$1,905 cheque.

(3131)

Witness: I said I cashed it about 2 o'clock.

The Chief Justice: Have you anything else now?

Mr. Ritchie: Is there anyone else you want to call, Mr. Johnston?

Mr. Johnston: I am not calling anybody. I am obliging you with wit-

nesses. If there is any other witness you want I will have him here.

Mr. Ritchie: I think we can look after our own witnesses.

(3132)

Mr. Johnston: It is very desirable that the impression should not go abroad in a matter of this magnitude—I am not blaming my learned friend for a moment—I am making no personal reflection upon anybody, but the general impression is that an effort is being made to postpone the closing of this evidence until after the present session has risen.

The Chancellor: There is no intention on our part to postpone it beyond to-morrow night. You must close the evidence to-morrow night. We do not know about public impressions or how they start. We will do our duty as best we can.

Mr. Ritchie: There is no effort on our part to postpone it.

Mr. Johnston: There is no personal reflection, but that is the feeling.

The Chancellor: Well, if we cannot do any more to-day we will adjourn now until ten o'clock to-morrow, Saturday. The evidence will be closed then.

Mr. Ritchie: Of course that will be subject to getting these productions. We need not discuss that now. If we get them, we will certainly do so, if it is possible.

(Adjournment 12 noon until 10 a.m. to-morrow, 16th May, 1903.)

(3133)

TWENTY-FOURTH DAY.

May 16th, 1903, 10 a.m.

Mr. McEvoy: I put in this morning that page of The Globe.

The Chief Justice: That will be exhibit 85.

The Chancellor: What are you putting in?

Mr. McEvoy: The Globe with the printed interview, 30th January, 1903.

The Chief Justice: That is the expanded interview?

The Chancellor: Now, shall we go on?

Mr. Ritchie: Is Mr. Bartlett here? George R. Bartlett, recalled, by Mr. Ritchie:

The Chancellor: You were called before. You are under oath? A.—Yes.

Mr. Ritchie: At my request you made out a statement showing all the sums paid in cash on cheques of a thousand dollars and over? A.—Yes.

Q.—Between certain dates. A.—And notes.

Q.—I want in the first place the information that you gave me before. I have not seen this at all. What days have you got here? A.—September 9th, 10th and 11th. Those three days.

Q.—Now you need not take this down Mr. Butcher. I will tell you if there is anything to be taken down.

Counsel and witness go over lists, and books.

(3134)

Now, you may take this down Mr. Butcher. This will be exhibit 86.

The Chief Justice: Is that a statement prepared by the witness?

Mr. Ritchie: Exhibit 86 is a statement which you have prepared showing all payments of \$100 and upwards made on notes coming due in the bank on the 9th, 10th and 11th September, 1902? A.—Yes.

Q.—These represent cheques given to retire notes? A.—Or the notes themselves charged.

Q.—And you verified that? A.—Yes.

Q.—And you are in a position to say that no cash was paid out? A.—Not in connection with that list.

Q.—Then where is your other list? This will be exhibit 87. This is a list that you have prepared showing all payments of \$100 and over made in cash during the 9th, 10th, and 11th September, 1902? A.—Yes.

Q.—That list you have verified, and you can say that it covers all payments out of cash during these days on cheques of \$100 and over? A.—Yes.

Then you need not take this down.

Then you may take this down. This is exhibit 88. That is a statement prepared by you showing all payments out in the Ontario Bank in cash, that is payments of \$1,000 or over, from the 1st of September to the 15th September, 1902? A.—Yes.

Q.—Does this exhibit 88 cover all payments of \$1,000 or over made in cash during that period? A.—It does.

Q.—There were none others made? A.—None others.

(3135)

Q.—That you are clear about. Then you need not take this down.

Now this exhibit 89, gives the names of the banks from whom the Ontario Bank received \$50 and \$100 bills between the 9th and 15th of September inclusive? A.—Yes.

Q.—And you will have that supplemented up to the 25th? A.—Yes.

Q.—When you pay out moneys upon cheques, do you put the denominations of the bills paid out on the back of the cheque? A.—Yes, that is my custom, or of course if a man comes in with a cheque, and he handed me a memorandum, separate from the cheque, how

he would like it, of course it is not then noted on the cheque at all.

Q.—Would you put that on your file? A.—Yes.

Q.—And that would be your voucher until you made up your cash at the end of the day? A.—Yes, in that case no evidence is on the cheque at all.

Q.—Do you ever put the denominations on the front of the cheque? A.—I almost invariably do, provided there is room—in any vacant corner of the cheque I will put it on the face.

Q.—Then there are some figures on this cheque exhibit 83, the \$1,900 cheque? A.—Those are my figures there.

Q.—19 one hundreds. You are satisfied of that? A.—Yes.

Q.—And there are no figures on the back of it? A.—No.

Q.—And I suppose you would not have any independent recollection of cashing that cheque? A.—No, not specially. It is a long time ago.

Q.—I did not know from the fact that it was identified by T. P. Coffee,

(3136)

whether that would call your attention to it? A.—If you see I frequently cash cheques from the Trust and Guarantee, and Mr. Coffee, or somebody whose signature I know up there identifies the party.

Q.—There is nothing special in that? A.—No, there is nothing special in that.

Q.—I suppose you could not tell anything about what time of day it was that you cashed it? A.—Oh, I would have no idea.

Q.—Now you have a treasury in the bank? A.—Yes.

Q.—And who are the persons who have access to that? A.—The manager and myself.

Q.—Different combinations I suppose. You have one combination and he has the other? A.—There are two combinations. I have one, and he has the other.

Q.—And there are two keys also? A.—Exactly.

Q.—And how often is money taken out of that treasury as a rule? A.—Oh, frequently.

Q.—Every day? A.—No, not necessarily.

Q.—You speak of the treasury I suppose?

The Chancellor: You keep bullion and the bills in that? A.—Yes, sir, and the surplus cash.

Mr. Ritchie: And where they have the large notes that are not required.

The Chancellor: I suppose they are all put in there at night?

Mr. Ritchie: I understand these are all kept there until there is some need for them by the paying teller?

A.—Yes, the treasury is a separate department.

(3137)

Q.—Sometimes it might be small? Your circulation might be very large? A.—Yes.

The Chancellor: That is in the safe, this treasury?

Mr. Ritchie: Oh, yes. You do call it the treasury? A.—Yes.

Q.—That is the technical name among bankers? A.—Yes.

Q.—Now, then, can you recollect about September last any sum being taken out of the treasury and given to the General Manager? A.—No. What sum?

Q.—Oh, say a sum of \$1,000 or upwards? A.—We would not take so small a sum as that out of the Treasury.

Q.—How much would you take out usually? A.—It is not very often there are entries made in the Treasury itself, because we would not go to the Treasury unless we ran completely out of a certain denomination, and there were any in the Treasury.

Q.—Then, how frequently would you go to the Treasury to get out these large amounts? There is no invariable rule? A.—No.

Q.—But, as a general thing? Once a week? A.—Oh, no. Of course there is the treasury proper, which is very seldom gone into.

The Chancellor: Do you keep a record of all the notes you take out of the treasury in bulk? If you take a quantity of notes out of the treasury, do you keep a record of what you have taken out? A.—Yes.

Q.—You can see by that? A.—It would be the treasury book.

Mr. Ritchie: Where is that? A.—That would be at the office.

Q.—You can get that for us? A.—Yes, sir.

(3137½)

Q.—You would not go there every week? A.—No. Of course there is one thing perhaps you do not understand. The treasury proper is very seldom gone to, you see, but there is another department called the treasury safe. What is included in there belongs to my cash. What is in the treasury itself does not belong to my cash.

Q.—Then, who has access to the treasury safe? A.—The Manager and myself.

Q.—But that is something that necessarily goes through your cash? A.—Yes, sir, it belongs to my cash.

Q.—And when paid out would be shown in your Teller's cash book? A.

—When my compartment, where I keep the ordinary cash, is not large enough, it goes to the treasury safe, that is the treasury proper itself.

Q.—And is this in a separate safe from the others? A.—Well, there are several safes. One part of it is in the safe where the treasury itself is and the other may be in another safe.

Q.—But in different compartments there? A.—Yes, sir.

Q.—And different keys? A.—There are three safes, and it is divided in the three safes.

Q.—Then, would you take from the treasury proper—take out cash more than once a month as a rule? A.—Oh, no, not as often. We very seldom go to the treasury proper, and when we do go it is usually for legals and not for Ontario Bank bills at all.

Q.—Now, can you say whether in the month of September last any large sum was taken out of the treasury? A.—I could not tell without going to the treasury books.

Mr. Riddell: He can find that out in an hour.

Mr. Ritchie: He can telephone down for it, I suppose? A.—Yes, sir.

(3138)

Q.—And have you a recollection, on any occasion, of any money being taken out, say about September last, and given to the General Manager, or any portion of the money taken out and given to the General Manager? A.—No, I never gave any to him.

Q.—None given to him in your presence? A.—No, and I do not know of any that went to him at all.

Q.—And if it did you must have know of it? A.—Oh, I should think so.

Q.—It could not be taken out unless you and Mr. Smith and the Manager were both present? A.—Yes.

Q.—And when this money is taken out of the Treasury, to whom does it go? Is it taken out to supply your wants? A.—To supply my wants as paying teller, and supply the wants of the branches.

Q.—Now, is it possible for you to tell by your book at what time of day a cheque is paid? A.—No.

Q.—Do you enter up each cheque in a day book, or in a cash book, at the time you pay it, or are the entries made at the end of the day? A.—I do not keep them on the file until the end of the day. Of course, in that case you could tell exactly the order, how they were paid, but if I have half a dozen or a dozen on the file, I put them through, so that you cannot tell from the position in the books what

time of the day the cheque is paid. That is impossible.

The Chancellor: Can you tell what time of the day a deposit is received?

(3139)

Mr. Ritchie: I will get that from the receiving teller. I understand we can. This man is the paying teller. Then, when you put them on the file, do you take them off in order—when you enter them up in your teller's cash? A.—Yes. There may be a half a dozen or a dozen at a time, and I enter them in my book exactly as they come off the files.

Q.—And sometimes the cheques paid at a later period of the day might be first in your book? A.—They are liable to. At least very nearly first. Somewhere down near the middle of the book.

Cross-examined by Mr. Riddell:

Q.—Just to clear up that treasury cash. Some of that cash taken out of the treasury will go to your branches occasionally? A.—Not the treasury proper. We very seldom touch the treasury proper. There is what we call, as I explained to Mr. Ritchie, the treasury safe.

Q.—You have the treasury, and I am speaking of the treasury alone. As a rule you go to the Treasury simply for legals? A.—Yes.

Q.—Sometimes you go to the treasury for your own bills, do you? A.—Very rarely, because I keep a large stock outside.

Q.—The bills and so on which you take out from the treasury, do any of those go to your branches—go from you to the branches? A.—Not out of the treasury.

Q.—Then the other matter I will ask you about when you come back again.

Mr. Ritchie: It is only fair to ask you. Have you made every effort to trace these bills? A.—I have. Certainly I have. I have spent a good deal of time.

Q.—And with no satisfactory result? A.—No satisfactory result.

(3140)

William H. Smith, sworn. Examined by Mr. Ritchie:—

Q.—You are the manager of the Ontario Bank, Toronto? A.—Yes, sir.

Q.—You heard the evidence of the last witness, Mr. Bartlett? A.—In part.

Q.—You know, of course, what is the subject matter of the investigation before their Lordships? A.—Yes.

Q.—In part, at all events. That is, as to \$3,000 in Ontario Bank bills? A.—Yes.

Q.—Which were said to have been paid on the 11th September, 1902. Now you have been requested to make a diligent search, or have diligent search made, in the bank to see if any trace could be got as to when these bills were paid out of the bank? A.—Yes.

Q.—Have you been successful in your efforts? A.—No, we have not discovered anything bearing on the matter.

Q.—Have you discovered anything that would lead you directly or indirectly to form a belief as to the time when they did go out of the bank, or whose account they went through? A.—No.

Q.—You have been unable to discover anything that would be of assistance to the Commissioners? A.—Nothing.

Mr. Ritchie: Then you have no knowledge or belief in the matter either one way or the other as to when they went out. A.—I know nothing whatever about them.

Mr. Riddell: That is all, Mr. Smith.

Mr. Ritchie: Is the receiving teller here?

(3141)

The Chancellor: He was called before. What is his name?

Mr. Ritchie: Mr. Howarth.

The Chancellor: Is he here?

Mr. Ritchie: I can understand the difficulty about their all getting away at once. As soon as Mr. Bartlett gets back he will come.

The Chancellor: I will just ask Mr. Gamey to come here now with reference to this book. You are speaking under oath, Mr. Gamey, remember, when you come to the box.

R. R. Gamey recalled by the court:

The Chancellor: What period does that book cover? A.—It starts October, 1900.

Q.—What does it cover? A.—It covers most of my expenditure from the 1st of October, 1900, up to about the 1st of March, 1903, payments that I pay out in travelling.

Q.—What is the next book to that? A.—Well, I had a book, twice as large as that, in which I keep accounts of business transactions.

Q.—Where is that? A.—Mr. DuVernet has it. I will get it for you to-day.

Q.—Then after that, what book begins on the 1st of March? A.—I have this one here in my pocket.

Q.—That one goes from the 1st of March? A.—Perhaps later in March. This one starts April.

(3142)

Q.—Well, in that book that you have there, are there any entries of these moneys, \$1,500, \$1,200, \$900, \$500? A.

—They are in the book in Mr. DuVernet's possession.

Q.—In this book there are none?
A.—No, sir.

Q.—How was it that you did not enter those moneys? A.—You say you had a book where you entered moneys received? A.—I do not enter all the moneys I receive. When I put it in the bank I keep my bank book.

Q.—You did not explain that before. You said moneys received. So that you did not enter some moneys in that? A.—A good deal of money I did not enter in that.

Q.—So that that book throws no light on this transaction? A.—My payment for expenses and times.

Q.—But no one can tell what that is. This throws no light upon the matter? A.—No.

Q.—There is the book which Mr. Du Vernet has, which does throw light? A.—It only throws light on the Cross-in account.

Q.—There is nothing throwing any light upon the different sums of \$1,500, \$1,200 and \$900 and \$500? A.—The bank book shows the \$1,500.

Q.—But your own books? A.—No.

Q.—So that we may take it that you have no book in which there is any entry about any of these sums? A.—Except the bank book.

Q.—The bank book is not your book. Which bank book do you mean? A.—The Traders Bank book. That is my book.

Q.—We know all about that \$1,500, but except that bank book? A.—The Hurst & Burke's bank at Gore Bay shows the other.

Q.—Except those bank books you have no private book of your own, or

(3143)

any sort of memorandum of your own showing anything in connection with these three or four sums? A.—No memorandum at all.

Q.—You may take that book now. It is of no value to us.

Mr. Ritchie: Call Mr. Atkinson.

Mr. Atkinson called, but not present.

Mr. Ritchie: Is Mr. Butler here?

Henry M. Butler, sworn. Examined by Mr. Ritchie:—

Q.—What is your occupation? A.—Ledger keeper in the Dominion Permanent Loan Company.

Q.—And how long have you occupied that position? A.—Year ago April.

Q.—A year ago last April.

The Chancellor: April, 1902? A.—Yes.

Mr. Ritchie: So that you would be of course there during the month of September, 1902? A.—Yes, sir.

Q.—And I suppose you have a distinct recollection of the last Exhibition in Toronto? A.—Yes, sir.

Q.—Exhibition week. Do you recollect about that time any question being raised in the institution as to the disappearance of a large packet of money? A.—No, sir.

Q.—Never heard anything about it? A.—No, sir.

Q.—Never heard inquiries were made as to where a certain parcel had been placed of money? A.—No, sir.

Q.—Never at any time heard anything of that kind? A.—No, sir.

Q.—And you never told any person that you had? A.—No, sir.

(3144)

Q.—Never suggested anything of that kind at all? A.—No, sir.

Q.—So that during the whole time you have been there, there has never been any question raised as to a certain packet? A.—No, sir.

Q.—Or a bundle of money? You understand what I mean? A.—Yes.

Q.—A certain parcel of money? A.—No, there was none.

The Chancellor: You are widening the charge to larceny.

Mr. Ritchie: No, my Lord. Not necessarily to larceny. Because it was taken and replaced. What I am instructed is that inquiry was made as to this, it was found missing, and while inquiry was going on, Mr. Stratton came in and said that he had taken it out, and had not yet put in the voucher for it. Does that recall anything to your mind? A.—I know nothing about that, sir.

Q.—That does not recall anything to your mind? A.—No.

Q.—You don't know anything about it, and did not hear anything about it? A.—No, sir.

Lee Atkinson, sworn. Examined by Mr. Ritchie:—

The Chancellor: Are you a relative of the other Atkinson that was called—C. R. Atkinson?

Witness: No, my Lord.

Mr. Ritchie: You are engaged in the office of the Dominion Permanent Loan Company. are you? A.—Yes, sir.

(3145)

Q.—Then in what capacity are you engaged there? A.—As teller.

Q.—You are paying teller? A.—Yes, sir.

Q.—And where does that company keep its bank account? A.—At the Imperial Bank.

Q.—Any other bank? A.—That is all.

Q.—Then were you in the employ of the company—of this Dominion Com-

pany in the month of September last ?
A.—Yes, sir.

Q.—Do you know Mr. W. E. Buckingham of Guelph ? A.—Yes, sir.

Q.—Did you ever see him ? A.—Not that I know of.

Q.—At all events you never had any transactions of paying out money to him or receiving money from him ? A.—No.

Q.—And never heard of any that had been paid to him, or received from him ? A.—No, sir.

Q.—You heard what the last witness said. Did you ever hear of any packets being missing for a short time—a parcel of money ? A.—No, sir.

Q.—Never heard anything of that ? A.—No.

Q.—And it was never talked of amongst the clerks in the company so far as you know ? A.—No, never.

Q.—And you never made any statement to that effect ? A.—No, sir.

Mr. Riddell : That will do.

William D. Northgrave, sworn. Examined by Mr. Ritchie :—

Q.—Where are you engaged ? A.—At the Trust and Guarantee Company.

(3146)

Q.—How long have you been there ? A.—About 3½ years.

Q.—Do you know Mr. Buckingham ? A.—Yes.

Q.—How long have you known him ? A.—I should say pretty nearly all the time I have been in the Trust Company.

Q.—Do you recollect his being there upon the 11th September ? A.—I recollect his being there at that time.

Q.—Did you go to get a cheque cashed for him that day ? A.—No.

Q.—Did you know anything about his getting a cheque cashed on that day ? A.—Nothing more than I heard he had got it cashed.

Q.—You heard he had got it cashed. Did you see the money ? A.—No, sir.

Q.—You did not hand out any money to him that day ? A.—No.

Q.—Or to anyone for him ? A.—No.

Q.—Did you hear anything about the disappearance of a parcel of money either from the Trust Company or from the Dominion Permanent about Exhibition time of last year ? A.—No, nothing about it.

Q.—It was never talked of so far as you know by anybody ? A.—No.

Q.—Never heard any inquiry about it ? A.—Never heard anything whatever.

Q.—Is there any Mr. Northgrave in the Ontario Bank—any relation of yours ? A.—Not to my knowledge.

Q.—How did you know that Mr. Buckingham got the money on that occasion ? A.—Well, I saw his endorsement on the cheque.

Q.—That was all. A.—From the endorsement and from the cheque I knew he got it.

(3147)

Q.—It was only from that ? A.—Yes, sir.

Q.—You did not have a conversation with him about it ? A.—I never had any conversation at all about it.

Cross-examined by Mr. Riddell :—

Q.—Do you remember the fact that Mr. Buckingham was kept waiting for some time that day ? A.—No, sir.

Q.—You did not recall that ? A.—I do not recall it.

Q.—Do you happen to know that he had brought in a cheque for a larger amount—some \$2,300, or would that come within your knowledge ? A.—Yes, sir.

(3148)

Q.—You knew about that. He had brought in a cheque for \$2,305 ? A.—Yes, sir.

Q.—Mr. Coffee took his \$400 out of it and gave him a cheque on the Trust and Guarantee for \$1,900 ? A.—Yes.

Q.—And all those transactions appear openly in your books ? A.—Yes, sir.

Q.—And when the cheque came back you saw it had been endorsed by Mr. Buckingham, so that he or somebody else must have cashed it ? A.—Yes, sir.

Q.—That is all you know about it ? A.—That is all I know about it.

Q.—Is it a fact that Mr. Stratton signs a large number of these cheques at a time, so that they will be ready for the Manager to sign in case any money is required to be paid out ? A.—Yes.

Q.—That is, if a cheque, say, is drawn on September the 11th, it does not necessarily follow that it was signed by Mr. Stratton on that day ? A.—No, sir.

Q.—He may have signed a large number of cheques in advance, and so on ? A.—Yes.

Q.—And he comes down and frequently remains for some hours at that occupation, does he not ? A.—Not hours.

Q.—Some considerable time ? A.—A few minutes.

Mr. Ritchie: Now, is Mr. Bartlett here? You may stay where you are, Mr. Bartlett. You produce the Treasury book from the Ontario Bank ? A.—Yes.

Q.—You produce the Treasury book from the Ontario Bank. Apparently no money was taken out in September? A.—No entries made.

(3149)

Q.—And you would, therefore, I suppose, say there was none taken out? A.—Certainly not.

Q.—If any had been taken out the entry would appear there? A.—Certainly.

Mr. Ritchie: That is all.

Mr. Ritchie: Has Mr. Howarth arrived?

Mr. Barwick: He is on his way.

The Chancellor: My brother and myself have been considering about this information which was received yesterday. It appears from the state of the evidence now that there is a sum of \$1,200 which is part of this alleged bribery money, that has come to the hands of Mr. Gamey, according to his admissions, he says by a loan from Frank Sullivan, \$900 of which appears to have gone into the Crossin Factory. Mr. Frank Sullivan has given evidence in the box that there was no such thing, that there is no I.O.U. for that sum. He has discharged himself from receiving it. It appears to be incumbent upon Mr. Gamey now to put that money which came into his hands, the \$1,200, in the same position as the \$1,500, which is in the custody of the Court. He can confer with his counsel and receive any advice he wishes about it. That is the opinion of the Commissioners.

Now, you are waiting for a witness, are you?

Mr. Ritchie: We are waiting for the witness.

The Chancellor: Then that is the only thing to be done here this morning? You say there is one witness coming?

(3150)

The Chief Justice: Then, have you any further questions to ask Mr. Bartlett?

Mr. Ritchie: It will depend altogether. I do not think so.

The Chief Justice: Is Mr. Bartlett able to get the information here?

Mr. Ritchie: Mr. Bartlett need not wait here now. He has got to go to the bank to get this other information.

Mr. Riddell: I understand it will only take about an hour.

The Chancellor: Then, with the exception of Mr. Bartlett, and Mr. Howarth, you have no more evidence?

Mr. Ritchie: There are a couple of short witnesses my learned friend Mr.

McPherson has. They are on another branch.

Mr. McPherson: He is about the hall some place. We may call him. Call Mr. Patrick Maher.

Patrick Maher, sworn. Examined by Mr. McPherson:—

Q.—What is your occupation? A.—I am a livery stablekeeper.

Q.—In the city of Toronto? A.—Yes, sir.

Q.—Has the Hon. J. R. Stratton an account in your livery stable? A.—Yes, sir.

Q.—Have you your books here? A.—Yes, sir.

Q.—Showing his account? A.—Yes, sir.

Q.—Who keeps the books? A.—The bookkeeper. Several men have kept these. Different men.

Q.—Can you turn to Mr. Stratton's account in the Ledger, if you please?

(3151)

A.—There it is. I had it marked before I came down.

Q.—That is at page 434 of your Ledger? A.—Yes.

Q.—I see that, under date of the 11th September, 1902, there appears to have been a Victoria charged to Mr. Stratton between 9.30 and 11.30. Would that be in the forenoon or afternoon or the evening? A.—I do not know, sir.

Q.—You cannot tell? A.—I cannot tell by the books.

The Chancellor: 11th September, 1902.

Mr. McPherson: Another witness will speak more positively of it.

Q.—Then another entry on the same day from 9.15 to 10.30. Is that right? Two rigs out for him that day? A.—According to the book.

Q.—Have you a book here that will show the particulars of the hours those rigs were out, and the driver, and where they went, and so on? A.—The order book will show it.

Q.—Before we pass from the ledger. I see by the ledger that the account of Mr. Stratton which would embrace that item of the 11th September appears to have been rendered and paid on the 8th November, \$22. Is that right? A.—If the book says so it is right. I could not tell you anything about that.

Q.—That is just as it is shown in the book? A.—Yes, sir.

Q.—Now, is this what you call the day book or blotter? A.—That is the day book.

Q.—That gives the particulars of where the rigs were? A.—Yes, sir.

Q.—And so on? A.—So far as we can get them from the drivers.

(3152)

Q.—I see by the book here the entry of Thursday, 11th September, there appears to be a charge to the Hon. Mr. Stratton, Parliament Buildings, 9.30 to 11.30, \$1.50. Transferred to folio 434. That would be the folio of the ledger, would it? A.—Yes. That is the folio of the ledger. That is the one posted in the ledger.

Q.—And there appears to be the entry here that there were three shopping, and McConkey's, and home. Do you know whose handwriting that is? A.—No, I do not.

Mr. Johnston: What hour is that?

Mr. McPherson: 9.30 to 11.30. Shopping. McConkey's, and home.

The Chancellor: That would not be shopping, 9.30 to 11.30 p.m.

Mr. Riddell: We will bring the lady who did the shopping.

Mr. McPherson: Then, later in the same day, I see on folio 11 of your blotter, "Hon. Mr. Stratton, Parliament Buildings, 9.15 to 10.30." It does not say p.m. It is very late in the day. There is a whole page and a half between. Evidently it is at night.

The Chancellor: This first is in the morning and the other at night?

Mr. McPherson: That is my deduction from the books.

Q.—Had you a driver named Green on the 11th September? A.—Yes.

Q.—And is he the man who drove Mr. Stratton on that occasion, or had the three parties from the Parliament Buildings? A.—Yes, according to the books.

(3153)

The Chancellor: Three persons.

Mr. McPherson: Three persons shopping. McConkey's, and home. That means three persons. Then, you can stand down, Mr. Maher. I will call Mr. Green.

Weston Green, sworn. Examined by Mr. McPherson:—

Q.—What is your occupation? A.—Cab driver, sir.

Q.—Living in the city of Toronto? A.—Yes, sir.

Q.—Were you in the employ of Mr. Maher, the last witness, in September, 1902? A.—Yes, sir.

Q.—I understand you are not in his employ now? A.—No, sir.

Q.—Are you employed any place now? A.—Yes, sir.

Q.—Where? A.—Verrall's livery stable on York street.

Q.—I see by Mr. Maher's books here that on the 11th September your name is down as being the driver on an oc-

casion from the Parliament Buildings, three passengers, shopping, McConkey's, and home, 9.30 to 11.30. Do you remember the occasion? A.—Yes, sir.

Q.—What time of day was it, forenoon or afternoon? A.—In the forenoon.

Q.—From whom did you get that order? A.—I could not exactly say. From some one in the office.

The Chancellor: That is in your office? A.—In Maher's office.

Mr. McPherson: Do you know in whose handwriting the entries are in the book on page 9? A.—No, sir.

Q.—Did you go and get the passengers? A.—Yes, sir.

(3153½)

Q.—Where did you go? A.—To the west door of the Parliament buildings.

Q.—Was it the west door? A.—Yes, sir.

Q.—And do you know who the passengers were? A.—I suppose they were Mr. Stratton and his lady folks.

Q.—Mr. Stratton and his lady folks? How many passengers were there? A.—Three, sir.

Q.—You know Mr. Stratton to see him? A.—Yes, sir.

Q.—Have you seen him here to-day? A.—Yes, sir.

Q.—See if you can point him out? A.—That gentleman leaning on his arm at the table.

Mr. McPherson: Will you stand up, Mr. Stratton, please? Now, is that the gentleman you know as Mr. Stratton? A.—Yes, sir.

Q.—Was that gentleman in that carriage that day? A.—Yes, sir.

Q.—And two ladies. What time did you get to the Parliament Buildings that morning, can you tell me? A.—I was ordered there at 9.30.

(3154)

Q.—Were you there at the time you were ordered? A.—Yes, sir, pretty near it. About that time.

Q.—About that time were you there? A.—Yes, sir.

Q.—Where did you drive the passengers? A.—I remember taking them to Bennett & Wright's on Queen street.

Q.—That is the plumbing establishment? A.—Yes.

Q.—Whom did you take there? All three passengers? A.—Yes.

Q.—Did they remain there? A.—They were in there for about twenty minutes, I should judge.

Q.—All three of them? A.—Yes, sir.

Q.—Did they go out again? A.—Yes, sir.

Q.—Then, where did you go? A.—To Robertson's foundry.

Q.—Where is that? A.—On King street, near John.

Q.—Did all three passengers go there? A.—Mr. Stratton went into the office.

Q.—Did all three passengers go in the carriage with you there? A.—Yes sir.

Q.—And then you say Mr. Stratton left the carriage and went into the office? A.—Yes.

Q.—How long did he remain there—about how long? A.—It would be about 10 and 15 minutes.

Q.—And were the ladies in the carriage? A.—Yes, sir.

Q.—Can you recollect where you went after that? A.—Well, I suppose it was around to the warehouse. It is on the west side of John street.

Q.—That is to Robertson's warehouse, was it? A.—Yes, sir.

Q.—Or what you suppose was Robertson's warehouse? A.—Yes, sir.

(3155)

Q.—Did Mr. Stratton and the ladies all go? A.—Yes, sir.

Q.—And did anybody go into the warehouse? A.—Yes, sir, they all went into the warehouse.

Q.—And how long did they remain there? A.—I suppose they would be in there about twenty minutes or more.

Q.—Did they go out and re-enter the carriage? A.—Yes, sir.

Q.—Do you remember where they went from there? A.—Drove around to the office again.

Q.—Drove back to Robertson's office? A.—Yes.

Q.—Did any of them leave the carriage there? A.—No, sir.

Q.—How long did you remain at the office on the second occasion? A.—A few minutes—about five minutes.

Q.—Then from there can you tell where you went? A.—No, sir, I would not be sure as to where I went then.

Q.—From Robertson's office on the second occasion, after coming back from the warehouse, what time did the carriage arrive back to the Parliament Buildings? A.—I was back to the barn at 11.30.

Q.—That is to Maher's livery stable? A.—Yes, sir.

Q.—Did you take these people back or any of them back to the Parliament Buildings? A.—I could not swear to that, sir. I have a faint recollection—I could not positively swear to that—but I have a faint recollection I took them back to the Parliament Buildings.

The Chancellor: Took all of them back? A.—Yes, sir.

Mr. McPherson: Took all of them back to the Parliament Buildings. And

did you go straight from the Parliament Buildings back to the stable? A.

—Yes, sir.

Q.—How long would it take you to go from the Parliament Buildings back to the stable? A.—About ten minutes.

(3156)

Q.—About what time would it be that you took the passengers back to the Parliament Buildings? A.—It would be about between 15 and 20 minutes after 11.

Q.—Can you recollect whether Mr. Stratton went back to the Parliament Buildings? A.—I could not say for sure.

The Chancellor: Do you remember going to McConkey's? A.—No, sir.

The Chancellor: Because that is put down there.

Mr. McPherson: It is in the book about McConkey's. Can you recall being at McConkey's? A.—No.

Q.—Can you recall any other place? The Chancellor: What shopping did they do? A.—Well, I—

Q.—Speak out. I cannot hear what you are saying. A.—Well, I generally give in that report, if I make any calls.

Q.—You call it "shopping," whatever it is, do you? A.—Yes, sir, unless it is at some office.

Q.—Going to a foundry, you would call that shopping, would you? However, you put it down as shopping? A.—Yes.

Q.—You cannot remember their going to any shops of stores on King street, or McConkey's? A.—No.

Mr. McPherson: Do you call it shopping, calling at Bennett & Wright's? A.—Yes, sir, I would.

Q.—Do you know whether they purchased any goods at Bennett & Wright's, or not? A.—No.

Q.—They did not bring anything into the carriage from there?

(3157)

The Chancellor: That is a plumbing establishment.

Cross-examined by Mr. Riddell:

Q.—How old are you? A.—Twenty, sir.

Q.—How long have you been a hack driver? A.—Two years.

Q.—And practically every day driving? Pretty nearly, sir.

Q.—And do you have as distinct a recollection of the other days as you of this? A.—Well, I might have.

Q.—Let me see what you know about it. What day of the week was it? A.—I could not swear to that, but I imagine it was Thursday.

Q.—What day of the month? A.—The 11th.

Q.—You remember it was the 11th?
A.—Yes, sir.

Q.—And there is no possibility of being mistaken about that? A.—No.

Q.—Quite certain about that? A.—Yes.

Q.—And where was it you went to first? A.—Bennett & Wright's.

Q.—Where did you pick up the passengers? A.—At the west door of the Parliament Buildings.

Q.—Quite sure it was not the east door? A.—Yes, sir.

Q.—It was the west door? A.—Yes, sir.

Q.—Did you know the persons who got into your hack? Did you look to see? A.—I noticed there were three. I supposed they were—

Q.—Did you notice who they were? A.—I did not particularly know.

Q.—Had you ever seen any of these people before? A.—Yes, sir.

Q.—Had you driven them before? A.—I had driven Mrs. Stratton before.

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Q.—You are quite clear about that? A.—Yes, sir.

Q.—And since? A.—I do not remember driving her since.

Q.—Oh, try and see if you cannot recall. Have you driven Mrs. Stratton since? A.—Not that I know of.

Q.—Do you know whether you have or not? A.—No.

Q.—Have you any recollection about it one way or the other? A.—No, sir.

Q.—Had you ever driven Mr. Stratton before? A.—No, sir, that was the first time.

Q.—That was the first time you ever saw him? A.—Yes, sir.

Q.—Quite sure about that? A.—I had seen him before, but that was the first time I had ever driven him.

Q.—Have you ever driven him since? A.—I may have driven him with other gentlemen.

Q.—Have you ever driven him since? A.—Not that I know of.

Q.—Will you swear you have not? A.—No, sir.

Q.—Where did you pick Mr. Stratton up on the other occasions, if you drove him?

The Chancellor: I thought he said he had not driven him.

Mr. Riddell: He had driven Mrs. Stratton, he says. He says he may have driven Mr. Stratton with others. Where did you pick Mr. Stratton up on the other occasions, if you drove him? A.—I could not swear that I did drive him, sir.

Q.—Do you know where his office is? A.—No, sir.

Q.—Where did you pick Mrs. Stratton up if you drove her before? A.—At their residence.

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Q.—At their residence? A.—Yes.

Q.—Where is that? A.—In Queen's Park.

Q.—Whereabouts in the Queen's Park? A.—71.

Q.—What? A.—71, sir.

Q.—71 Queen's Park. You have picked her up there? A.—Yes.

Q.—Often? A.—No, sir.

Q.—Several times? A.—Not more than twice.

Q.—So you knew her very well? A.—Well, not particularly well.

Q.—You knew her so that you could not mistake her by any possibility? A.—Yes, sir.

Q.—So that she was in that carriage upon that day of the 11th? A.—Yes, sir.

Q.—Whatever day that was she was there. Now, who was the other person—a lady or gentleman? A.—A lady.

Q.—Who was it? A.—I couldn't say.

Q.—Was she elderly or a young lady? A.—A young lady.

Q.—Did not know her name? A.—No.

Q.—Did you ever drive her before? A.—Not that I remember of.

Q.—Did you ever drive her afterwards? A.—Not that I know of.

Q.—Did you ever drive three people from the Parliament Buildings before? A.—No, sir.

Q.—Did you ever drive three people from the Parliament Buildings since? A.—Yes, sir, I have driven three people.

Q.—From the Parliament Buildings since? Yes, sir.

Q.—Did you ever drive three ladies from the Parliament Buildings? A.—No, sir.

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Q.—Quite sure about that? A.—Yes, sir.

Q.—Then let me see what you did. You went to the west door, and how long did you wait before the people came out? A.—I could not say, sir.

Q.—Sure about that? A.—Yes, sir.

Q.—Could not say whether five minutes? Answer me please? A.—No, sir.

Q.—Was it five minutes? A.—I couldn't say.

Q.—Was it an hour? A.—I could not say that.

Q.—Was it two hours? A.—No, it was not as long as that.

Q.—Was it as long as an hour? A.—I could not say to that.

Q.—Are you swearing to this now, that you do not know whether you waited an hour there for your passengers? A.—Yes.

Q.—You are swearing that. Was it as much as an hour and a half? Answer please? A.—No, sir.

Q.—As much as an hour and a quarter? A.—No, sir; it was not an hour.

Q.—We have got that now. Are you sure it was not an hour? A.—Yes.

Q.—Why didn't you tell me that before? Was it three-quarters of an hour?

A.—I could not say.

Q.—What.

The Chancellor: He could not say, he says.

Mr. Riddell: You cannot say whether it was three-quarters of an hour? A.—No.

Q.—Was it five minutes? Will you answer me? A.—I could not say to what time it was, sir.

Q.—Was it as much as five minutes? A.—I suppose it was.

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Q.—Do you know? A.—No, sir.

Q.—Then you do not know whether it was five minutes or three-quarters of an hour that you waited there? A.—I know it was not an hour.

Q.—But you do not know whether it was as much as three-quarters of an hour? A.—No.

Q.—Was it a quarter of an hour? A.—I could not swear to that.

Q.—Cannot you tell me whether you waited any time there or not? A.—I waited some time.

Q.—What time? A quarter of an hour? A.—I could not say how long.

Q.—Was it as much as a quarter of an hour? Answer me please? A.—It is so long ago since I cannot just remember how long it was.

Q.—You have been swearing how long Mr. Stratton, as you say, remained in certain places during that day, twenty minutes and so on. I want you to tell me whether you were waiting there a quarter of an hour for your passengers? A.—I could not swear what time it was.

Q.—Was it as much as half an hour? A.—I do not know.

Q.—Will you tell me why you do not know that when you know Mr. Stratton stayed in certain places twenty minutes. How is it that you do not remember one, and that you remember the other fact. No answer. Then let us get on. Then the three people, whoever they were, got into your carriage? A.—Yes, sir.

Q.—You knew they were going shopping, did you? A.—No, sir.

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Q.—Did they direct you where to go? A.—Yes, sir.

Q.—Who directed you? A.—I could not swear as to that.

Q.—Do not remember that? A.—No.

Q.—Where did you go to first? Answer me please? A.—Bennett & Wright's.

Q.—Where is that? A.—On Queen street.

Q.—Queen street east? A.—Yes, sir.

Q.—Which way did you go? A.—Down through the park and along Queen street.

Q.—How long did it take you? A.—Well, I did not drive very fast. I suppose it took me about twenty minutes.

Q.—That you remember, I suppose? A.—Yes.

Q.—You remember that distinctly. Now, let us see before I go on any further, what time was it that you arrived at the Parliament Buildings? A.—I was ordered there at 9.30.

Q.—Did you arrive there at 9.30, or were you late? A.—I couldn't say.

Q.—Do you think you arrived there at 9.30? A.—Yes.

Q.—Then we have twenty minutes to Bennett & Wright's. Now, what was done at Bennett & Wright's? Let us have that again? A.—They went into the store.

Q.—Who? A.—The three people in the carriage.

Q.—There is no doubt about that? A.—Yes.

Q.—That is on the north side of Queen street? A.—Yes.

Q.—How long did they stay? A.—I suppose they would be about twenty minutes in there, sir.

Q.—Not more than that, sir? A.—No, sir.

Q.—About twenty minutes? Of course you timed them, when they were in there? A.—No.

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when they were in there? A.—No.

Q.—But you happen to remember it was twenty minutes at Bennett & Wright's? A.—Yes.

Q.—Then they came out? A.—Yes, sir.

Q.—All got in the carriage again? A.—Yes.

Q.—And went where? A.—To Robertson's foundry.

Q.—That is the south side of King street west? A.—Yes, sir.

Q.—How long did it take you to drive there? Did you drive fast? One horse or two? A.—One horse.

Q.—With a Victoria? A.—Yes.

Q.—Four people in it? A.—Three people.

Q.—And yourself. How long would it take you to go up there? Half an

hour or more? A.—About twenty-five minutes.

Q.—Then did they all go in there, too? A.—Mr. Stratton went in first.

Q.—How long did he stay in? A.—I could not swear to the time.

Q.—An hour? A.—No, sir.

Q.—Half an hour? A.—No, sir.

Q.—Quarter of an hour? A.—I could not say whether he was more than a quarter of an hour or less.

Q.—Would you say about a quarter of an hour? Would that be right?

A.—As near as I can remember, sir.

Q.—Then Mr. Stratton was in a quarter of an hour by himself, and then he came out again? A.—Yes.

Q.—And then what happened? A.—Another gentleman came out with him, and went around to the warehouse.

Q.—And did Mr. Stratton go back to the carriage? A.—No, sir. The

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gentleman walked around, and I drove the ladies around.

Q.—Where? A.—To the warehouse.

Q.—How long did that take you to go round to the warehouse?

The Chief Justice: Just around the corner.

Mr. Riddell: How long did that take you? Five minutes? A.—No, sir, not more than three minutes.

Q.—Then what happened at the warehouse? A.—They all went in.

Q.—How long did they remain? A.—I could not swear.

Q.—An hour? A.—No.

Q.—Half an hour? A.—I couldn't say.

Q.—Do not answer that way. You are giving twenty minutes at Bennett & Wright's. Do you remember as well what took place at Robertson's as you do what took place at Bennett & Wright's? A.—Yes, sir, but I could not tell how long people were in a place.

Q.—You told me how long they were in Bennett & Wright's, you know. You told me how long Mr. Stratton was in the office. Now I want to know how long they were in the warehouse? Was it an hour? A.—No, sir.

Q.—Sure? A.—Yes, sir.

Q.—Half an hour? A.—It might have been that.

Q.—Is that about right, or is that too much or too little? A.—It would not be more than half an hour.

Q.—Was it about that? A.—Yes, sir.

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Q.—About a half an hour in the warehouse. Then did they come out? A.—Yes, sir.

Q.—Get into the carriage again?

A.—Yes, sir.

Q.—What did you do then? A.—Drove round to the front of the office.

Q.—That would take another three minutes? A.—Yes, sir.

Q.—Then what happened then? A.—He stood talking with a gentleman that came out of the office a few minutes and then drove away.

Q.—5, 10, 15 or 20 minutes? A.—No, sir, not more than 5 minutes.

Q.—Standing talking to a gentleman about 5 minutes. Then you drove away. Drove away where? A.—I could not swear where we went.

Q.—Oh, come. You did not get suddenly stricken with paralysis so that you would forget at that moment, did you? You did not lose your memory suddenly? A.—No.

Q.—Were not drinking or anything of that kind so that you would lose your memory? A.—No.

Q.—Where did you go to from Robertson's, if you please? Cudgel your memory and say where you did go to? Did you go to Bennett & Wright's again? A.—No, sir.

Q.—Did you go to McConkey's? A.—I could not swear as to where I went.

Q.—Did you ever go to McConkey's with these people? A.—Not that I remember of.

Q.—Would you swear you did not? Did you ever in your life drive Mr. Stratton to McConkey's? A.—Not that I know of.

Q.—If you had to swear one way or the other you would swear you did not? A.—Yes, sir.

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Q.—No doubt about that.

The Chancellor: How did it come in the book to be entered "McConkey's"?

A.—There may have been some mistake in the office.

Mr. Riddell: You are the man who gives the report? A.—Yes, sir.

Q.—The driver is the one who gives report of what he has been doing and where he has been? A.—Yes.

Q.—And I suppose you gave the report at the time intending it to be an honest report? A.—Yes.

Q.—The man who takes it down—who was he? A.—It would be the bookkeeper or Mrs. Maher.

Q.—Are she and he honest kind of people or people who would likely write something wrong, to catch decent people like you? A.—No, sir.

Q.—They would probably put down what you told them? Isn't that so? You would think they would, wouldn't you? A.—Yes, sir.

Q.—Did you tell anybody on that occasion when you went home that

the people had been shopping? A.—No, sir.

Q.—You would not call going to Bennett & Wright's and Robertson's shopping, would you? A.—Yes, sir.

Q.—Would you? Well, perhaps so. That is what you would call shopping at all events? A.—Yes.

Q.—Now, try and think again where you went to after you left Robertson's? It may be a matter of some importance. Do not forget now when you come to the important point. Did you drive home? A.—I do not know where I went.

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Q.—Did you drive to McConkey's? A.—I could not say.

Q.—Supposing you drove to McConkey's, how long would it take you to drive to McConkey's? A.—10 or 12 minutes.

Q.—How long would it take you to drive from McConkey's home—to the Parliament Buildings? A.—About 15 minutes.

Q.—How long would it take you to drive from the Parliament Buildings to the stables? A.—About ten minutes.

Q.—Of course, when these charges are made in the books, the charges are made from the time at which the carriage arrived at the place where it is ordered to go? A.—Yes.

Q.—The Parliament Buildings, in this case, until it reached the stable again? A.—Yes.

Q.—So, if it is 9.30 to 11.30, it means it was ordered to the Parliament Buildings at 9.30, and reached the stable at 11.30? A.—Yes.

Q.—So that if you were the driver on that occasion, you would get home at 11.30? A.—Yes, sir.

Q.—There is no doubt about that. And it would be at once your duty to go and report as to where you had been and what you had been doing? A.—Yes.

Q.—No doubt about that? A.—Yes, sir.

Q.—Do you remember doing so? A.—No, sir, I do not remember.

Q.—But you do remember that you never in your life drove Mr. Stratton to McConkey's, don't you? A.—Not that I know of.

Q.—Not that you know of. You would remember that? You would remember standing in front of McConkey's waiting for Mr. Stratton, if that took place? You only drove him two

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or three times you know? A.—I may have driven him there before this trip.

Q.—But certainly not upon this occasion? A.—No, sir.

Q.—Certainly not upon this occasion. Now, Br. Green, let me tell you something. The persons you were driving upon that day were three ladies? A.—No, sir.

Q.—No matter what anybody says, you will say that that is not so? A.—Yes, sir.

Q.—And you cannot be mistaken about it being the 11th? Answer me, please? A.—Well, it is marked in the book the 11th.

Q.—I do not care anything about the book. I am talking about Green. You cannot be mistaken about it being the 11th? Can you or can you not? A.—I may be.

Q.—Will you swear that what you have been talking about occurred in the month of September at all? A.—Yes, sir, I know it was the month of September.

Q.—And how do you know it is the month of September? A.—It was just after the Exhibition.

Q.—How long had the Exhibition closed? Had it been closed a week or two weeks when this took place, or three weeks? I want your oath, if you please? A.—I should judge it would be about a week.

Q.—Then the Exhibition had been closed for about a week when this occurrence took place? A.—Yes, sir.

Q.—On your oath, you swear that positively? About a week? I am not sticking you to one day? A.—Yes, sir.

Q.—About a week. Would it astonish you to find the fact that the 11th was in the very middle of the Exhibition? Where were you last night? A.—Driving last night.

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Q.—With whom? A.—With the two gentlemen.

Q.—What two gentlemen? A.—That gentleman sitting there.

Q.—Mr. McPherson and Mr. Price? A.—Yes, sir.

Mr. Johnston: Did you go over the same route?

Mr. Ritchie: Are you a hack driver now? A.—Yes, sir.

Q.—For whom are you driving? A.—Mr. Verral.

Q.—And you were driving these two gentlemen? A.—Yes, sir.

Q.—Talking to them? A.—Yes.
Q.—Talking about this matter? A.—Yes, sir.

Q.—Telling you story? A. — Yes, sir.

Q.—Did you tell them that it was a week after the Exhibition this took place? A.—No, sir.

Q.—Why didn't you? A.—They didn't ask me.

Q.—How did they find out what you could say? Did they ask you? A.—Yes.

Q.—Did they tell you it was Mr. Stratton that you drove? Answer me, please? A.—I don't remember if they did or not.

Q.—Did they tell you that you drove Mr. and Mrs. Stratton? A. — No.

Q.—Did they tell you that you drove Mr. Stratton? A.—They did not tell me that I did or did not.

Q.—Why didn't you tell me that before, when I asked you? What did you answer when I asked you whether they told you you had driven Mr. Stratton? What did you answer? Do you know what you answered me when I asked you? A.—Yes, sir.

Q.—What did you answer me? A.—I said I did not know.

Q.—Did you know when you answered me in that way—did you know whether they had told you that? Why don't you answer me? A.—Well, I never heard them if they did.

Q.—Did you know whether they told you that when I asked you, and you told me you did not know? Did you really know? Why don't you answer me? Why don't you answer me, fairly, witness?

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Mr. McPherson: I think he has answered as much as anybody can answer.

The Chancellor: Let him answer it again?

Mr. Riddell: Did know whether they had told you or not when you answered me that you did not know? A. — No, sir.

Q.—You did not know. I see. Now, you know the length of time you have given me, without counting any time waiting? You have given me over two hours and a half on your own figuring, without any time waiting at the Parliament Buildings at all. You know McConkey's? A.—Yes.

Q.—Often drive there? A.—Yes.

Q.—Could not be mistaken about the place? A.—Yes.

Q.—Know the length of time one generally waits for a person going in? A.—Different times.

Q.—Always a few minutes at all events? A.—Yes.

Q.—And you cannot now, standing where you are, remember anything at all upon that day about McConkey's? A.—No, sir.

Q.—Cannot remember McConkey's at all. And certainly the day that you drove Mr. Stratton you did not drive him there? A.—Not that I remember of.

Q.—You are perfectly certain, are you not? Are you not certain now? Oh, answer me? A.—Well, I am not certain, sir, but I never remember it.

Q.—You are pretty sure. Were you discharged from Maher's? A.—Yes, sir.

Q.—For what? Drunkenness? A.—No, sir, for being late.

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Q.—What? A.—For being late, sir.

Q.—For what cause? What made you late? A.—Well, I was driving private at that time.

Q.—Were not you arrested? A.—Yes, sir, I was the last time.

Q.—For drunk and disorderly? A.—No, sir, for being drunk, sir.

Q.—How long ago is that? A.—About two weeks before Good Friday.

Q.—And how long before you were discharged? A.—A few days after Good Friday, sir.

Q.—And how long before you were discharged? A.—I did not go back again after that.

Q.—Because you knew there was no use going back? A.—Yes.

Q.—That put an end to your connection with Mr. Maher? A.—Yes.

Q.—I do not want to hurt your feelings at all. But it is not the case, I suppose, that you got drunk on that day, and that is why you forget McConkey's? A.—No, sir.

Q.—That cannot explain it? A.—No, sir.

Q.—Have you got any explanation at all why you forget what happened after you left the warehouse? Can you explain it at all? A.—No, sir.

Q.—It just seems to have gone from your mind, so that your mind is a perfect blank after that? You do not remember going to the Parliament Buildings? A.—No, sir, I do not remember exactly where I went to.

Q.—Where were you the last place you remember being? A.—At Robertson's.

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Q.—And do you remember leaving there? A.—I remember leaving there.

Q.—And then it is all a blank? A.—Yes, sir.

Q.—Where were you the last time you remember being alive? On King street, or where?

Mr. McPherson: My learned friend is trilling with the witness.

Mr. Riddell: Oh, no. I want to get his recollection? A.—On what occasion?

Q.—On that occasion after you left Robertson's? A.—I was alive all the time.

Q.—Where do you remember? Of course you were alive all the time. Where do you remember? What is the last point you remember being at on that day? A.—The last I remember is driving away from Robertson's.

Q.—On King street? A.—Yes, sir.

Q.—And after that the whole thing is a blank? A.—Yes, sir.

Q.—You do not remember going to the Parliament Buildings, or to what door you went? A.—No.

Q.—You do not remember of going to the stables, nor what you said, apparently? A.—I remember going to the stable.

Q.—But do you remember what you said then? A.—No, sir.

Q.—However, what you did say no doubt was a truthful statement of what had taken place—intended to be? A.—Yes.

Re-examined by Mr. McPherson:—

Q.—What time do you go on duty in your present employment? A.—Six o'clock, sir.

Q.—When? A.—At night, sir.

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Q.—Did you go on duty at six o'clock last night? A.—About ten minutes past six when I got there.

Q.—And you have been up all night? A.—Yes, sir.

Q.—Have you had any sleep since the night before last? A.—Not since yesterday afternoon.

Mr. Riddell: Surely you did not keep him out all night.

Mr. McPherson: I will enlighten you as much as I can about that.

Q.—What time last night did you drive my learned friend, Mr. Price and myself? Do you remember what time? A.—Half-past nine when I got to King and Bay streets.

Q.—And where did you drive from there? A.—To Mr. Maher's office on Bloor street.

Q.—And what took place there? A.—Well, you got out and went into the office, sir, and in a few minutes I was called in myself.

Q.—Do you remember who called you in? A.—Yes, sir.

Q.—Who? A.—His son, Freddie.

Q.—Who was there? A.—Mr. Maher and Mrs. Maher and his son was in the office.

Q.—Who had the books open there? A.—You and Mrs. Maher.

Q.—Now, before we get to the Maher stable, was there any talk between yourself and Mr. Price and myself before we reached Maher's stable?

Mr. Riddell: I do not think we ought to have that.

The Chief Justice: The suggestion has been made that Mr. McPherson and Mr. Price told him what to say.

Mr. Riddell: I could only take what the witness said.

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The Chief Justice: He has a right to state what did take place.

Mr. McPherson: Was there any talk with Mr. Price and myself before we reached Maher's livery stable? A.—Only the directions you gave me.

Q.—What was that? To go up in that direction? A.—Yes.

Q.—Then just tell me how you came to drive Mr. Price and myself last night? A.—Well, the bookkeeper in the office told me there was a gentleman at the 'phone wanted a carriage, and they asked me to go.

Q.—They asked for you to be the driver? A.—Yes.

Q.—Was that in the office of the Verral livery stable? A.—Yes, sir.

Q.—Now, had you seen Mr. Price or myself before you came to pick us up as passengers? A.—No, sir.

Q.—Now, when you were at Maher's livery stable, did you have any recollection when you saw the entries in the books that have been referred to here this morning, about who the passengers were that you drove? Were you able to say then from looking at the books who the passengers were that you took from the Parliament Buildings? A.—Do you mean last night?

Q.—Yes. A.—Well, I remembered the incident as soon as I looked at the book.

Q.—What did you remember as soon as you looked at the books? A.—I remembered I had three people, sir.

Q.—But, did you remember who they were? A.—One of them was Mr. Stratton, and—

The Chief Justice: He is asking you if you remembered them.

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Mr. McPherson: Did you remember when you looked at the books who the passengers were, or any of them? A.—Well, I saw the name in the books.

Q.—Yes. But did you remember from what you saw in the books who any of the passengers were? Did you remember when you were at Maher's livery stable, when you saw the books, who the passengers were, or any of them? A.—Well, I think someone said—someone asked me if I drove Mr. Stratton on that day.

Q.—Do you remember who that was? A.—I think it was Mr. Maher. I could not say for sure.

Q.—That agrees with my recollection. Then, how long did you remain at Maher's livery stable with Mr. Price and myself last night? A.—It could not have been ten minutes.

Q.—And did any conversation take place between you and Mr. Price and myself when we were at Maher's livery stable, except what took place in the presence of Mr. and Mrs. Maher? A.—No, sir.

Q.—Then, leaving the stable, where did you go? A.—Drove over to your residence at Meredith crescent.

Q.—And did I leave the carriage there? But before I come to that. Was there any conversation before I left the carriage there? A.—Yes, sir.

Q.—And can you say what that was? A.—You asked me about driving Mr. Stratton on that day, sir.

Q.—And what did you say? A.—I said that I remembered driving—getting three people at the Parliament Buildings, and driving them to Bennett & Wright's, and then to Robertson's on King street, sir, and I had a

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faint recollection of taking them back to the Parliament Buildings, but I could not be sure.

Q.—How long did you remain there in conversation with me in reference to that matter—in front of my residence? A.—Between ten and fifteen minutes I should judge.

Q.—Giving these details? A.—Yes.

Q.—Talking this matter over. Then where did you go? Did I leave the place or go into the House? A.—I

could not say whether you went into the house or not. You left the carriage.

Q.—Did you see me again that night? A.—No, sir.

Q.—And have you seen me since that until you saw me in the Court room to-day A.—I saw you in the hallway.

Q.—To speak to? A.—No, sir.

Q.—You were not talking to me? A. No, sir.

Q.—Then, have you had any other conversation with me at any time besides what you have related in the witness box here to-day? A.—No, sir.

Q.—Now, after I left the carriage, and you left and turned away last night, where did you go? A.—I drove Mr. Price back to The Mail and Empire Building again.

Q.—And then where did you go? A.—Went back to the stable, sir.

Q.—And were you on duty after that? A.—Yes, sir.

Q.—Can you tell about what time you got back to the stable? A.—It would be about twenty minutes to eleven I should think.

Q.—And it was half past nine when you got us as passengers? A.—Yes, sir.

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Q.—Did you see Mr. Price after he left your carriage last night until you saw him at the City Hall here to-day? A.—No, sir.

Q.—Did you see Mr. Stratton when he came to the Hall to-day? A.—Yes, sir.

Q.—Did anybody suggest to you that that was Mr. Stratton, or did you know him when you saw him yourself? A.—I knew him when I saw him myself.

Q.—When you were talking to my learned friend Mr. Riddell in cross-examination, ad giving him the various times that were occupied on the morning of the 11th September in the drive you have detailed, were you professing to speak as to exactly the various times? A.—No, sir.

Q.—What were you endeavoring to do or to tell? A.—Making it as near the time as my recollection would enable me.

Q.—Giving about the time as well as your recollection would serve you? A.—Yes, sir.

Q.—Did you drive Mr. Stratton on any other occasion than on this day while you were at Maher's after that, with any ladies, that you can recollect? A.—No, sir, not that I can recall.

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Q.—Have you a clear recollection of what took place on that day as far as your memory has carried you, and have related it to-day? Is your memory perfectly clear? A.—Yes, sir.

Q.—And when was it that you left Maher's employ? A.—I could not say, sir. It would be about three months or more than three months after that, sir. It would be more than three months.

Mr. Riddell: There is one matter I was not fully instructed on. Where is this 71 Queen's Park, that Mr. Stratton lived in? A.—At the corner of—right near the corner of Victoria College.

Q.—Victoria College is to the north, and the house next south? A.—Yes, sir.

Q.—Now, how long have you known Mr. Stratton to be living there? Three or four years or how long? How long have you been driving and picking up Mrs. Stratton there?

Mr. McPherson: He did not say that.

Mr. Riddell: Please do not interrupt.

Mr. McPherson: I do not think that is a fair question. The witness has not said anything that would fairly lead my learned friend to put that as a question.

The Chancellor: I think you can leave the witness alone.

Mr. Riddell: I am asking you for how many years have you been picking up Mrs. Stratton at that place? A.—I do not remember of only picking her up once there.

Q.—How long before this occasion? A.—I couldn't tell whether it was afterwards or before.

Q.—You told me that you had picked up Mrs. Stratton there

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before at her house, 71 Queen's Park, didn't you? Now, I want to know for how many years that had been going on? A.—I only picked her up once.

Q.—Then did you recognize her as the same lady that got into the carriage with Mr. Stratton? Didn't you recognize her at that time as being Mrs. Stratton? Did you or did you not? A.—Well, not the first time. I did not know her, sir.

Q.—But after that you knew her? You knew it was the same person? A.—Yes.

Q.—Now would it astonish you to find that Mr. Stratton never lived there

in the world? Do you know Mr. Strathy? A.—No, sir.

Q.—Did you ever hear that name? A.—Yes, sir.

Q.—Did you know Mr. Strathy lived in that house? A.—No, sir, I never did.

Q.—Never heard it? You always supposed Mr. Stratton lived there? A.—Yes, sir.

Mr. McPherson: Do you know Mr. Strathy? Any gentleman named Strathy? A.—I have heard tell of him. I do not know him to see him.

Q.—Are you deposing to the fact that the gentleman Mr. Stratton here lived at 71 Queen's Park?

Mr. Riddell: He told me so before.

Mr. McPherson: Did you intend to say that this gentleman Mr. Stratton lived at 71 Queen's Park? A.—So I thought, sir.

Q.—You did not know whether it was the fact or not? Did you know whether it was the same name, Strathy or Stratton, that lived at 71 Queen's Park? A.—No, sir, but I thought it was Stratton.

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Q.—Have you been to 71 Queen's Park on occasions to take anybody up there as a passenger? A.—Yes, sir.

Q.—And assumed that the name of Strathy was Stratton? A.—Yes, sir.

Mr. McPherson: He is evidently under a misapprehension.

Donald Q. McCullough, sworn. Examined by Mr. McPherson:—

Q.—What is your occupation? A.—Accountant.

Q.—Residing in Toronto? A.—Yes, sir.

Q.—Are you the Secretary of the Bennett & Wright Co.? A.—Yes, sir.

Q.—And have charge of the office there? A.—Yes, sir.

Q.—Have you your books here that you have been asked to produce? A.—Well, we have a lot of books. You did not specify any particular books. There is a cart-load of them.

Q.—I did not want a cart-load. I want the books that will show the Hon. J. R. Stratton's account in September, 1902? A.—I can tell you that now.

Q.—What can you tell? Have you any books here or have you looked it up? A.—I can tell you anything about the account. I can tell you anything you like to know, and then we can produce the books if you wish.

Q.—I would prefer to have the books here.

A.—I can tell you. There are only two items. They do not take very long.

Q.—Tell me then? A.—Well, in what way?

Q.—Tell me the two items you have

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referred to? A.—Well, simply that Mr. Stratton got work done in Peterborough at his house by our firm and it was paid in two instalments.

Q.—And were you doing work for him under contract? A.—Under contract.

Q.—When was that contract in existence? A.—During the last year. I could not say. I did not look that up.

Q.—Were the payments before or after September, 1902? A.—The first payment was made in December. I did not look up the contract particularly.

Q.—December of what year? A.—Last year—1902.

Q.—And when was the work done? Through the summer or last year? A.—Along through the summer.

Q.—And autumn of last year? A.—Yes, sir.

Q.—Do you know Mr. Stratton? A.—I do not know Mr. Stratton personally—no.

Q.—Do you know him to see him? A.—I do now.

Q.—Do you see him here to-day? A.—I saw Mr. Stratton here to-day.

Q.—Do you see him here now? A.—Yes, sir.

Q.—Did you ever see him at your place of business? A.—I saw him this winter.

Q.—Any other time than this winter? A.—No, I could not say that I did. He might have been, but it did not come under my notice.

Q.—He might have been without it coming under your notice? A.—Yes, sir.

Q.—What was the work you were doing at Peterborough for him? A.—

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Plumbing and heating in the house.

The Chancellor: Is it important to go into that? The first payment was in December.

Mr. McPherson: Who were the people who would be in your warerooms in the middle of September, 1902? A.—I would not like to say. There are quite a number connected with the establishment. I would not say.

Q.—Will your books show who were the employees or people employed as salesmen in the show rooms in September, 1902? A.—There are a number. Our books of course would show who our salesmen are.

Q.—And who they were at that time? A.—Well, we have no record to show who would be a salesman at that time. There are a good many connected with the establishment who would be selling goods.

Q.—And showing goods? A.—We have four or five different foreman and all the clerks in the office sell goods.

Q.—They would leave their desks to go and show goods to anybody? A.—There are certain clerks who would. If the foreman happened to be out or the superintendent.

Q.—Can you tell me the names of the people whose duty it is to show goods in the show rooms, to people who were there, in September, 1902? A.—Would you say what department? There are different departments.

Q.—I cannot tell you? A.—There is the fixtures department and the plumbing department. I do not remember. There are a number of different departments in the business—4 or 5.

Q.—Will you give me the names of those that are in the

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departments? A.—I could give you the heads of the departments.

Q.—That will do? A.—There is Mr. Leech, the head of the gas-fixtures department.

Q.—He is head of what? A.—He is manager of the gas fixtures department. And Mr. George Kay of the electric department, and Mr. S. S. Clark, manager of the heating and ventilating. And Geo. Clapperton superintendent of the plumbing.

Q.—Anybody else? A.—H. Fitzsimons is the assistant superintendent. He might sell goods. And Mr. Joseph Wright of course, he is the Managing-Director of the Company.

Q.—Then, which of those departments would it be that Mr. Stratton had the contract with? A.—He had the most to do with Mr. Geo. Clapperton, the superintendent of plumbing.

Q.—It was a plumbing contract at Peterborough? A.—Plumbing and heating.

Mr. Ritchie: Mr. Howarth is here now, the receiving teller.

The Chancellor: Do you wish to ask Mr. McCullough anything?

Mr. Riddell: No, my Lord.

Frank R. Howarth, recalled by Mr. Ritchie:

Q.—You are the receiving teller of the Ontario Bank? A.—Yes, sir.

Q.—Have you got your teller's blotter with you? A.—Yes, sir, this is it.

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Q.—Turn up to the 11th September, 1902? A.—I have it here.

Q.—There was a deposit made we a told on that day of a sum of \$900. Do you made your deposits in your book in the order in which they are received? A.—Yes, sir.

Q.—So that you could tell about the time of day I suppose that any particular deposit was received? A.—Yes.

Q.—Now this is the item of \$900? A.—Yes, sir.

Q.—There is only one item? A.—That is all.

The Chief Justice : That is on the 11th.

Mr. Ritchie : On the 11th September.

Q.—From the place where you find the entry of the \$900 in this blotter, what time of day would you say that was? A.—I should say about half-past 2.

Q.—And how do you fix that? Where would half of your work for the day come? A.—About here. (indicating.)

Q.—Then I suppose they rush in more in the afternoon? A.—Between 2 and 3, about one-half of the deposits of the day come in.

The Chancellor : That is every day, is it? A.—Yes, sir.

Mr. Ritchie : So that you should say, if you were asked to state fairly what time—you would say half-past 2, would be a fair time to put it? A.—Yes, sir.

Q.—It is quite clear it was not made in the morning? A.—It is quite clear.

Q.—Do you think it might have been later than half-past 2? A.—I would not swear to that, but I should judge about half-past 2.

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Q.—That is all.

Cross-examined by Mr. Riddell :

Q.—There is no certainty at all as to the number of deposits which come in the morning and those in the afternoon? What you are speaking of is what usually happens? A.—Yes, sir.

Q.—But nobody can tell unless he has some recollection of it whether a deposit is made in the morning or the afternoon? It might happen a large number of deposits were made in the morning, might it not? A.—Yes.

Q.—And it might happen that more than half of the deposits are made in the morning? A.—It might happen that way, but—

Mr. Riddell : It may happen.

Mr. Ritchie : Do not stop the witness.

The Chancellor : Let us get on.

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Mr. Riddell : You have no recollection at all about this? A.—Of this special deposit—no, sir.

Q.—Do you know whether it was you who took it in? A.—I do.

Q.—How do you know it was you that took it in? A.—My initial is on the slip.

Q.—By looking at the original slip? A.—Yes, sir.

Q.—That original slip I think you have not got have you? A.—No.

Q.—Have not got it at all? A.—No, sir.

Q.—Then all you can say is, judging by the look of it, the probabilities are this went in in the afternoon, but you cannot be absolutely certain? Is that what you would say? A.—I would say it came in in the afternoon.

Q.—That is what the probabilities are, that is your judgment, but what I am asking you is, can you be absolutely certain it came in the afternoon? A.—I could not swear positively.

Q.—The probabilities are, according to your judgment, that that is the time, but there is no certainty of it? A.—No, sir.

The Chancellor : If anyone swore he was present, and that it was in the morning, would you be able to contradict him, from that book? A.—No, I could not.

Q.—Did you make any distinction during the Exhibition time? I understand this was Exhibition time. I am not sure about that. It is said this was Exhibition time. Is there any difference in the manner in which banking is done during the rush of the Exhibition? A.—No, sir.

Q.—On particular days and so on? A.—No, sir.

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Q.—That does not affect the manner of making the deposits? A.—No.

Q.—The bulk of them, as a rule, is in the latter part of the day? A.—Yes, sir.

The Chancellor : I suppose, Mr. Howarth, this will be your last appearance in Court.

Witness : I suppose I am through now.

Mr. Ritchie : I may say that is all the evidence I have to call, my Lords. There is one thing I want to do. I do not think any witness will be neces-

sary probably. I have not examined the accounts with Ames & Company—I do not suppose anything will turn upon it—to verify the fact that the deposit was made on that day, and of certain bills.

Mr. Riddell: I can tell my learned friend about that. The investigation was made, and the deposit slip is down at Ames, showing twelve one hundred dollar bills deposited on that day.

Mr. Ritchie: If that is so, I have nobody to call.

The Chancellor: That is by Mr. Buckingham?

Mr. Riddell: Yes.

Mr. Ritchie: If that is so, there is no witness to be called. My learned friend says it is so. I will make the inquiry.

The Chancellor: You will produce your slip, show it to Mr. Ritchie, and that will end it?

Mr. Ritchie: Yes, my Lord. There is only one thing, what Mr. Bartlett is searching for. Nothing I am satis-

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fied will turn upon that. I will investigate that this afternoon with him.

The Chancellor: Now, that being so, what have you to say, Mr. Johnston or Mr. Riddell? Have you anything to say?

Mr. Riddell: There is that matter which young man Green swore to. He is utterly mistaken. I suppose we will have to get a witness.

Mr. Ritchie: There is one matter. I do not know whether your Lordships will consider it of any importance. The bank book of Crossin was produced, the \$900, was deposited, but it does not seem to have been withdrawn.

Mr. Johnston: It was not entered up.

Mr. Ritchie: It was not withdrawn that day.

The Chancellor: How do you mean?

Mr. Ritchie: It might have been put in and chequed out that day.

Mr. Riddell: It did not appear to be.

Mr. Ritchie: There is nothing to show it was chequed out on that day, or for many days afterwards.

Mr. Riddell: The bank book had not been entered up. The last time it was produced it was made up.

The Chancellor: Nothing turns upon that?

Mr. Johnston: Then I put in a cheque to W. E. Buckingham from H. O. Hara, dated the 10th September, 1902, completing that transaction.

The Chancellor: I understand Mr. Ritchie says there is nothing in that.

Mr. Ritchie: Well, I have not seen that. It may as well be put in. I do

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not want it proved. I will accept that. I will assume that is the cheque. (Marked Exhibit 90.) Of course, I want to satisfy myself these were one hundred dollar bills that went into Ames.

Mr. Johnston: Then I put in as Exhibit 85 the issue of the "Globe" of Friday, January 30th, containing the full report.

The Chancellor: I thought that was in.

The Chief Justice: That was put in this morning.

Mr. Johnston: I did not know that it has been officially noted by your Lordships.

The Chief Justice: Oh, yes.

Mr. Johnston: I suppose I am putting in the evidence now I have in rebuttal, of anything that requires clearing up. I understand they have nothing. I suppose I am putting in just what is pertinent, anything that requires to be expalined. You have nothing to call except the banking statement?

Mr. Ritchie: That is all. My learned friend wants to have two papers put in.

Mr. McPherson: I have not succeeded in getting detached copies of the papers I wish to put in. They are the papers containing the speech delivered by the Honourable the Premier at Newmarket, I think, on the 4th or 5th October, 1902, and another.—

The Chancellor: Is that speaking about coalition?

Mr. McPherson: No. It is what is called the fight speech, where the word "fight" was spelled out, and the other one is a report of a speech delivered by the Premier at Kincardine.

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on either the 24th or 25th February, 1903.

Mr. Johnston: That would not be evidence here.

Mr. McPherson: We have not raised any objection to his proving his in that way.

The Chancellor: I suppose you can put them in. I do not know what they are. They have not yet been referred to, except one speech.

Mr. McPherson: The other is where the Premier calculates on the majority

he will have as the result of the bye-elections, the contention being that in doing so he was including Manitoulin on the Government side. Now, I have a witness from the Walker House.

The Chancellor: I thought Mr. Ritchie said he was all through.

Mr. McPherson: I did not hear exactly what was going on. It is a short matter, to prove one date.

The Chancellor: Very well, put him in.

Thomas Horder, sworn. Examined by Mr. McPherson:—

Q.—What is your occupation? A.—Bookkeeper.

Q.—At the Walker House in Toronto? A.—Yes, sir.

Q.—Have you the register of the Walker House here for the month of January, 1903? A.—Yes, sir.

Q.—Will you turn to the 13th. January, please, registration of Dr. Arthur. I think it is. R. H. Arthur, Sudbury, on the 13th January. Was Dr. Arthur at the Walker House on the 12th January? A.—I presume so.

Q.—Was he there on the 12th? A.—I could not say. I have not looked it up.

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Q.—Look through the register and see if was was there on the 12th. as well as on the 13th? A.—I do not see his name, sir.

Q.—Do you say he was not there?

Mr. Riddell: He does not say so.

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Mr. McPherson: His name is not in the register? A.—No.

The Chief Justice: Dr. Arthur did not claim to be here on the 12th exactly.

Mr. McPherson: He said there were two days, following each other.

The Chancellor: He cannot say if he was here on the 12th.

Mr. McPherson: There is no entry to show he was there on the 12th, is there? A.—No.

Q.—What does the entry on the 13th show in reference to Dr. Arthur? A.—He arrived for breakfast.

Q.—And was assigned? A.—To room 10.

Q.—Had he been in that room before the 13th January—I mean for a day or two? A.—Not to my knowledge.

Q.—How long did Dr. Arthur remain there? A.—I do not know. I could tell by our ledger.

Q.—You have not your ledger here? A.—No.

Q.—However, it is not material.

Cross-examined by Mr. Riddell:—

Q.—You mean there is nothing to show he was there on the 12th. He may have been there for anything, you know? A.—Yes, sir.

Q.—That is all you can say? That is all.

Mr. Johnston: Now, is that all? Am I to go on now?

Mr. McPherson: That is all I have now.

Mr. Johnston: Have you anything more beyond the bank statements, Mr. Ritchie?

Mr. Ritchie: No.

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Charles E. Tweedie, sworn. Examined by Mr. Johnston:—

Q.—What is your position? A.—Observer in the meteorological service.

And you keep a record of the weather? A.—Yes, sir.

Q.—An official record? A.—Yes, sir.

Q.—Which you are required to keep by law. You are in the civil service of Ontario to that extent? A.—Under the Dominion Government.

Q.—Have you the records of the 11th September last? A.—Yes, sir.

Q.—From 8 o'clock to 1 o'clock will you tell us the state of the weather, on the 9th September, from 8 o'clock in the morning until 1 o'clock in the afternoon? A.—It was raining.

Q.—Continuously? A.—Yes, sir.

Q.—Heavy? A.—Heavy at times.

The Chancellor: Raining heavily in Toronto? A.—Heavily at times.

Mr. Johnston: At other times? A.—Light but still showery.

Q.—Was there any cessation between 8 o'clock and 1.40 by your record? A.—No, sir.

Q.—None. Now, will you just show how you get at the continuance of the rain? Is this it, the 9th? May we have this sheet? A.—No, I have to keep it on record.

Q.—How much fell during that period, until 1.40? A.—About half an inch.

Q.—There was over half an inch of rain fell that forenoon? A.—Until 1.40.

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Q.—Would that be considered a heavy down-pour? A.—Fairly heavy.

Q.—Now, you have on this sheet which you produce, pencil marks? A.—Yes, sir.

Q.—What are they made with? A.—That was the curve of the electric rain gauge, and there are two hands on it. One contains the quantity and the other the time it began and the time it ceased.

Q.—So that the marks would show a continuance up to what hour? A.—Up to the hour it ceased.

Q.—When would that be, according to this report? A.—According to that report up to about 1.40.

Q.—So that you had continuous rain during the whole of that time? A.—Yes.

Q.—And you also had a very severe thunderstorm during that period, according to your record? A.—Yes.

Q.—And you remember the day of the Exhibition? A.—No, sir. I do not.

Q.—You do not remember that? A.—No.

The Chancellor: A severe thunderstorm that day, on the 9th? A.—Yes, sir.

Mr. Johnston: Do you remember about what hour in the morning it was heaviest? A.—No, sir.

Q.—Looking at your record, which would show the heaviest? A.—Well, from 7 o'clock to 8.

Q.—Then from 8 to 9 does it still show raining? A.—Yes, sir.

Q.—And, according to your measurements of rainfall, between 8 and 9,

(3195)

was there a heavy rainfall? A.—There was the 13th of an inch.

Q.—Would that be much for an hour? A.—Yes, that would be a fairly heavy rain.

Q.—Then from 9 to 10, can you tell us what your rainfall was? A.—or.

Q.—Small? A.—Small—very light.

Q.—And from 10 to 11? A.—or.

Q.—And from 11 to 12? A.—Just a trace.

Q.—And can you say how it was in the afternoon of that day? A.—Fairly heavy again from 12 to 1.

Q.—Then how about the afternoon? A.—The afternoon would be overcast and cool.

Q.—It sort of cleared up more or less? A.—Yes.

Q.—Do you remember a day of the Exhibition of last year being practically spoilt by the wet weather? A.—I do not, sir.

Q.—Now, taking your record from 8 o'clock until 10 or 11, is it a day that people would be wandering up and down the streets without any object or would there be too much rain for that?

Mr. McPherson: I object.

The Chancellor: I suppose he can hardly say that.

Mr. Johnston: I want to get at the amount of rain. Would there be sufficient rain—

The Chancellor: Would it be uncomfortable on the streets? A.—I should judge so—yes.

Mr. Johnston: Unless they had to go some place.

(3196)

Cross-examined by Mr. McPherson:

Q.—Now, just look between 7 and 8. Where does the record begin? When did the storm appear to have begun? A.—About 6.05 it commenced.

Q.—a.m.? A.—Yes, sir.

Q.—And it lasted with the same degree of force until about what time? A.—It was showery the whole time.

Q.—Up to what time on your chart? A.—Until a little after half-past 8 or twenty minutes to 9.

Q.—Just show that to their Lordships to show the comparison. That is the way it is marked, my Lords. A much larger proportion of the rainfall on that day was between 6.50, would it be? A.—About 6.45.

Q.—And 8.30? A. And 20 minutes to 9.

Q.—There was hardly any shower at all between 8.40 and 10? A.—or.

Q.—A slight drizzle? A.—Yes.

The Chief Justice: Between what hours? A.—Between 9 and 10.

Q.—Then, at 10 o'clock, for 2 or 3 minutes, or 3 or 4 minutes, there is a little more? A.—or. There would be a half an hour.

Q.—Then there is some more rain. That is not as heavy evidently as the other, is it? A.—No, hardly.

Q.—Then, it clears up, when? A.—The mark is faint there. It shows it is still raining.

Q.—Drizzling a little bit? A.—Yes.

Q.—Then it goes on and gets a little bit heavier about 12 o'clock for a few minutes? A.—Yes.

(3197)

Q.—Then it lightens? A.—No, it goes on up until 1 o'clock.

The Chancellor: Fairly heavy between 12 and 1.

Mr. McPherson: Where were these observations taken? A.—In Queen's Park.

Q.—From the reports, can you speak with positiveness where rain was falling, from the Queen's Park—during what radius? A.—Pretty much all the surrounding neighborhood.

Q.—Do you know? You have seen I suppose frequent showers almost on one side of the road and dry on the other side of the road? A.—Yes, very light showers.

Q.—Not an uncommon thing at all for this time of the year? A.—I would not like to say.

Q.—What is your experience? A.—It depends upon the quantity of rain that falls.

Q.—Look at your chart. That rain all fell before 9 o'clock? A.—I should say it would be fairly general, because the rain continued so long. Had it only lasted 2 or 3 minutes—

Q.—It would be fairly general between 6.45 and 8.30? A.—Yes, fairly general I should say the whole forenoon.

Q.—Take up until 8.30 first. Between 6.45 and 8.30 it would be fairly general? A.—Yes.

Q.—Then, all your sheets show apparently the drizzle until about 10 o'clock? I am speaking from your chart? A.—As I tell you, there was light rain—still raining.

Q.—But it might have been confined to the immediate neighborhood of Queen's Park? A.—That light rain might—yes.

Q.—You cannot say. And whether the shower that came down at 10 o'clock extended beyond the immediate neighborhood of Queen's Park you cannot say? A.—I can only give it as we have it here.

(3198)

Q.—It is a matter of judgment. You cannot say as to that. How far is the Observatory in Queen's Park, where these observations were taken, from the Exhibition Grounds? A.—I cannot estimate it.

Q.—Approximately, about three miles? A.—Really, I couldn't say. I am not a judge of distance at all.

Q.—It would take you half an hour or better to go? A.—Yes, sir.

Q.—Even on the street cars? A.—Yes.

Q.—It would not be an unusual thing at all, would it, for it to be raining in one place, and be quite dry three miles away, at that time of the year? A.—I think it would greatly depend upon the character of the storm.

Q.—And as to that you cannot tell with definiteness, as to whether it was raining at the Exhibition Grounds, after nine o'clock or not, that day? A.—I should say it was, but I could not say positively.

Q.—And you have no knowledge, if you were not there? A.—I was not there.

The Chancellor: Had it the character of a storm that was general? A.—Yes, sir.

Q.—General all over the city? A.—Yes, sir.

The Chancellor: Anything more, Mr. Johnston?

Mr. Johnston: Not for the moment, my Lord. As to the matter of Green's testimony, we are prepared to meet that, by the ladies who drove—two of them, who will depose that—

Mr. MacPherson: I do not think my learned friend should state that.

(3199)

The Chancellor: Can you have them at two o'clock.

Mr. Johnston: We would have to telegraph to Peterborough. The evidence is new, not that it is at all surprising. We can clear it up.

The Chief Justice: You can take them on Wednesday, so as not to interfere with our arrangements about the argument on Thursday.

Mr. Johnston: If my learned friends are going to insist upon relying upon Green's testimony in any way, and arguing from that.

The Chancellor: You had better have them here on Wednesday.

The Chief Justice: We cannot run the risk of having a long cross-examination, infringing on the time we have set apart for the argument.

The Chancellor: What time do you suggest, then?

Mr. Johnston: If my learned friends insist upon relying upon the testimony of Green as a factor in the case at all, then it will be necessary to produce the three witnesses. One of the ladies lives in Winnipeg, and the other two in Peterborough.

The Chancellor: You were speaking about delay. We do not want that.

Mr. Johnston: I do not want it, either; I will have them here before the argument. There will be no delay. Your Lordship will see this was something we could not anticipate.

The Chancellor: We do not direct anything about that. You will use your own judgment. This evidence is in, and it stands, and you may assume it will be used.

(3200)

Mr. Johnston: Then we will have to deal with it. I did not know what position my learned friends might take.

The Chancellor : Then when will you be ready? Wednesday?

Mr. Johnston : I will just see.

The Chancellor : Then, say two o'clock on Wednesday. That will give plenty of time I suppose.

Mr. Johnston : We can let your Lordships know before hand, if there is any change in that.

The Chancellor : Very well.

Mr. Riddell : On consultation, we may not think it necessary to call anyone.

Mr. Johnston : We desire to consult together in the matter. What do you say?

Mr. Ritchie : We cannot say anything.

The Chancellor : It will stand now, unless there is an intimation from you, untill two o'clock on Wednesday.

Then, we hope you will condense your arguments into two days. We will sit a little later if necessary on Thursday and Friday, so as to make an end of it on Friday night, if we can.

Mr. Johnston : Unless some discussion develops along the line of argument.

The Chancellor : There is no Jury to appeal to. The facts are hard facts.

Mr. Johnston : There is of course a very important Jury, the members of the Royal Commisison, to appeal to.

What I think is this. It being a question of summing up on both sides, and presenting facts, there will be no great difficulty arising from a legal standpoint, requiring reference of that kind.

(3201)

The Chancellor : There is no law in the matter as far as I can see. All the law has been disposed of as we went along.

Mr. Johnston : Then, I think perhaps this afternoon I can inform your Lordships as to whether or not it will be necessary to meet Green's evidence. In that event your Lordships may make arrangements until Thursday morning. If I can I will let your Lordships know this afternoon whether or not we think it proper to call the evidence in reply to this man Green.

The Chancellor : Then we had better let it stand adjourned until two o'clock on Wednesday, unless we get an intimation that that is not necessary, in which event it will stand until Thursday.

Then just adjourn until next week.

(Adjourned at 12.25 p.m. until next week.)

EXHIBITS.

(1)

EXHIBIT 1.

Private.

Beeton, August 16th, 1902.

Mr. Thomas Gamey, Gore Bay.

My Dear Gamey:

In accordance with our conversation I saw the present acting manager and talked over our arrangement and explained the whole matter as arranged between us, and it was entirely satisfactory, and steps will be taken to carry out the deal fully, and I am now prepared to say that you will receive better treatment than you expected you will be given certain powers that will place you in a position that you could not otherwise occupy, and I will assist you so no other will care to oppose you with any chance of success. In the meantime be shaping things and paving the way; you know how to manoeuvre, and I will be fixing things here for you. I wish you would send me further pointers as we talked, and I will pull things in line to suit and we can pull together now, as we can pull so as to make some money. I can tell you how we can make a good ball at once now, you being an outsider and a Conservative, having agents and friends in Algoma and Sault Ste. Marie you can find out certain important information that will be sufficient to answer the purpose desired. You can communicate it privately to me, and I can pass it on to the proper place. No one can ever learn the origin of the information, and that will make a clean sweep of the three, and you can be more liberal with funds when they are thus easily got. Get all information as soon as possible and state figures, value of same and it can be had quick sure. If

(2)

I was situated like you I could pick up thousands of dollars' worth soon, and no one would ever dream of you or me in the matter. It's a snap worth trying for. Let me hear from you soon as possible, so I can shape things in time. Address all my letters to Beeton

marked Personal, and I will get them. No other will see them.

Yours in haste,

D. A. Jones.

(This letter was written in ink).

(3)

EXHIBIT 2.

Gore Bay, Aug. 20, 1902.

Dear Mr. Jones:

Your letter to hand, thanks for the same. My initials are R. R., instead of Thomas. Be sure to address correctly, as there are two brothers of mine here. I will be in Toronto first week of the fair; if I go sooner I will write you, and quite possibly I may be there next week.

Yours truly,

R. R. Gamey.

(This letter written in ink).

(4)

EXHIBIT 3.

To Hon. G. W. Ross, M.P.P. (Written in ink.)

Toronto. (Written in ink.)

Toronto, Sept. 10, 1902. (Written in ink.)

Dear Sir:

I have recently been thinking over the political situation of the Province of Ontario, and I have seriously come to the conclusion that I would be best acting in the interests of my constituency and New Ontario by giving my support to your administration.

In view of this I have decided to write you frankly and to say that I have decided to give you my support during the present Parliament. I believe that you will be able to administer the affairs of the Province during the present Parliament, and in the carrying out of your development policy

there will be an impetus given to trade and to settlement in New Ontario that will absolutely justify the course that I have decided to pursue. Therefore upon all questions considered by you as a vote of want of confidence that arise in the House you may rest assured that I will give your administration my hearty co-operation, support and vote.

The course that I have determined to take makes me practically a supporter of your Government, and all that I would ask as the representative of the riding which I have the honour to represent is that my recommendations receive reasonable and fair consideration at your hands and that I will be considered and treated as if I had been elected to support your Government.

(5)

This is not a hasty conclusion that I have come to. It has been considered fully by me without any other motive influencing me than the best interests of my constituency.

Yours truly,

(Written in ink.) R. R. Gamey.

(6)

EXHIBIT 4.

Toronto, Sept. 16th, 1902.

Dear Bob:—

I had a talk with our man this morning, and he wants me to try and put through other deal. He will pay all expenses in connection with same, and will make it worth your while if it goes through.

Can you take a run over and see that party, and if he is willing to do the right thing, I will arrange to meet you and him at the "Soo" and we can fix things up all right. I would be able to go up about the 5th or 6th of October, in the meantime work on the proposition and see what can be done.

Answer at once, care Walker House.

(7)

EXHIBIT 5.

Beeton, Sept. 19th, 1902.

My Dear Gamey:

I was sorry I did not see you before you left, as there was some points in regard to our mining matters that I wished to talk over. By the way, if you have not already received your R. R. Passes or do not at once, write me as I ordered them to go forward, and if they do not I will see after them next week. Is there any mining news around up there. I have some gilt edge things now and I think we can make a nice pot out of it. You see that party that we was trying to see and arrange or get things in the shape of a verbal

you going to Toronto, that I can meet option and your efforts will place us in a shape to make a haul sure. I will surprise you when I see you. When are you there?

Yours in Haste,

D. A. Jones.

(This letter written in ink.)

(8)

EXHIBIT 6.

Walker House,

Cor. York & Front Streets,

Toronto, Sept. 27th, 1902.

Dear Bob.

I am just in receipt of yours of the 25th inst., and I must say that I am as much surpr'd as you are. I never made such a statement, and further I will forfeit one thousand dollars if they can get a man in Ottawa that heard me say such a thing. I was interviewed by a reporter there and all I said and more is in that interview. I will get a copy of it and send it to you. I am writing now before I see Frank, as I feel that I want to let you know at once I did nothing of the kind I am accused of. When I see Frank I will have him write you more fully.

Yours truly,

J. Sullivan.

Enclosed is a message that has been here a few days.

(This letter was written in pencil.)

(9)

EXHIBIT 7.

The Huron Lumber Company, Limited,
Manufacturers of Lumber and Lath.
Mill at Spanish River, Ontario.

Spanish River, Ontario,

September 20th, 1902.

To His Honor

The Lieutenant-Governor of Ontario
at Toronto, Canada.

Honorable Sir:—

The prayer of the undersigned, your humble petitioners, respectfully sheweth,

That we are residents and business men of good standing on this, Aird Island, on the north shore of Georgian Bay. That John Andrew, Justice of the Peace, is permanently removing from said Aird Island,

That said removal leaves us without the means of keeping the peace, except by taking breaches of the same, before the Magistrate at Spanish Station, a distance of about seven miles, which has to be travelled by row boat, and that, only when weather permits;

We therefore humbly pray, that you will direct that Thomas Flesher, Esq.,

Sub Collector of His Majesty's customs, and a permanent resident, be appointed a Justice of the Peace in and for the said Aird Island.

And we, as in duty bound, shall ever pray.

The Huron Lumber
Company, Ltd.

(Written in ink.) H. W. McCormick,
President.

(Written in ink.) Robert Harvey, Supt.
Boom Co.

(Written in ink.) Thebdore Ellis,
Moulthrop Lumber
Co.

(Written in ink.) By John McEwan,
Sec'y & Treas.

(10)

Personal.

Hon. J. R. Stratton, M.P.P.
Prov. Secretary,
Toronto.

Gore Bay, Sept. 29, 1902.

My Dear Stratton:—

Enclosed find petition of Lumber Co.'s on Aird Island to have Thomas Flesher Custom's Collector at that port, appointed a J. P. as the present J. P. is leaving. I know the necessity of this appointment and I am well acquainted with Mr. Thomas Flesher and know that he will make a good J. P. His P. O. address is Spanish River Mills. Would you kindly make this appointment for me. I am writing you, while I know the appointment is in the other department, but I desire just now to do business with you. Would you be kind enough to ask the Minister of Public Works to let Mr. J. F. Boyd, Gov. Road Inspector in my district know in a quiet way that he might consult me. Would it be possible to get Railway passes before the House meets, I suppose hardly. Everything is looking favorable here. Kindly have the above appointment made at once if possible, as the official is needed.

Yours truly, R. R. Gamey, M.P.P.
Gore Bay, Ont.

(This letter was written in ink.)

(11)

EXHIBIT 8.

Confidential.

Toronto, October 2nd, 1902.

My Dear Gamey:—

I have your letter of September 29th, relating to the appointment of Mr. James Fletcher, Customs Collector on your island, as a Justice of the Peace.

I have transferred your letter to the Hon. Mr. Gibson, Attorney-General, who has charge of the administration of justice, and have asked him to approve of your recommendation, and I

will see him on my return to the city in a few days with regard to it.

When the estimates are being prepared for the coming session I will ask the Minister of Public Works to speak to Mr. Boyd in the direction indicated in your letter.

I do not know that it would be possible for members to obtain railway passes just now. It has not been customary to issue passes to the members of a new Parliament until the opening of the session. However, if you were to communicate with the general manager of the C.P.R. at Montreal, or the general manager of the G.T.R., Montreal, they might meet your wishes in that direction.

Yours sincerely,

J. R. Stratton.

R. R. Gamey, Esq., M.P.P.,
Gore Bay, Ont.

(This signature was written in ink.)
(12)

EXHIBIT 9

Toronto, October 2nd, 1902.

Private and Confidential.

My Dear Sir:—

Would you approve of the appointment of the late Returning Officer as the Returning Officer for the taking of the referendum vote on December 4th.

I am leaving on Saturday for Halifax, and will not be back for a week, but the Returning Officers will be appointed during the coming week. Your reply will be handed by my private secretary to the Premier.

I am writing you confidentially. It might be desirable to have the same Returning Officer.

Yours sincerely,

J. R. Stratton.

R. R. Gamey, Esq., M.P.P.,
Gore Bay, Ont.

(This signature was written in ink.)

(13)

EXHIBIT 10.

Office of The Ocean House:

"Confidential."

Gore Bay, Ont., Oct. 7th, 1902

My Dear Stratton:—

Yours of the 2nd to hand, re returning officer for the referendum. I would recommend very strongly the sheriff of our riding, Mr. E. H. Jackson. He is thoroughly capable and worthy. A life-long Liberal, and I think it is too much to give Mr. Abrey, the late returning officer the appointment again as one set of fees of that kind is

enough for one man in one year. Mr. Jackson has a large circle of friends who were disappointed with him not getting the appointment last spring, and if Jackson got it now they would all forget the spring affair. Mr. Abrey has practically no following. Could you keep this appointment over until next week and make it then, by doing this for me you will oblige me much.

Yours truly, R. R. Gamey.

(This letter was written in ink.)

(14)

EXHIBIT 11.

Toronto, October 10th, 1902.

Dear Sir:—

In the absence of the Honourable the Provincial Secretary, who is out of the city for a few days, I have the honor to acknowledge the receipt of your favor of October 8th, with reference to the appointment of a returning officer for taking the referendum vote.

I have transferred your letter to the Honourable the Premier.

I have the honor to be, Sir,

Yours very truly,

E. C. Myers. (Written in ink.)

for Minister's Secretary.

R. R. Gamey, Esq., M.P.P.
Gore Bay, Ont.

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EXHIBIT 12.

Morrisburgh, 19 Sept., 1902.

My Dear Gamey:—

I have a letter from a friend in Ottawa, in which he says Cap Sullivan publicly states that "The Government has a written promise from Gamey to support Ross."

I have no doubt that the old villain has been making this assertion, and I let you know of it in order that you may be in a position to give him the lie should you be so inclined. Of course it is not at all necessary that you do so, but if you wish to show him up and to incidentally show the public what these fellows are up to you might get The Mail and Empire to say that you have heard that the notorious Cap Sullivan was declaring, etc., etc., and that you wish to brand his statement as a slander—together with anything else you may choose to say.

As I have said there is no call upon you to deny Sullivan's yarn, but if you do so it will do us good unmitigably.

Yours faithfully,

J. P. Whitney.

R. R. Gamey, M.P.P., Gore Bay.

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P.S.—If you write The Mail and Empire, send your letter to A. F. Wallis, Esq., Mail and Empire, Toronto, Ont.

(This letter was written in ink.)

(16)

EXHIBIT 13.

Toronto, October 27th, 1902.

To Hon. G. W. Ross, M.P.P., Toronto.

Strictly private and confidential.

(Written in ink.)

Dear Sir,

I have recently been thinking over the political situation of the Province of Ontario, and I have seriously come to the conclusion that I would be best acting in the interests of my constituency and New Ontario by giving my support to your administration. If you have a reasonable majority when the House meets. (Written in ink.)

In view of this I have decided to write you frankly and to say that I have decided to give you my support during the present Parliament. If you have a reasonable majority. (Written in ink.) I believe that you will be able to administer the affairs of the province during the present Parliament, and in the carrying out of your development policy there will be an impetus given to trade and to settlement in New Ontario that will absolutely justify the course that I have decided to pursue. Therefore upon all questions considered by you as a vote of want of confidence that arise in the House you may rest assured that I will give your administration my hearty co-operation, support and vote.

The course that I have determined to take makes me practically a supporter of your Government, and all that I would ask as the representative of the riding which I have the honor to represent is that my recommendations receive reasonable and fair consideration at your hands, and that I

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will be considered and treated as if I had been elected to support your Government.

This is not a hasty conclusion that I have come to. It has been considered fully by me without any other motive influencing me than the best interests of my constituency.

Yours truly,

R. R. Gamey. (Written in ink.)

(18)

EXHIBIT 14.

Envelope attached addressed as follows:

"Private and Confidential,

Hon. J. R. Stratton,
Provincial Secretary,
Parliament Buildings,
Toronto, Ont.

Postmark,

Longbay, Ont., Nov. 4, '02.

R. R. Gamey, M.P.P.,
Agent for Confederation Life and
Anglo-American Fire,
Manitoulin Island.

Personal and confidential.

Gore Bay, November 4th, 1902.

Hon. J. R. Stratton,
Provincial Secretary.

Dear Sir:

Could I borrow \$2,000 (two thousand dollars) and give my notes for it repayable after the first session. I have a chance to buy some timber lands here, out of which I can make some money if I can raise that amount at once. Will you kindly let me know by return of mail, and if satisfactory, I will come down and arrange it. Kindly do not delay answer as I have an option only for one week on the lands.

There was a petition sent in last spring to the Department of the Attorney-General for the appointment of one J. W. Swanson of Whitefish P.O. as J.P. Will you kindly see that this appointment is made, he is a Liberal and recommended highly by the entire community.

Yours truly.

R. R. Gamey.

(This letter was written in ink.)

(19)

EXHIBIT 15.

Confidential.

Toronto, November 6th, 1902.

My Dear Sir:—

I have the honor to acknowledge the receipt of your letter of November 4th. The Honourable Mr. Stratton is out of the city. He said he would be in Toronto on Friday, but he may possibly go on to Peterborough and not return till the middle of the week.

Upon his return to the city I will place your letter before him.

I have the honour to be, Sir,

Yours very truly.

(Sgd.) E. C. Myers.
for Minister's Secretary.

R. R. Gamey, Esq., M.P.P.,
Gore Bay, Ont.

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EXHIBIT 16.

(Telegram)

(Written in ink.)

Rec. No.	Ofs From.	Sent by
3	L.	B.H.
Rd. by	Time.	Date.
G.	7.29	28th.

Received at Gore Bay.

Check 10 pd. Red. From Toronto, Ont.,

Jan. 27th, 1903.

To Robert Gamey,

Gore Bay, Ont.

Important that you be here on Thursday or Friday. Answer. Frank.

(21)

EXHIBIT 17.

Mr. R. R. Gamey, M.P.P. for Manitoulin, was in the city to-day, and was seen by a representative of the Globe. He was asked in reference to a rumor touching his relations with the Ontario Government.

"Mr. Gamey, there is a rumor that you are inclined to be friendly to the Government and its policy. Would you care to say anything upon the subject?"

"I have no objection," Mr. Gamey replied, "to saying that I have for some time been seriously considering the matter you mention. I have thought it over very seriously, and have come to the conclusion that it would be best in the interests of my constituency, (corrected in pencil) that as well as New Ontario generally, if any) corrected in pencil) in power the Ontario Government a strong enough support to carry on the work. have (corrected in pencil)

"I believe that with a strong following it will carry out its policy of developing New Ontario. I am chiefly interested in that; for by own constituency must get a big share of the benefit, and in this respect Manitoulin is my politics, and I feel that I have a right to do the best that I can for its welfare.

"And I feel that I can best do this by helping the Government, with an independent support (corrected in pencil) for I realize as well as anybody

can, what the development policy of the Ross Government has done, as well as what it is doing, and also what it is calculated to do, for the advancement of New Ontario. So that my desire to see this policy carried out has led me to decide to give the Government my an independent (corrected in pencil) support. I will not be a staunch supporter, but will stand firmly by the Government on all questions where they need my any (corrected in pencil) help to carry out their any good development policy. I want to see the Government kept in power by a fairly strong support, and will stand by them on all questions which may involve a vote of want of confidence (in pencil) in matters that I am satisfied with.

"There is now no doubt that the Government is sustained, and will continue to carry on the affairs of the province. I believe that it should be strong to carry out its work well, and then if it does not do what is right, it will have all the more reason to fear the electors.

"For my part, and for the part of my riding, I want to see New Ontario opened up and built up, and I believe I am right in helping on the work, for I want it done without any delay. So, the Ontario Government, being in power for another term and willing and able to do this work, I intend helping them carry it out."

(What follows is written in ink.)

I believe I can, by independently supporting the Government, induce them to introduce changes in mining laws, timber and settlers' regulations and appointment of officials that will be in the interests of New Ontario. I find that the members of the Legislature in the past have often erred through lack of knowledge rather than intentionally in regard to New Ontario questions. I have travelled that country and mingled with the people for many years, and feel that I can materially assist any Government that is anxious to do the best for us, and I am convinced that this government have the best interests of the country at heart, as it is nonsense to say that

(22 1-2)

any body of intelligent men are willfully desirous of continuing or enacting legislation that is detrimental to as important a part of this province as the newer portions are.

Walker House, Toronto. (In pencil.)

R. R. Gamey, M.P.P. (In pencil.)

(23)

EXHIBIT 18.

Walker House, corner York and Front Streets.

Toronto, Jan. 29th, 1903.

J. R. Whitney, M.P.P.,
Morrisburg.

Dear Sir:

I have decided that the Government are going to continue the affairs for another term, and at the request of many of my constituents I have decided to take an independent stand in the House.

Yours truly,

R. R. Gamey.

(This letter written in ink.)

(24)

EXHIBIT 19.

Law offices of Victoria Building.
J. P. Whitney, K.C.

Morrisburgh, Ont., 31 Jan., 1903

Dear Sir:—

I have your letter of the 29th inst., informing me that you have decided that the Government are going to continue the affairs for another term, and that at the request of many of your constituents you have decided to take an independent stand in the House.

Yours truly,

(Sgd.) J. P. Whitney.

R. R. Gamey, Esq., M.P.P.
Gore Bay, Ont.

(25)

EXHIBIT 20.

Production of the \$500.

(26)

EXHIBIT 21.

Gore Bay Jan'y 31st, 1903.

Personal.

Hon. Com. of Public Works,
Toronto.

"Dear Sir"

I would like to have \$100 put in the estimates for road grant for Killarney. The road is deserving of it, and the people are quite unable above their ordinary statute labor to expend this.

I am particularly anxious that all my applications for grants go through this year, as it will be one means of satisfying my people that I took a move in their interests.

I will again enclose a list to you of what I have asked for, so you can be sure to take them up.

List of road grants Manitoulin Riding.

Killarney road	\$100
Gore Bay & Long Bay (revote old grant).....	400
Sth Con. Campbell	300
Kajawong & Gore Bay road	500
Little Current & Honora.....	500
Manitowaning & Providence Bay road, repairs between Stocks & Sandfield Mills	400
Barrie Island Roads.....	100
Sandfield Tp. Big Lake	100
Silverwater to Meldrum Bay.....	200
Slash Settlement Tehumah	150
Lake Wolseley Bridge "Indian Pl."	500
Mills Tp. roads	200
Burpee Tp. roads	200
Cockburn Island roads	150
Waters Tp. roads	500
Water Tp. to Victoria Mine.....	500
Nairn Tp. roads	200
Ming roads, Sudbury to Creighton and Gertrude	400
12th Con. Campbell, 5th to 10th sideline	300

I ask as a special favor that not one of these grants be left out. If you want any further particulars about them kindly let me know.

I consider this is a small amount to ask for the whole constituency.

Yours very truly,

R. R. Gamey.

(This letter was written in ink.)

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EXHIBIT 22.

Mr. Smith (written in pencil.)

R. R. Gamey, M.P.P. (written in pencil.)

To His Honor the Lieutenant-Governor of Ontario-in-Council.

The Petition of the undersigned residents of the Township of Campbell in the District of Manitoulin, humbly sheweth;—

1. That your petitioners are residents of a Township as yet too sparsely settled for Municipal organization.

2. That the Statute labor in said Township is not sufficient to keep the highways in repair nor to build new roads.

3. That the roadway between the 20th and 25th Sideroads on the Sth Concession of said Township and opposite lots numbers 23 and 24 is in a very bad condition.

4. That owing to the swampy nature of the highway at this section it will require a number of crossways and a large quantity of gravel to make a satisfactory road.

Your Petitioners therefore pray;—

That a sufficient sum of Colonization road money be appropriated for above purpose, and as in duty bound will ever pray.

\$300 (Three Hundred dollars) is the amount necessary. (in ink.)

Dated October, 1902, at Tp. of Campbell.

Name.

T. H. Howden (in ink).
 G. F. Paisley (in ink.)
 Hiram Pearson
 William Barrd (in ink.)
 Ira Pearson (in pencil.)
 Orlando Minniker (in pencil.)
 William Head, Jr. (in pencil.)
 William Head, Sr. (in pencil.)
 Duncan Reid (in pencil.)
 Duncan McAlister (in pencil.)
 William Omnet, Jr. (in pencil.)
 William Omnet, Sr. (in pencil.)
 Albert Loughheed (in pencil.)
 John A. Loughheed (in pencil.)
 Daniel Belton (in pencil.)
 Joseph McColman (in pencil.)
 Albert Dougherty (in pencil.)
 Luther T. Garbutt (in pencil.)
 Asa Lewis (in pencil.)
 W. H. Van Meer (in pencil.)
 Thomas H. Piper (in pencil.)
 Samuel Paisley (in pencil.)
 G. J. McDonald (in pencil.)
 John McDonald (in pencil.)
 John Gordon (in pencil.)
 Duncan McDermid (in pencil.)
 T. R. Loughheed (in pencil.)
 Wm. Brice (in pencil.)
 Benj. Palmer (in pencil.)
 Robert Lewis (in pencil.)
 S. J. Griffith (in pencil.)
 Henry Witty (in pencil.)
 Oglar Greer (in pencil.)
 Richard H. Lanktree (in pencil.)
 M. Campbell (in pencil.)
 Geo. Brooks (in pencil.)
 Geo. E. Brooks (in pencil.)
 Allan Reid, Sr. (in pencil.)
 Allan Reid, Jr. (in pencil.)
 Geo. Gilpin (in pencil.)
 Jamison Laugheed (in pencil.)
 Wm. McCormick (in pencil.)
 John Scott (in pencil.)
 George Moore (in pencil.)
 Walter Gilpin (in pencil.)
 Robert Cranston (in pencil.)
 William Hubbert (in pencil.)
 Eli W. McCullough (in pencil.)
 John Vance (in pencil.)
 R. R. Gamey, M.P.P. (in ink.)

This grant is particularly required in order to make road passable for children to get to school. At present for several months of the year they cannot attend school on account of the road. (Written in ink.)

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EXHIBIT 23.

R. R. Gamey, M.P.P.
Agent for the Confederation Life
and Anglo-American Fire.

Manitoulin Island.

Private.

Gore Bay, Dec. 24th, 1902.

Dear John:—

Enclosed find list of grants I wish this session. Will you kindly forward to Department. There is only one petition, the others have all had petitions before and are all very needy cases, you will find the Dept. understands that I am going to ask, and I wish you to do your best to push them through. I will go down about the 7th of January and go to the Department and back you up all I can. I had fully expected to go to the Soo to see you before Xmas, but found I did not have time. Kindly advise me of any further way I can assist you in these or any other grants.

(Yours truly,

(Sgd.) R. R. Gamey.

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EXHIBIT 24.

R. R. Gamey, M.P.P.
Agent for Confederation Life and
Anglo-American Fire.
Manitoulin Island.

Gore Bay, Dec. 24th, 1902.

John F. Boyd,
Govt. Road Inspector,

Dear Sir:—

Enclosed find petition from residents of Campbell for a grant of \$300 for 8th concession of Campbell. This grant is needed very bad, and I hope you may see your way to recommend it. I also would like the following grants this coming session:

8th Campbell, as per petition. \$300
Renewal of grant Kendrick's
Corner to Long Bay 400

This was granted last year and not expended.

Kagawong to Gore Bay (Gov.
Road) 500
Little Current to Honora (Gov.
Road) 500
Manitowaning and Providence
Bay Road, between Stock's
Corner and Sandfield Mills... 400
Barrie Island Roads 100
Sandfield Tp. Roads, Big Lake
Settlement 100
Silverwater to Meldrum Bay
Gov. Road 200
Sudbury to Victoria Mines, Gov.
Road, "Waters Tp." 500
Tp. Nairn Roads 200

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Mining Roads, Sudbury to
Creighton and Gertrude
Mines \$400
Mining Roads, Bridge across
river on road from Nairn
to Worthington 400

\$800 \$3,200

This bridge is absolutely necessary. as there is no road passable from Nairn (where there is a number of

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settlers) to Sudbury, and the residents are not able to build it.

Yours truly,

(Sgd.) R. R. Gamey.

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EXHIBIT 25.

Private.

Toronto, February 7, 1903.

My Dear Sir:

I have your letter of the 31st ultimo, enclosing list of road grants for the Manitoulin riding.

It is a pretty large order, and I fear that it will not be possible to grant all. I wish you would revise the list and try to eliminate a few of the items. Possibly the smaller grants could be arranged for out of our general appropriation for Short Roads and Repairs.

Kindly give me brief particulars as to each of the larger grants, and I will endeavor to arrange for them in the estimates.

Sincerely yours,

F. R. Latchford.

(Written in ink.)

R. R. Gamey, Esq., M.P.P.,
Gore Bay, Ont.

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EXHIBIT 26.

Hon. J. R. Stratton, Provincial Secretary, "Parliament Bldgs.":

Gore Bay, Jan. 13, 1902.

"Dear Sir":—

Would you kindly appoint Charles C. Platt, Wharfinger, Gore Bay P.O., to the position of "Marriage License Issuer" for Gore Bay Town, as it would seem to be necessary to have another appointed, there is only one in the town, and he lives three-quarters of a mile from the central part of the town, and a number have been asking for this.

Yours truly,

R. R. Gamey.

(This letter was written in ink.)

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EXHIBIT 27.

Confidential.

Toronto, January, 15th, 1903.

My Dear Sir:—

I am directed by the Honourable the Provincial Secretary to acknowledge the receipt of your letter of January the 13th, recommending the appointment of Charles C. Platt as an Issuer of Marriage Licenses at Gore Bay, and to say that the matter will receive due consideration.

Should it be deemed advisable to make the appointment it will be necessary to have his name and address in full. What does his second initial stand for?

I have the honor to be, Sir,

Yours very truly,

Minister's Secretary.

R. R. Gamey, Esq., Gore Bay, Ont.

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EXHIBIT 28.

Gore Bay, Feb. 7, 1903.

"Dear Sir"

Well, there is certainly a row on, and I fancy it will be hard to satisfy our people. A meeting of our executive for the riding is called for Feb. 16th, to consider the question, and I doubt very much if I can pass muster there, in fact it looks as if they will ask for my resignation. I can beat by hundreds any Conservative that can be put up to oppose me if the Liberals would not put a man in the field and would give me a reasonable support. I believe that would be the strongest card to play, as it would be a strength in every part of the province, and would also be a strength in the House, whereas our present position is a weakness, and I am convinced does you more harm than good, and, from a political standpoint, was a mistake. If I ran again the patronage could then be given fairly to those who support me, and you would be relieved a good deal from trouble in the future along that line. A resignation made at once and a campaign as short as possible would be a sure winner, as the voter generally through the country approves of my course, but it is the wire-pullers of the party who are the trouble. I cannot dare to make a recommend for any position until after the 16th.

Yours truly,

(Sgd.) R.R. Gamey.

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EXHIBIT 29.

Toronto, Feb. 11th, 1903.

Dear Bob:—

I understand they are holding a meeting at Gore Bay on Monday, 10th inst., at which you will be asked to state your position. Enclosed you will find a typewritten letter. Read it over and you will understand how to act. Don't let them scare you. McGregor and Reilly (the ex-druggist) were talking the night before last at the "Walker House," and they decided they would have your promise to resign if the convention decided so.

By all means stick to what you have done, and everything will turn out O. K. Yours, X.Y.Z.

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In view of the convention which has been called for the purpose of attempting to further the interests of the straight-laced Tories in the riding it would seem necessary that a stiff upper lip should be maintained by the member. The course pursued by him has not been taken unadvisedly or without due reflection. At all events he intends to pursue it. The course is to his mind the best course in the interests of his constituents, and was taken after consultation with friends in the riding, who knows its needs. The course is not without precedent, and good precedent at that. For instance, Mr. Beatty of Parry Sound adopted a very similar course in the last Parliament, with the result that from time to time he was endorsed by his constituents and the gentleman whom he supported at the last election was elected on his retirement from public life by reason of his business taking him to another part of the Dominion. Why should Mr. G. be dictated to by a few hide-bound Conservatives, who have very little, if any, interest in the riding, but who are acting merely in the interests of the organization in Toronto, who seem to be grasping at straws and chasing the phantom of power. There seems to be no reason why he should resign because these people call upon him to do so, when, after due reflection and consultation, he has decided upon the course which to him seems reasonable and proper in the interests of the whole body of the electorate of the riding, as well as for that matter of the whole province in the present position of affairs. The only interview he has given to the newspapers is the only one he intends to give. After the ex-

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piry of his term, be that term long or short, he will then be willing to place himself in the judgment of the constituency, and is quite willing to abide by the result. For the present

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he is the member-elect of the riding, and does not intend to resign the seat to which he was elected by a very considerable majority.

Enclosed in registered envelope addressed to

Mr. Robert Gamey, M.P.P.,
Gore Bay P.O., Ont.

Postmark:—

Yorkville, Ont., Feb. 11, 1903.

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EXHIBIT 30.

Toronto, Feb. 20th, 1903.

Dear R. R.:—

Called on the man you spoke about, and he wants you to send in the names of the License Inspector and Board at once—while Symes was down, he made a big “kick” about the patronage, but you have it all, and don’t, by any means, have anything to do with them, at least not at present—when they saw they could do nothing, they said you should not make all the appointments without asking them—well, you know how much they asked you when they had all the say.

A fellow named “Spencer” of Little Current has applied for the position of License Inspector, and Symes has written saying he is all O.K., the Liberals at Little Current have endorsed him also, but don’t let that scare you, they have got to do what is right with you.

I suppose that fellow Lewis will be your man, I said you had mentioned him, and that he was a good man—I also added that anyone you named would be all right. About the “fishing business,” as the House is going to meet on March 10th, we can fix it up when you come down, as I had the “Fishery Commissioner” notified that you controlled things. Don’t commit yourself to any of those fishermen until you look things over here. Get your letter here as soon as possible, as he wants to appoint the men before the House meets. Yours,

(Initials written in ink.) F.J.S.

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EXHIBIT 31.

Department of Public Works, Ontario.

Toronto, Feb. 27th, 1903.
(14 Linden St.) (In pencil.)

Dear Bob:—

Your letter to hand this morning. Am glad to hear that you are getting along “O.K.,” also glad you will appoint who you want, not who the bunch at Little Current name—I will see Stratton this P.M. before he leaves, and will make

arrangements about ‘appointments,’ seat, etc.

I have been to see Stratton every day, and he has shown me all the letters from the Island in favor of “Spencer,” but he says you have the say, and nothing would be done until you said so, still I will see him again to-day, and arrange for the delay in appointments—

Re Fishery business, when you are here at session will be time enough for that matter, and a little delay now will only make the “Nobles” more anxious to do the right thing. Of course they are anxious now, and will be more so in a week or two.

Will see you on 9th March.

Yours faithfully, Frank.

(This letter was written in ink.)

Enclosed in registered envelope addressed to

R. R. Gamey, M.P.P.,
Long Bay P.O., Ont.

(Manitoulin Island.)

Postmark:—

Yorkville, Ont., Feb. 27, '03.

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Dear Bob:—

Just returned from seeing Stratton. They will not appoint the inspector until you come down. They will also fix the seat question all right. Stratton will get you Beatty’s seat. You can be sworn in on the 9th or any day that Col. Clark, Clerk of the House, is here. Stratton thinks it would be a good idea to send in the name of your License Board at once; make it about two Liberals if possible, but suit yourself. Everything all O.K.

Frank.

(This letter was written in pencil.)

Enclosed in registered envelope addressed to

R. R. Gamey, M.P.P.
Long Bay P.O., Ont.

(Manitoulin Island.)

Postmark:—

Yorkville, Ont., Feb. 27, '03.

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EXHIBIT 32.

In the Court of Appeal for Ontario.

“The Ontario Controverted Elections Act.”

Election of a member of the Legislative Assembly of the Province of Ontario for the Electoral District of Manitoulin, holden on the 22nd and 29th days of May, A.D. 1902.

Take notice of the presentation of the petition of James Munro Fraser, against you Robert Roswell Gamey, as member of the Legislative Assembly of the Province of Ontario for the above-named Electoral District, which said petition was presented on the 14th day of July, A.D. 1902, and a copy of which petition is hereto attached.

And further take notice that the sum of \$1,000 has been deposited in the Canadian Bank of Commerce to the credit of the said petition for the purpose referred to by, and in accordance with the provisions of the above-named Act, and amending Acts.

Dated this 14th day of July, A.D. 1902.

To R. R. Gamey, Esq.,

The above-named Respondent.

A. G. Murray,
Solicitor for the Petitioner.

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In the Court of Appeal for Ontario.

"The Controverted Elections Act."

Election of a member of the Legislative Assembly of the Province of Ontario for the Electoral District of holden on the 22nd and 29th days of May, A.D. 1902.

I, James Munro Fraser of the Town of Gore Bay, in the District of Manitoulin, farmer, and Province of Ontario, make oath and say:

1. That I am the petitioner named in the annexed petition.

2. That I as such petitioner present the said petition in good faith, and have reason to believe and do believe the statements contained in the said petition to be true in substance and fact.

Sworn before me the said James Munro Fraser at the Town of Gore Bay, in the District of Manitoulin, this 10th day of July, A.D. 1902.

Sd. J. M. Fraser.

Signed W. R. Abrey,

A Commissioner in H.C.J., etc.

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In the Court of Appeal for Ontario.

The Controverted Elections Act.

Election of a member of the Legislative Assembly of the Province of Ontario for the Electoral District of Manitoulin, holden on the 22nd and 29th days of May, A.D. 1902.

The petition of James Munro Fraser of the Town of Gore Bay, farmer, in the District of Manitoulin, in the Province of Ontario, whose name is subscribed hereto, sheweth:

1. Your petitioner is a person residing in said electoral district, and was a candidate at the above election.

2. That the said election was holden on the 22nd and 29th days of May, A.D. 1902, the former being the day of nomination and the later the day of polling, when Robert Roswell Gamey of the Township of Campbell, in the District of Manitoulin, farmer, and John Hutchison McMillan, and James Munro Fraser, both of the Town of Gore Bay, in the District of Manitoulin, were candidates, and the returning officer for the said electoral district has returned the said Robert Roswell Gamey, hereinafter called the respondent, as being duly elected member of the said Assembly for the said electoral district.

3. And you petitioner says that the said respondent was by himself, by his agents, and by other persons on his behalf, before, during, at and after the said election, guilty of bribery, treating, personation and undue influence, as defined by "The Ontario Election Act," "The Ontario Controverted Elections Act," and other Acts of the Parliament of Ontario, or recogniz-

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ed as such by the common law of Parliament, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district and the said election and return of the said respondent were and are wholly null and void.

4. And your petitioner says that the said respondent was, by himself, by his agents, and by other persons on his behalf, before, during, at and after the said election, directly and indirectly guilty of giving and lending, and agreeing to give and lend, and offering and promising money and other valuable considerations, and of promising to procure and of endeavoring to procure money and other valuable consideration to and for voters at the said election, and to and for persons on behalf of voters at the said election, and to and for other persons, in order to induce such voters to vote, or refrain from voting at the said election, and of corruptly doing the said acts and every of them on account of voters having voted or refrained from voting at the said election, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and return of the said respondent were and are wholly null and void.

5. And your petitions says that the said respondent was by himself, by his agents and by other persons on his behalf, before, during, at and after the said election, directly and indirectly guilty of giving and procuring and agreeing to give and procure, and of

offering and promising, and of promising to procure, and to endeavor to procure offices, places and employment to and for voters at the said election, and to and for other persons in order to induce such voters to vote or refrain

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from voting at the said election, and of corruptly doing the said acts and each of them on account of such voters having voted or refrained from voting at the said election, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district and the said election and return of the said respondent were and are wholly null and void.

6. And your petitioner says that the said respondent was, by himself, by his agents and other persons on his behalf before, during, at and after the said election, directly and indirectly guilty of making gifts, loans, offers, promises, procurements and agreements as aforesaid to and for divers persons in order to induce the said persons to procure and to endeavor to procure the return of the said respondent and of other persons to serve in the Legislative Assembly, and to procure and endeavor to procure the votes of voters at the said election, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and return of the said respondent were and are wholly null and void.

7. And your petitioner says that the said respondent was by himself, by his agents and by other persons on his behalf before, during, at and after the said election, upon or in consequence of such gifts, loans, offers, promises, procurements and agreements aforesaid, guilty of procuring and of engaging and promising and endeavoring to procure the return of the said respondent and of other persons to serve in the Legislative Assembly and the vote of voters at the said election, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district and the said election and

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return of the said respondent were and are wholly null and void.

8. And your petitioner says that the said respondent was, by himself, by his agents, and by other persons on his behalf before, during, at and after the said election guilty of advancing and of paying, and of causing to be paid money to and to the use of other persons, with the intent that such money or part thereof should be expended in bribery and corrupt practices at the said election, and of know-

ingly paying and causing to be paid, money to persons in discharge, and repayment of moneys wholly or in part expended in bribery and corrupt practices at the said election whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district and the said election and return of the said respondent were and are wholly null and void.

9. And your petitioner says that the said respondent was, by himself, by his agents and by other persons on his behalf, before and during the said election, directly and indirectly guilty of receiving, agreeing, and contracting for money, gifts, loans, valuable considerations, offices, places and employment for himself or themselves, and for other persons for voting and for agreeing to vote and for refraining and agreeing to refrain from voting at the said election, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and return of the said respondent were and are wholly null and void.

10. And your petitioner says that the said respondent was, by himself, by

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his agents and by other persons on his behalf, after the said election, guilty of directly and indirectly receiving money and valuable considerations on account of persons having voted and refrained from voting, and for having induced other persons to vote and refrain from voting, at the said election, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and return of the said respondent were and are wholly null and void.

11. And your petitioner says that the said respondent was, by himself, by his agents and by other persons on his behalf, before, during, at and after the said election, guilty of providing and furnishing drink and other entertainment at the expense of the said respondent, or of such other agents or persons, to meetings of electors assembled for the purpose of promoting the said election previous to or during the said election, and of paying for, promising and engaging to pay for such drink and other entertainment, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and return of the said respondent were and are wholly null and void.

12. And your petitioner says that the said respondent was, by himself, by his agents and by other persons on his behalf, before, during, at and after the said election, directly and indirectly, guilty of corruptly giving and pro-

viding and causing to be given and provided, and being accessory to the giving and providing and of paying

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wholly and in part expenses incurred for meat, drink, refreshment and provision to and for persons in order to be elected and for being elected, and for the purpose of corruptly influencing such persons and other persons to give or to refrain from giving their votes at the said election, and of giving and of causing to be given to voters on nomination day and on the day of polling on account of such voters having voted and of being about to vote, meat, drink and refreshment and money and tickets to enable such voters to procure refreshment, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and the return of the said respondent were and are wholly null and void.

13. And your petitioner says that the said respondent was, by himself, by his agents and other persons on his behalf, before and during the said election guilty of making bets and wagers and of taking shares or interests in and of becoming party to bets and wagers upon the result of the election in the electoral district and upon the results of the election in parts of the said electoral district and upon events and contingencies relating to the election and of providing money to be used by others in betting and wagering upon the results of elections to the Legislative Assembly and upon events and contingencies relating to such election, and for the purpose of influencing the said election of making bets and wagers on the result thereof in the electoral district and in parts thereto and upon events and contingencies relating thereto whereby the said respondent was and is

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incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and return of the said respondent were and are wholly null and void.

14. And your petitioner says that the said respondent was, by himself, by his agents and by other persons on his behalf, before, during, at and after the said election, guilty of hiring and promising to pay and paying for horses, teams, carriages, cabs and other vehicles to convey voters to, to and near and from the polls and to and from the neighborhood thereof at the said election, and also of the payment of the travelling and other expenses of voters in going to and returning from the said election, and of providing and furnishing conveyance and transportation by railway free of charge or at

diminished rates to voters to or from or on the way to or from the polls at the said election, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and the return of the said respondent were and are wholly null and void.

15. And your petitioner says that the said respondent was, by himself, by his agents, and by other persons on his behalf, before, during, at and after the said election, directly and indirectly, guilty of making use of and of threatening to make use of, force, violence and restraint and of inflicting and of threatening infliction, by himself and by and through other persons of injury, damage, harm and loss and in other ways of practising intimidation upon or against persons in order

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to induce or compel such persons to vote or refrain from voting at the said election, and on account of such persons having voted or refrained from voting at the said election and also by abduction, duress and by fraudulent devices and contrivances, of impeding, preventing and otherwise interfering with the free exercise of the franchise of voters and of thereby compelling, inducing and prevailing upon voters, either to give or refrain from giving their votes at the said election, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and return of the said respondent were and are wholly null and void.

16. And your petitioner says that the said respondent was, by himself, by his agents and by other persons on his behalf, before, during and at the said election guilty of the offence of personation at the said election and of aiding, abetting, counselling and procuring the commission at the said election of the offence of personation, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and return of the said respondent were and are wholly null and void.

17. And your petitioner says that the said respondent was, by himself, by his agents, and by other persons on his behalf, before, during and at the said election, guilty of voting and of inducing and procuring persons to vote at the said election, knowing that the person so voting was not entitled

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to vote thereat, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and return of the

said respondent were and are wholly null and void.

18. And your petitioner says that the said respondent during the said election and during the hours appointed for polling was, by himself, by his agents and by other persons on his behalf, guilty of the offence of selling or giving spirituous and fermented liquor and strong drink at hotels, taverns, shops and other places within the limits of polling sub-divisions during the polling day, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and return of the said respondent were and are wholly null and void.

19. And your petitioner says that the said respondent before and during the said election personally engaged divers persons at the said election as canvassers and agents in relation to the said election, knowing that such person so engaged had within eight years previous to such engagement been found guilty of corrupt practices by competent legal tribunals and by the reports of judges upon election petitions, whereby the said respondent was and is incapacitated from serving in the Legislative Assembly for the said electoral district, and the said election and return of the said respondent were and are wholly null and void.

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20. And your petitioner says that the said respondent was by himself, by his agents and by other persons on his behalf, before, during, at and after, the said election, guilty of corrupt practices, as defined by "The Ontario Election Act" and other Acts of the Province of Ontario, and as known to the common law of Parliament, and as the term "corrupt practices" is interpreted in the interpretation clause of "The Ontario Controverted Election Act," whereby the said respondent was and is incapacitated from the serving in the legislative assembly for the said electoral district, and the said election and return of the said respondent were and are wholly null and void.

21. And your petitioner says that corrupt practices, as defined by "The Ontario Election Act," and by other Acts of the Parliament of Ontario, and as known to the common law of Parliament, and as the term "corrupt practices" is interpreted in the interpretation clause of "The Ontario Controverted Election Act," were committed by the agents of the said respondent and by other persons on his behalf, before, during, at and after the said election by and with the actual knowledge and consent of the said respondent, whereby and in consequence whereof the said

respondent was and is disqualified, and was and is incapable of being elected or sitting in the said legislative assembly, and of voting at any election of the member of the said legislative assembly, and of holding any office in the nomination of the Crown or of the Lieutenant-Governor in Ontario.

22. And your petitioner says that the said respondent was before, during, at and after the said election by himself personally guilty of corrupt practices as defined by "The Ontario Election Act" and other Acts of the Parliament of Ontario and as known to the com-

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mon law of Parliament, and as the term "corrupt practices" is interpreted in the interpretation clause of "The Ontario Controverted Election Act," whereby and in consequence whereof the said respondent was and is disqualified and was and is incapable of being elected to or sitting in the said Legislative Assembly and of holding any office in the nomination of the Crown or of the Lieutenant-Governor in Ontario.

Wherefore your petitioner prays:—

1. That it may be determined that the said respondent was not duly elected or returned and that the said election was void.

2. That it may be declared and found that the said respondent was and is guilty of the said several corrupt and illegal acts and practices hereinbefore charged as having been committed before, during, at and after the said election by himself and by his agents and other persons on his behalf, by and with the actual knowledge and consent of the said respondent.

3. That in consequence thereof the said respondent may be adjudged disqualified and incapable of being elected to or sitting in the Legislative Assembly aforesaid, or of voting at an election of a member thereof, and of holding any office in the nomination of the Crown, or of the Lieutenant-Governor in Ontario.

And your petitioner will every pray, etc.

(Sg.) James M. Fraser,
Petitioner.

(57)

I, the above-named Petitioner, do hereby appoint Alexander George Murray of the Town of Gore Bay in the District of Manitoulin, Solicitor, to act as my agent in this matter; and all notices addressed to us herein may be left with or at the address of the said firm in their office aforesaid.

Dated this 10th day of July, 1902.

(Signed) James M. Fraser,
Petitioner.

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(The following is the endorsement on the back of Exhibit 32.)

COURT OF APPEAL

Re

MANITOULIN ELECTION PETITION

James Munro Fraser,
Petitioner.

vs.

ROBERT ROSWELL GAMEY,
Respondent.

PETITION.

This Petition is presented by

Alexander George Murray of the
Town of Gore Bay in the District of
Manitoulin.

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EXHIBIT 33.

R. R. Gamey, M.P.P.
Agent for Confederation Life and
Anglo-American Fire,

Manitoulin Island.

Gore Bay, Nov. 5th, 1902.

Hon. J. R. Stratton,
Prov. Secretary.

'Dear Sir' :—

I sent in a petition a short time ago for the appointment of Thomas Flesher as J. P. at Spanish River Mills on Aird Island, and you told me had been appointed. I have a letter to-day from Mr. Flesher asking about the appointment. Will you kindly see that it is made as soon as convenient.

Yours truly,

(Sgd.) R. R. Gamey.

(This letter is written in ink.)

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EXHIBIT 34.

Cheque \$1500—taken to deposit.

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EXHIBIT 35.

I was elected in May, 1902, as a straight Conservative, defeating J. M. Fraser, the Liberal candidate, by about 340 majority, and beating the combined vote of Fraser, the Liberal, and J. C. McMillan, the Socialist candidate, by about 100 votes. The returns by the returning officers were held back and not declared until June 17th, this I believe was done to give the Government a chance to protest my election if necessary after they saw how the rest of the protests stood.

In due time a protest was entered in the usual way. Several parties were sent up to the riding to look up evidence. About August the 7th I was going to Toronto, and met Capt. J. Sullivan at the lunchroom at Allandale and he said to me, I hear Gamey they have strong evidence against you up there. I replied that I had heard nothing of that, he continued the conversation, and very confidentially remarked to me as a friend, as he said, that I would be disqualified, and said if he was in my place he would resign. I laughed at him and paid no attention to it. I went on to Toronto, and he remained. In Toronto at the Walker House, where I stay, I met his son Frank J. Sullivan, who also broached the subject of my protest and said he understood they would disqualify me. I told him that was utterly impossible as I had done nothing by which they could disqualify me, and he remarked that evidence sometimes could be colored, altered and bought, and that he believed they were determined to disqualify me. He would, he said, if he were me, resign rather than face a trial. I told him that his father had spoken that way, and I wondered why they were speaking thus. He said only as a friend, as he had known me a long time, and he felt sorry that I would

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be disqualified. Why, he said, that could be arranged, a good thing could be made out of it, and the trial avoided. I asked him how, and he said, after some further conversation that \$5000 in cash could be got and lots of chances of more later on, as the Government must have more support. I replied that I thought that was impossible as no man could leave either side now, and the Government would ruin themselves by dealing with any one while it was so close, and I told him I didn't believe they would do so. He replied that he could soon convince me, and if I would stay over a couple of days he would prove it. I decided to see what they would do, and on my return to Gore Bay I would lay the whole matter before some friend. About Tuesday, August 12th, Frank came to me and said a prominent Liberal lawyer of the city would be up in his father's room in the Walker House and that I should go to the room, giving me the number. He told me no mention would be made of money, but the lawyer would talk of a stock proposition, by which my profits would realize \$3000 in six weeks or less and \$2000 more after the first session of the House.

I went to the room and Frank and the lawyer were there, I will not mention the lawyer's name to-day, but he is prominent in Liberal ranks. The lawyer said he understood Frank and I had spoken of a stock company, by which I could make \$3000 cash in six weeks and \$2000 towards spring. I

said we had. He said it could be arranged, he thought, but no mention was made in his presence of supporting the Government, and no question of trial was spoken of. We only had a short talk and he went out and I have never heard of him in any way in the deal since. Frank and I agreed then

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if anything was done to each take half. During that trip I also saw D. A. Jones of Beeton, who seemed to be authorized to deal with me. Jones also suggested that the Government were very anxious to get information for the trials against Smyth and Miscampbell, which I told him would not be possible for me to do. I left Toronto for home about the 12th.

On my return home I consulted J. R. McGregor of Gore Bay, the Secretary of the Manitoulin District Conservative Association, and asked his advice. I consulted him because he was the only executive officer in Gore Bay, whether to tell what had been then done or not, but we came to the conclusion that I should go on and get some evidence that we could prove and see how far they would go, and whatever we did would be told on the floor of the House, and absolutely on one would know before. We decided that I would have to give the Government evidence that I really meant to go with them, and only by fully convincing them could we hope to get any evidence or attack any of the cabinet, so far we had no evidence against any one of authority. Nothing more was done or said until about August 19th I received a letter from D. A. Jones of Beeton, as follows (read letter No. 1). This I answered by saying I would be down shortly and see him. On August 21st I was out at my farm, 10 miles from Gore Bay. That night, between 11 and 12 o'clock, a rap came to my door after I had gone to bed. My brother Wilford was there. He went to the door and said a gentleman to see me. I got up and went to the door and Cap. J. Sullivan was there and wanted to see me privately. I went down to the barn with him, put in his horse, and we sat down and he said they were anxious to go on with some arrangement, and he

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wanted me to give him some document asserting that I would support the Government, so that he could show the Ministers that he was succeeding. I told him I would not do so that night, but that I would go to Toronto in a few days and meet him there, which he agreed to. He went back to Gore Bay that night, after staying about one hour. He was alone. It was a clear, moonlight night. I asked my brother in the morning if he would know the man if he saw him again, and he said he would and he said he thought it was Cap. Sullivan. In the morning my brother and I drove to Gore Bay and I took my brother across on the mail

steamer that day to Cutler and down to Sudbury as the Captain was with us, so that he would be sure of the man, and I explained to my brother then what he was after.

Before leaving Gore Bay that day I saw J. R. McGregor and explained what the Captain wanted. He said, go ahead and see what they will do. I left the Captain at Sudbury, and the next day I went to Arnprior, and about August 26th I arrived in Toronto and saw both the Captain and his son Frank at the Walker House and had different interviews. In the Captain's room Frank drew up an agreement, by which I agreed to support the Government, which I signed, and Frank signed an agreement to pay me \$3000 in cash and \$2000 after the session. These were afterwards both destroyed. I went back to Arnprior about August 29th, and returned to Toronto about Sept. 1st. Had many talks with Frank Sullivan and his father about matters up to the 9th. The Captain was trying to secure a timber limit for his share. McGregor Island was mentioned. He told me he had discussed the deal with Hon. J. M. Gibson first, but Gibson had asked him to see Hon. J. R. Stratton

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and Stratton seemed to be the one they did the business with from that time on. I also discussed the question of whether Smyth of Algoma could be bought or not, and I said I would try and see him after I went back, and I urged them to withdraw the petition against Smyth. Also discussed the question of sawing off Davis' petition, which Sullivan said the Government were most anxious to do, and when Davis left for Winnipeg. Frank said he would never face a trial, and would give big value to have a saw-off. I told our lawyers this. About Sept. 9th I was taken into Stratton's office by Frank Sullivan, and discussed the arrangement with Stratton, no money was mentioned, but the word consideration was used. Stratton told me personally I would have the patronage of the riding entirely in my own hands, and that I could suggest anything that might be of use to conciliate my friends in the riding, the License Board was discussed, and I said we must have a new inspector and at least two new commissioners and several other changes were spoken of in the riding, which he agreed to. He showed me the letter I would have to sign, addressed to the Premier, agreeing to support the Government and agreeing that I was not receiving any value for same, it was typewritten, the consideration was to have been paid that day, but he was not ready. I then went down town, and at about 1.30 p.m. Frank Sullivan and I were to go to a certain prominent lawyer's office, which we did. This lawyer, when I arrived there, had the letter that I was to sign, and

I signed it in his presence. He then said he would keep it, but Frank said there was some stock question to be settled before he would part with the letter. The lawyer said he knew nothing of that, but he would give us his word that if we would leave the letter

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with him he would hold it in his possession until we were satisfied, but Frank refused to do so, and Frank took the letter with him. I know the lawyer's name, we then had an appointment with Hon. J. R. Stratton for the next forenoon, we went up to his office about 10 o'clock a.m. on Wednesday, the 10th of September, and he was not ready or not there, and we waited about the building. I waited part of the time in the smoking room. About 12.30 Stratton was ready, and Frank Sullivan and I went into his office together. Stratton said everything was ready, and we left the letter with him, and that Frank and I should go down to the smoking room and wait there, and a party would bring a parcel and lay it on the table in that room. I saw Stratton take out of his inside pocket a large well-filled envelope. Frank and I went down to the smoking room and waited a short time, and Mr. Myers, acting secretary for Stratton, took the parcel from Stratton's office and gave it to Mr. Chase, who carried it into the smoking room and laid the same large envelope parcel on the table, he walked out again without speaking. Frank went over and picked up the parcel, and we walked down to the wash room, and Frank took the parcel out of his pocket and counted it, there was \$3,000 in Ontario Bank bills of hundreds, fifties, twenties, tens and fives. Frank handed me \$1,500 of this. I will tell where that money is when necessary. Frank tore up the envelope. I then left the building alone, and went to dinner. I showed the money to a Conservative in the city and will tell his name when necessary. I went to the Crossin Piano Factory in the afternoon. I left for home on Thursday night, Sept. 11. I explained all this to one Conservative in the city, and to J. R. McGregor on my return to Gore Bay, and we decided to stick to our original arrangement to not mention it until the House met,

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as we were afraid they might fix things up in some way before the House met if we told. About Sept. 18th I received a letter from Frank Sullivan (read letter No. 2) about going to see Smyth. I answered that I would shortly, about Sept. 21st I received another letter from D. A. Jones about the same matter (read letter No. 3). When speaking to Jones while in the city he spoke of someone being sent up to see Smyth, and Frank Sullivan also spoke of someone being sent up for the same

purpose, and he was anxious to prevent anyone else dealing with Smyth but himself, and he told me one day that he telephoned to a person in the city to wire some one to put Smyth on his guard, but I do not know who he phoned to, and do not know whether Smyth was telegraphed or not, possibly someone in the city can recollect the phone message, as I believe he phoned some prominent Conservative in the city, and he said he had refused to give them his name, and they were surprised. About the last week of September I wrote Smyth a short note, asking him to come down to our Agricultural Fair at Gore Bay on the 2nd October, so we could put him on his guard, but he did not come.

About the 25th of September I received a letter from my leader, J. P. Whitney, drawing my attention to the statement made by Cap. J. Sullivan in Ottawa that I had given a written promise to support the Government. I wrote Sullivan, and he replied as follows (read letter No. 4). On the 29th of September I wrote Hon. J. R. Stratton, asking for the appointment of one Thomas Flesher as J.P. at Spanish Mills, and also about road grants question (we did this to get written evidence of the patronage deal), and Stratton replied as follows on Oct. 2nd (read letter 5). Hon. J. R. Stratton also wrote me on Oct. 2nd about appointment of returning officer for the referendum as follows (read letter 6). We decided to have the sheriff appointed, or rather recommended the sheriff instead of the old returning officer just to see proof of our deal. I spoke to the sheriff, and he wanted it, and went to Toronto and saw the Premier. Jackson told me when he returned that the Premier asked him if his appointment would be satisfactory to Gamey, and if he (Jackson) thought Gamey would give them any trouble when he came down. On Oct. 8th I wrote Hon. J. R. Stratton asking him to appoint Sheriff Jackson. His secretary replied as follows (read letter 7). I left Gore Bay for Toronto about Oct. 2nd: had wired Frank that I was coming: saw both Sullivans, and we discussed the Davis petition, which I was to try to help saw off; we had frequently discussed this in September, there were other parties also arranging to saw this off, and Frank said they were getting big value to do so, and he wanted to head them off. I told our lawyers what he said about the other parties, Frank said then Davis would never face a trial, but nothing could be done about this saw off. We discussed Smyth, and I told them I thought he could not be bought. I went to Toronto again about Oct. 21st, and met Cap. Sullivan at North Bay: spoke to him about the rumors that were going around, and told him I was going to see Stratton in the city about them. I saw Stratton that week at his office, and spoke to him about the

rumors and showed him Sullivan's letter, and told him Sullivan had been talking, he asked me to wait until he would discuss it with the Premier. Myers took me to a room, and I waited there a long time until Stratton came, and he said we better do nothing about them, he said that was the Premier's advice. Stratton also spoke of

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a letter the exact duplicate of the other I had signed which they wanted me to take home with me and sign, and mail at Gore Bay, addressed to the Hon. G. W. Ross. It was also typewritten, and in it I agreed to support the government, and agreed that I was getting no consideration for the same only the ordinary privileges of a Government supporter. After I returned this they were to give me back the one I signed in the lawyer's office. Frank Sullivan was with me when this letter was given, in fact he held the letter for a day. I took it home with me, and we decided at Gore Bay to make some alterations in the letter, to see if we could get a letter from them about the same, so I altered the letter, and made it read different to what they had.

I mailed this letter addressed to the Premier, Hon. G. W. Ross, about Oct. 30th at Gore Bay, but no answer, and they did not return the other letter, but now have both. I wrote Hon. J. R. Stratton a few days after, asking for the loan of \$2,000 until after the session, his secretary, Mr. Myers, answered that Mr. Stratton was out of the city, and on his return the letter would be laid before him, but we got no further answer. I was in Toronto in December twice, and Cap. Sullivan and Frank, but did not see Stratton. After I returned to Toronto after helping my friends in Perth bye-election, I saw the Sullivans, and they said Stratton wanted to see me, he was getting afraid of me since I had gone to Perth. I made an appointment to see him on Tuesday morning, 9.30, January 13th. When I arrived there he was not in, and I waited in the outer office. Vance was waiting there, Myers was there and another clerk, name unknown to me, and a lady stenographer, they all saw me. I

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chatted with Vance until Stratton was ready, and Vance asked me to let him go in first, which I did, he remained about 20 minutes. When I was called Stratton asked me why I was in Perth, and I told him I had no agreement with him before the voting in the House, he also asked me why I altered the letter. I gave evasive answer. We discussed matters generally, and he was delighted with the results of the three Norths, saying Whitney would never have as good a chance again of writing Hon. before his name as he had

last summer when the coalition was discussed he gave me the particulars of the coalition deal, also Manitoulin affairs. I reported about Little Current lock-up, and he called in Dr. Chamberlain, and I was introduced to him, and discussed the lock-up with him. I also discussed other appointments. I left the city that night after telling the Sullivans how I got on with Stratton, and agreed to come down again shortly. On my return to Gore Bay McGregor decided to go down with me the next time, and we arranged to go about the 22nd of January. I went over to the shore and up to the Soo, and met McGregor at Sudbury on the 27th, and we arrived in Toronto the morning of the 28th, both of us stopping at the Walker House. I saw both of the Sullivans that day, and Frank told me he had wired me on the 27th to come down. I got that telegram on my return, it is as follows (read telegram No. 8). He told me that Stratton wanted to see me, and that he would arrange for time of interview on Thursday. He did so, and phoned me to come to Stratton's office at 2.15 p.m. I showed this to McGregor, and he went to the Buildings with me, and saw me go into Stratton's office. At first Stratton was out, and then McGregor and I went into the Surveys Department together, and in to the Land Sales Department, and

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finally he went back with me, and saw me again go into Stratton's door with Frank Sullivan, we went in at the door marked private, after waiting a few minutes Mr. Stratton came in, and at once began to discuss matters, he wanted the License Board names at once, and wanted me to sign at once an interview he had typewritten for The Globe. I told him it would never do to sign that, as it would ruin me and the Government, but he thought not. I told him I would take it down town and make some alterations, and then sign it if he liked. It was agreed that I should be back about quarter to 6 that evening. Sullivan and I went out, when Sullivan said I would get another cash payment if I signed it. So I told him to make the arrangement. I went into the Public Works Department with him, and parted there. I went down to the office of Crossin Piano Co. for a short time. I then met McGregor, and we went over the interview. I took my pencil and altered many words to make it read an independent support, as we had both decided the country would not stand for one minute for it as it was then written. We discussed the question then of refusing to sign the interview and making everything public at once, but we decided to stick to our original plan of not speaking until this House met. I added some more to the interview, and, after getting it so that it might pass muster, I took it back. I

was to call for Sullivan at the office where one Dougherty is clerk in the Public Works Department upstairs. I called there about quarter to six, and Sullivan left Dougherty and I a few minutes to talk while he went to see if Stratton was ready. After some time everything was ready, and about 6.30 p.m. or later Sullivan and I went into Stratton's office, and I showed him the interview as it was altered.

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I then agreed to give this signed to a Globe reporter to hold on condition that \$1,000 be given to us, and I was to write a letter to J. P. Whitney that night informing him that I would be independent during the session. I then agreed to furnish the names of a License Board, on my return home, and also a lock-up keeper at Little Current. I then stepped out of the private office into the secretary's department and met Mr. Myers, who introduced me to the Globe reporter, whose name I have forgotten, but it is the same one who was at Sudbury with Hon. E. J. Davis in January, 1900, as he remarked to me that he had met me there, and heard me speak on the mining policy. I then sat down at a table with him, and he read over the interview and I gave it to him, it was same interview that Mr. Stratton handed to me type-written, with the alterations I made and the additions I wrote on, if The Globe will produce the interview it will show for itself, and it was handed to The Globe reporter in Stratton's outer office about 7 p.m. on the evening of January 29, in the presence of Mr. Myers. Frank Sullivan then stepped into the office and said he was ready, and he and I walked into the ante-chamber between the two offices together, where I saw Hon. J. R. Stratton just before going out, and he told me he had handed Sullivan \$1,000 in fifties, twenties, tens and fives, giving me the number of each. Sullivan and I walked down stairs and out of the west entrance together: just outside the envelope out of his pocket and counted the money. It contained \$1,000. He handed it to me and I handed him back his half, and put the balance in my pocket. It was mostly Ontario and Merchants' Bank bills, and the portion I kept was nine fifties,

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Merchants Bank bills, 2 twenty's Ontario Bank and one ten Ontario Bank. The 20's were all Ontario Bank bills. I then went out to College St. and took a car to the Walker House, Sullivan coming as far as Yonge street with me. I wrote the letter to J. P. Whitney that evening, had supper and went to the Princess Opera House that evening with McGregor and we discussed the affair there. I left for home next morning and McGregor remained in the city. On my return home, January

31st, I wrote to the Hon. Latchford and gave him a list of our road grants wanted, and received the following letter in reply (read letter No. 9). I then did the best I could to pacify my friends, and that was the hardest task of my life, taking abuse from all sides. About Feb. 7th I wrote Hon. Stratton that I had to met my executive on the 16th, and likely they would ask me to resign. I received a letter from Toronto dated Feb. 11th, registered at Yorkville on Feb. 11th, p.m., signed X. Y. Z. (read letter No. 10). On Feb. 16th I wrote Frank Sullivan about the executive meeting and asking him how Stratton felt. I received reply registered at Yorkville Feb. 20th, p.m., as follows (read letter No. 12). I was so discouraged with the public clamor against me that when McGregor returned and I saw him the day before the Conservative executive meeting I wanted to be allowed to give the particulars to the committee that day, but he insisted on sticking to our original intention of giving it to the House first. I have worried along the best I could in the face of all kinds of insults and jeers. On Tuesday, Feb. 24th, I registered a letter to Frank Sullivan, in reply to his of the 20th, asking for some particulars about my seat in the House, asking for the one Beatty had, and asking to be sworn

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in earlier than the rest, and asking Stratton to wait until I came down before I would give the names of the license board. In the meantime I heard of negotiations on the part of the Government, anticipating my resignation. They were not satisfied with selling their friends to me, a more despicable action never was committed, but they sent up an agent to interview J. C. McMillan, who was a Socialist candidate last May. The first agent did not get much encouragement, and then two more agents followed of higher repute. I have all their names. They told McMillan as much as they dare of their deal with me, and I fancy a good deal more than they would like him to repeat. They told him they had not given me much yet but promises, but they were sure I could not face public opinion when I came to the House, and they were very anxious for a promise from him to be their candidate when I resigned. He wanted to know how they would satisfy me, and they told him they would fulfil enough of their promise to satisfy me. They were asked how they would again satisfy their own men on the island, and they said Sims had been down and they had satisfied him, but Dr. McIntosh was still unsatisfied, and they hardly knew how to approach him. Frasers were not taken into consideration, as they considered their influence nothing after their vote last

spring. They got little encouragement from McMillan.

On March 6th I received a letter from Frank Sullivan, in reply to mine of the 24th, asking about seat. It is as follows (read letters Nos. 12 and 13.). Then I came to Toronto and on Monday, the 9th, went up to the Parliament Buildings and saw Frank Sullivan at the Public Works office. He went with me after dinner to Col. Clark's and was there when I was sworn in. also took me to Mr. Glack-

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meyer's office in the afternoon. We discussed matters generally—I arranged for Sullivan to meet me on the evening of Tuesday, March 10th, in the office of the Crossin Piano Mf. Co., No. 102 Adelaide W., at 7.30 p.m. On Monday evening I went and saw three young men shorthand writers who are in the city from Gore Bay, that I could trust, and arranged with them to come to the same place before 7 p.m., and there were four finished pianos in the office. Those we placed in such a manner that the three men could lay behind them and hear anyone talking distinctly in the office. I then met Frank Sullivan at the door on the street, about 8 p.m., and we went up to the office and lit a light and discussed the whole affair. A number of questions were asked by me, and the question and answer were distinctly overheard. I asked him questions about Stratton, about the whole Cabinet, about the bye-election work in the three Norths, and we had the answer taken down by these three men—I asked him all about the money. Who handed it from Stratton to us, and about everything connected with the transaction.

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EXHIBIT 36.

Toronto, 26th Feb'y, 1903.

My dear Sir,

I have your letter of the 22nd inst., respecting the appointment of John McEachren as Provincial Constable at Little Current. The time is so short now until I shall have the advantage of discussing this and some other matters with you that I hope you will not mind my leaving it in abeyance in the meantime.

Yours very truly,

Sgd. J. M. Gibson.

R. R. Gamey, Esq., M. P. P.,

Gore Bay, Ont.

(77)

Gore Bay, Jan'y 22, '93.

Hon. Attorney-General, Toronto.

"Dear Sir,"

Enclosed find application of John McEachren for position of "Provincial Constable" at Little Current. I think you should in the interests of justice have an officer of this kind appointed there, and if you are going to make an appointment I would recommend the enclosed name.

Yours truly,

R. R. Gamey.

(This letter was written in ink.)

(78)

Office of Balmoral Hotel,
Thos. D. Cox, Proprietor.

Little Current, Ont., Dec. 7, 1902.

To the
Department of the
Attorney-General,
Toronto.

I hereby respectfully make application for the appointment of a Provincial Constable for the District of Manitoulin, with residence at the Town of Little Current.

I am now and have been for some time Town Constable of the said Town of Little Current, and am confident of my ability to fill the position of a Provincial Constable for said district in a capable, fearless and satisfactory manner.

I have the honor, to be respectfully,

Your humble servant,

John McEachren.

(This letter was written in ink.)

(79)

Toronto, 24th January, 1903.

My dear Sir,

I have yours of the 22nd inst., recommending John McEachren for the position of Provincial Constable at Little Current, and promise to give the matter due consideration. It will be necessary for me to decide how far a provincial officer is necessary on the island, in view of the opinion which is beginning to prevail that we are doing more in the way of appointing officers in the northern districts than is really desirable, by which I mean that we are paying the salaries of officers who formerly were engaged and paid for locally in the older section of Ontario in days gone by, when these older sections were new sections of country. I do not want to be considered drawing the line at Manitoulin, and most likely will not do so, but I want to give the whole subject some

consideration before I go on making any further appointments.

Believe me,

Yours truly,

Sgd. J. M. Gibson.

R. R. Gamey, Esq., M.P.P.,
Gore Bay, Ont.

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EXHIBIT 37.

(Letter written in ink.)

Gore Bay, June 24, 1902.

Attorney-General's Department,
Toronto.

"Dear Sirs,"

A petition was forwarded through Mr. C. F. Farwell from Whitefish municipality, signed by the principal ratepayers, asking that one W. J. Swanson of Whitefish Village be appointed a Justice of the Peace, as one is much needed there. I would like to know if you could make the appointment. I will recommend the same.

Yours truly,

Sgd. R. R. Gamey, M.P.P.,
Gore Bay P.O., Ont.

(81)

Private.

Toronto, July 10th, 1902.

My dear Sir,

I am reading for the second time your letter of June 24th, addressed to the Attorney-General's Department, referring to a petition sent to the Attorney-General through Mr. Farwell. I now wish to say that search has been made for this petition, and as yet it has not been found, although in all probability it will be. I infer it contains a suggestion that Mr. Swanson be appointed a Justice of the Peace. You might write Mr. Farwell asking him if he has a copy of the petition. As you know, the Attorney-General is now absent from the city, and he might, if he were here, at a moment's notice, be able to lay his hands on it.

Faithfully yours,

(Sd.) R. Harcourt.

R. R. Gamey, Esq., M.P.P.,
Gore Bay P.O., Ont.

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Toronto, November 10th, 1902.

My dear Gibson,

I enclose you a letter from R. T. Gamey, Esq., M.P.P. for Manitoulin,

with regard to a petition which I sent you a short time ago, for the appointment of Thomas Flesher as a J. P., at Spanish River Mills, on Aird Island.

He says that he has not received any notice of the appointment.

I am also in receipt of a letter from him with regard to the appointment of E. W. Swanson, at Whitefield. He says that a petition in this respect has already been sent you.

Yours sincerely,

(Sgd.) J. R. Stratton. (In ink.)

Enc.

Hon. J. M. Gibson,
Attorney-General,
Toronto, Ont.

(83)

The Canada Accident Assurance Co.

Gore Bay Agency, Dec. 18th, 1902.

(Letter written in ink.)

Hon. J. M. Gibson,
Attorney-General.

"Dear Sir,"

"Re yours of Dec. 5th.

"Re E. W. Swanson.

A petition was handed by me to C. F. Farwell in April last and by him handed to your department from the ratepayers of that municipality asking for E. W. Swanson to be appointed as J. P. I presume the petition has been mislaid. If you can make the appointment you will oblige.

Yours truly,

(Sd.) R. R. Gamey.

(84)

Registry Office,
Sault Ste. Marie, Ont., Dec. 27, 1902.

Private and Confidential.

Hon. J. M. Gibson,
Attorney-General,
Toronto, Ont.

My Dear Colonel:—

Yours of the 23rd inst., re E. W. Swanson is just received. I do not know this man personally, but I remember that shortly after Bob Gamey was nominated as the Conservative candidate for Manitoulin that he handed me a petition from several of the residents of the Village of Whitefish asking that some one down there, who I presume was this man Swanson, be appointed a J. P. I do not think the petition was signed by the Municipal Council, but it may have been. Whitefish is in the Municipality of Drury, Denison and Graham, and I think the Council usually meets at the Village of Worthington. I handed the petition to Mr. Ford, and at the time I gave it to

him I explained the avenue through which I received it, and that I did not think it was wise to comply with it just at that time, as I concluded Mr. Gamay was trying to make some political capital by what he was doing, and I did not propose to lend my assistance to any such improper practice. Whitefish has always been very strongly opposed to the present Government politically. In both of my elections I think I received only three or four votes in that polling subdivision. A man by the

(85)

name of McVittie is the leading man in the place; he formerly was a strong Liberal, but he was mixed up with large tracts of nickel lands in that section of the country and because he could not sell it at a fabulous sum he thought something was wrong with the Government and he then transferred his allegiance to their opponents. I think that either Dave Brodie or Dr. Arthurs at Sudbury would be able to tell you all about this man Swanson, or perhaps a better man to ask would be Wm. Irving of Webbwood, who is an official in your department. He is a very bright fellow and his official duties take him to Whitefish, and I think that he will know all about this man Swanson.

You will remember last Session my discussing with you the salary of the Registrar of this District and you were kind enough to put in the estimates the old salary of \$800.00. I have not received any of this, and I think that I should, and I cannot understand why the Treasury Department does not forward the cheques at the end of each quarter, as they have been in the habit of doing. Upon reflection, I think Ford told me that before the last session you had written the Treasury Department not to send any more salary to the Registrar up here without your instructions, and that I better see you and ask you to recall that letter, or something to this effect. I neglected saying anything to you about that part of the business, thinking that the Treasurer would issue the cheques for the salary at the end of each quarter when he saw that the appropriation had been

(86)

made for that purpose. I would be glad if you would straighten this matter out for me, as I have no hopes that the fees of this office will continue as satisfactory as they have been for the last two or three years. It was for this reason, you will remember, that you asked for the appropriation for the salary.

Wishing you the Compliments of the Season, I remain,

Yours sincerely,

(Sgd.) (in Ink.) C. F. Farwell.

(87)

Private.

Toronto, 23rd December, 1902.

My Dear Farwell:—

Do you remember anything about a man named E. W. Swanson of Whitefield, (probably White Fish is the proper address.) It is said that a petition was sent in through asking for his appointment as a Justice of the peace, the petition coming from Whitefish municipality. If that petition was ever presented it must have gone astray. Tell me confidentially all about E. W. Swanson. I would like to make the appointment if there are no specially strong reasons why I should not do so, and you will understand what I mean when I say this. Please let me hear from you by return.

Yours sincerely,

(Sgd.) J. M. Gibson.

C. F. Farwell, Esq.,
Sault Ste. Marie, Ont.

(88)

Private and Confidential.

Toronto, 30th December, 1903.

My dear Sir:—

A petition is said to have been sent to this Department some time ago from people residing at the Village of Whitefish, asking for the appointment of E. W. Swanson as a Justice of the Peace, and Mr. Gamay, I believe, favors his appointment. I would like to get some independent information confidentially as to Mr. E. W. Swanson. Presumably he is an opponent of the Government, but I do not know on that account that he should not be appointed, but I should like to have some idea of his qualifications and general suitability for such an appointment.

Yours very truly,

(Sd.) J. M. Gibson.

Wm. Irving, Esq.,
Provincial Constable,
Webbwood, Ont.

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Provincial Constable,
District of Algoma.

Webbwood, Ont., Jan. 5th, 1903.

Honourable J. M. Gibson,
Attorney-General,
Toronto, Ont.

Honourable Sir:—

I have the honour to acknowledge the receipt of your letter of the 30th ult. in reference to the appointment of Mr. E. W. Swanson of White Fish as a Justice of the Peace, and in reply would say, that I regret that I am unable to give you the information asked for, as I am not acquainted with Mr. Swanson.

I know of him, but not as to his qualifications or general suitability for

such a position. However, I expect to be at White Fish in a few days, and will make quiet inquiry and advise you.

I have the honour to be,

Sir,

Your obedient Servant,
(Sd.) Wm. Irving.

(90)

Provincial Constable,
District of Algoma.

Webbwood, Ont., Jan. 23rd, 1903.

Honourable J. M. Gibson,
Attorney-General,
Toronto.

Honourable Sir:—

With further reference to your communication of recent date re Mr. E. W. Swanson of White Fish, would say, that on inquiry I find that Mr. Swanson does not altogether possess the necessary qualification for such an appointment, but as the place is very small there are few men to pick from, and probably Mr. Swanson is as good a man as you can get there who would act in such a capacity.

I have the honour to be,

Sir,

Your obedient Servant,
(Sgd.) Wm. Irving.

(91)

Toronto, 5th December, 1902.

My dear Sir:—

I have been looking into the correspondence as to the appointment of E. W. Swanson of Whitefish as a Justice of the Peace. There is some reference to a petition having been sent in asking for that appointment, but I cannot find that this is the case. Perhaps you may be able to say whether there really was such a petition, and if so enable me to ascertain what has become of it.

Believe me,

Yours very truly,

(Sgd.) J. M. Gibson.

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EXHIBIT 38.

(Letter written in ink.)

(Gore Bay, Jan'y 22, 1903.

E. C. Myers,
Secretary.

"Dear Sir"

"Re yours of 15th."

The name of party referred to is Charles Caleb Platt,

Gore Bay, P.O.,
Ont.

Yours truly,
(Sgd) R. R. Gamey.

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EXHIBIT 39

(Letter written in ink.)

Gore Bay, Jan. 30, 1903.

Mr. Campbell,
Colonization Road Dept.,
P. Bldgs., Toronto.

"Dear Sir"

Enclosed find petition of residents of 12th Con. Campbell, between 5th and 10th side lines. This is a particularly worthy grant, as it is a swamp impassable at certain seasons, and about 25 children attend school for a portion of the year. The residents have spent a good deal of gratis time and still are unable to complete it. They say if you grant \$300, they will then keep it in repair in the future, which is encouraging.

I specially desire this grant to go through.

Yours truly,

(Sgd.) R. R. Gamey.

12th Con.
Campbell,
Manitoulin Is.

(94)

Sault Ste. Marie, Feb. 3, 1903.

Mr. R. R. Gamey, M.P.P.,
Gore Bay,

Dear Sir:—

I found your letter of 25th of Jan. on my arrival home Sunday. My people told me you had telephoned for me and I regret very much having not seen you.

The enclosed petition for 10th Con. Campbell Road is not included in your former list, but can be included either in supplementary estimates or taken from Short Roads grant.

If you are intending to come to the Soo in the near future, and could give me an idea when you will be up. I would be glad to meet you and talk over road matters.

Yours truly,

(Sd.) J. F. Boyd.

(95)

(Written in ink.)

To His Hon. The Minister of Public Works,
Toronto.

We the undersigned residents of Campbell Tp. beg to ask you to assist us by a grant of three hundred dollars to open the 12th concession of Campbell one mile and a quarter east of Grimes-Thorp School, being between the 10th and 5th side lines. This is a swamp and during a portion of the year is impassable and our children to the number of about twenty-five cannot attend school during that season.

We have spent considerable money on it ourselves, but are unable to complete it. If the Gov. make this grant and make it passable we will be able to sustain the road afterwards.

As in duty bound we ever pray.

Names.	Post Office address.
N. B. Coleman,	
Bob Palmer,	
Hiram Pearson, Long Bay.	
Allan Reid, Grimesthorpe.	
J. C. Bryan, Providence Bay.	
John Anderson, Providence Bay.	
William Gardiner, Providence Bay.	
Lowchie Galbraith, Providence Bay.	
William Alexander, Providence Bay.	
William Legge, Providence Bay.	
Maulson C. Legge, Providence Bay.	
Samuel Wilson, Providence Bay.	
J. F. Gugins, Long Bay.	
William Omnet, Jr., Grimesthorpe, P.O.	
Andrew Cranston, Spring Bay.	
Asa Lewis, Grimesthorpe.	
Norman Campbell,	
Norman Van Horn,	
Thomas Loughheed, Grimesthorpe.	
John A. Loughheed, Grimesthorpe.	
Albert Loughheed, Grimesthorpe.	
Will McMillan,	
Allan McMillan,	
John McMillan,	
George Sidney,	
Robert Alexander,	

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Duncan Anderson, Providence Bay.
 George Anderson, Providence Bay.
 David Parkin, Providence Bay.
 Joe Anderson,
 James Anderson,
 William Bock,
 John Bock,
 Joseph Bowerman,
 Andrew Tracy,
 R. D. Hublins,
 J. J. Sawyers,
 James R. McKenzie,
 Thos. H. Pearson,
 Geo. Wedgerfield.

(97)

EXHIBIT 40

Spanish River, Ontario,

February 1st, 1903.

The Hon. the Minister of Education,
 Toronto, Ont.

Sir,

We the undersigned your humble petitioners respectfully lay before you the prayer of the ratepayers of School Section No. 1, Aird Island.

Whereas at the annual meeting of the above ratepayers, held on the 31st day of December, 1902, the auditors' report showed the section was in debt in the sum of one hundred dollars, caused by carelessness and incompetency of the trustees, during the years 1900 and 1901, said trustees now being residents of the United States, the present board have no recourse,

By special request of ratepayers, present board agreed to act as trustees for 1903, in order to place section on a proper financial footing.

The debt cannot be made good from the taxes, the ratepayers being employees of the Huron Lumber Co., Ltd., and are poor men with families, dependent for their living upon their day's wages.

Therefore we, your petitioners, earnestly pray that you will make the section an immediate and special grant of fifty dollars (\$50.00), the trustees and people undertaking to raise an equal amount and thus place the affairs of the section on a proper footing.

Failing to raise the funds above named, it will become compulsory on the part of the trustees to close the school for a sufficient length of time necessary to make up the amount above named, thus causing a hardship to the ratepayers now in the section, who are in no wise to blame for existing conditions.

The funds of the section are raised by a grant from the Huron Lumber Co. of one hundred and fifty dollars per annum, one hundred dollars from the Department of Education and the balance from a tax collected from the employees of the above company who occupy houses.

The teacher's salary is three hundred dollars per annum, the general expense averages fifty dollars per annum.

We the undersigned earnestly pray that you will give our humble prayer immediate attention, and we as in duty bound, will ever pray.

Theodore Ellis (In ink).
 Thos. Brown (In ink).
 George Doherty (In ink).
 Ed. Flesher (In ink).
 Sam Malk (In ink).
 H. J. Meyers (In ink).
 Aleck Thorn (In ink).
 H. H. Flesher (In ink).
 John Eaton (In ink).
 Wm. D. Lewis (In ink).
 Wm. J. Martin (In ink).
 Thos. Telerhen (In ink).
 James Purvis (In ink).
 W. C. Kennedy (In ink).
 John T. Cook (In ink).
 Donald McArthur (In ink).
 John Ballantine (In ink).
 Colin McDonald (In ink).
 George Bird (In ink).

(99)

Gore Bay, Feb., 13, 1903.

Hon. Minister of Education,
 Toronto.

"Dear Sir,"

Enclosed find a petition from residents of School Section No. 1, Aird Island, asking for a special grant of \$50. It seems to be a worthy case, and I wish you would look into it and see

if you can grant their request. It is one of those cases which crop up without sawmill industry.

Yours truly,

R. R. Gamey, M.P.P.

Confidential.

Toronto, Mar. 3, '03.

My dear Sir,

Your letter of February 13th and accompanying petition was duly received.

I did not reply immediately, since I wished to receive a report concerning its contents from Mr. Houston, our Public School Inspector. You have doubtless met Mr. Houston. He now asks that we do not dispose of the matter until he will again visit the neighborhood in question.

I will talk the matter over with you when the House is in session.

Faithfully yours,

R. Harcourt (In ink).

R. R. Gamey, M.P.P.,
Gore Bay, Ont.

(100)

EXHIBIT 41.

15680-97.

Toronto, December 18th, 1902.

Dear Sir,

I beg to acknowledge yours of the 16th inst., enclosing application and affidavit of the discovery of valuable mineral on mining location R 280, north of the Township of Macgregor, in the District of Thunder Bay.

In reply I have to say that this location is apparently clear, and if the plan, in duplicate, and field notes are filed, and the first year's rental paid, your application will be considered. This location has apparently been surveyed by Mr. O. L. S. A. L. Russell, of Port Arthur, but the plan and field notes have never been filed in this department. It might be well for you to communicate with Mr. Russell and if possible procure from him the original plan and field notes. If he cannot supply you with them a re-survey will require to be made. The first year's rental is \$1 per acre, or the purchase money \$3 per acre.

Yours truly,

"G. B. Kirkpatrick,"
Assistant Commissioner.

Robert R. Gamey, Esq., M.P.P.,
Gore Bay, Ont.

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Form of Application for Mining Lands.

and of

Affidavit of Discovery.

The Commissioner of Crown Lands,
Toronto.

Sir,—I hereby apply for a lease under the terms and provisions of the Mines Act, R.S.O. 1897, and amendments

(Grant or Lease)

thereto of a mining location consisting of about 160 acres, more or less, and described as follows:

(If in a surveyed township give name of township and number of concession and section of lot or part thereof. If unsurveyed territory give the locality as described by the plans and field notes of the surveyor, or, if the land applied for has not been surveyed, such other description as will enable the Director of Surveys to indicate the locality upon the office map.)

R 280 North of McGregor Township.)

Robert Roswell Gamey,

(Signature in full and occupation of applicant.)

Farmer and Speculator,
Gore Bay.

Dated at Toronto Dec. 16th, 1902.
County of York, To wit:

I, Robert Roswell Gamey, of the Township of Campbell, in the District of Manitoulin, make oath and say:

C.P.S.

1. That on or about the fourth day of November, 1902, I, Robert Roswell Gamey, discovered valuable ore, or mineral on
Or (name of party) on my behalf).
the location named in the above application, that is to say: (Particulars of Discovery, kind of ore or metal, etc.)
Traces of iron.

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2. That I have no knowledge and have never heard of any adverse claim to the said location by reason of prior discovery or otherwise.

R. R. Gamey.

Sworn before me at the City of Toronto, in the County of York, this sixteenth day of December, A.D. 1902.

C. P. Smith,

A Notary Public for Ontario.
Endorsed on back as follows:
1902.

Department of Crown Lands.

Robert R. Gamey,
Gore Bay.
Dec. 16 | 16.

For _____
Aft. re R. 280
n. of McGregor Tp.
me. L vol. 36 P. 954
15680 | 97
No. 3 and 4
Survey.

(This document was filled in in ink.)

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EXHIBIT 42.

Plan of Smoking Room, Parliament Buildings, made by Mr. Gamey, when under examination, 3.15 p.m., 14th April, 1903.

EXHIBIT 43.

(Extract from The Algoma Conservator, of Gore Bay, Friday, October 24th, 1902.)

"Denial."

"A foolish rumor was started last week, which appears to have had its origin in Toronto, and was to the effect that R. R. Gamey, M.P.P., had sold out for a consideration to the Ross Government. Mr. Gamey called at this office on Tuesday and asked us to give the rumor an implicit denial, and at the same time stated that the absurdity of the rumor should be a sufficient denial in itself, for, if we must judge the political situation by the Oxford election trial, it must be apparent to anyone that it can only be a matter of a few months until the Conservatives would be in power. The odds were in their favor.

Mr. Gamey felt hurt that anyone should have been so malicious as to start and circulate such a rumor. He

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had lived here from his boyhood, and he thought he could safely say that no one could show any justification for starting such a yarn."

EXHIBIT 44.

(Extract from The Mail and Empire, Toronto, Thursday, September 11th, 1902.)

"Robert Gamey, M.P.P. for Manitoulin felt satisfied that the Conservatives throughout the province were satisfied with their leaders, and united and hopeful to a degree."

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EXHIBIT 45.

Plan drawn by Mr. Gamey while under examination of Crossin Plano Factory.

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EXHIBIT 46.

(Extract from The Globe, Toronto, Tuesday, February 17th, 1903.

Gamey's Constituents.

Meeting at Gore Bay of Conservative Executive.

The Member States His Reason for Supporting the Ross Government—
Course Condemned, but Not Asked to Resign.

(Special Despatch to The Globe.)

Gore Bay, Feb. 16.—A meeting of the Conservative Executive, fairly well at-

tended, was held to-day, at which the action of Mr. R. R. Gamey, as outlined in the recent interview with The Globe, was discussed.

Mr. W. H. Williams, who recently returned from Toronto, was asked to give his views as from the outside Tory party. He strongly condemned the course taken by Mr. Gamey, and charged that serious rumors were afloat as to the motive for that course. He did not produce one particle of evidence.

Mr. T. Robinson, a delegate from the country, took the ground that Mr. R. R. Gamey had promised to take an independent stand during the campaign last spring if the Government were sustained, and that he had received a great many Liberal votes on that account.

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M. E. Battye did not understand any such stand to have been taken during the campaign.

Mr. Gamey attended and explained his position in a clear and careful manner, alleging that his duty was to his constituency first, and that he had only done what he considered in the best interests of his constituency. He particularly asked them to suspend judgment for the present. He also expressed the opinion that the executive had no power to ask him to resign, and said that he would be pleased to have a convention called and abide by their decision, as he knew from letters and interviews the great majority of the people were well satisfied with his recent action.

A strongly worded resolution endorsing Mr. Whitney and condemning the recent interview was passed, but no attempt was made to introduce a resolution asking for Mr. Gamey's resignation. The majority of the delegates personally favored Mr. Gamey and have still confidence in him doing the best for the riding. Quite a number of voters were around the town, expecting to hear a public debate, but there was no public meeting.

The almost unanimous opinion expressed by those voters was favorable to Mr. Gamey.

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EXHIBIT 47.

Sault Ste. Marie, Ont., Jan. 3, '03.

(Letter written in ink.)

Hon. F. R. Latchford, Toronto:

Hon. Sir:—

I beg to enclose your letter from Mr. Gamey, along with list of grants, and petition for one in particular, this letter I am almost at a loss to know in

just what terms to make a reply. However, courtesy, and the fact of Mr. Gamey being a member of the Legislature, would demand a reply in any case.

I have been led to believe that Mr. Gamey expects some patronage in making grants and appointments, but fear that unless some decided advantage shall be obtained from this, we are running the risk of demoralizing our party in that portion of the district for the future, from the fact that the sections supported by Gamey for aid are the portions from which he received a large share of his support, while those opposed to him are left out in the cold.

I think possibly I know this man more thoroughly through long acquaintance than some of his intimate political friends. He is a man considerably over-estimated, is extremely zealous and ambitious for power and patronage.

I feel that you should fully be made aware of the foregoing facts, and this is my excuse for forwarding to you this private letter. You can discern from it that we have talked the subject

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together, but I have only this statement for what he alleges. If I can be of any assistance in preparing a list for this and the other districts under my supervision, and Mr. Smith will advise me a few days in advance I will meet Mr. Gamey and Mr. Brodie at Department. I am engaged this winter in taking out some timber and would require a few days' notice to get away for any time.

Wishing you all the compliments of the season and a prosperous New Year,

I have the honor to be, Sir,

Your obedient servant,

(Sgd.) J. F. Boyd.

Private.

(111)

EXHIBIT 48.

Little Current, Ont., Feb. 23rd, 1903.

The Hon. J. R. Stratton,
Parliament Bldgs., Toronto.

Dear Sir,—

With reference to my application for License Inspectorship, I have, at the request of Mr. Thomas Conlon, seen Mr. R. R. Gamey, and delivered a private letter from Mr. Conlon, asking him to recommend me for the appointment.

Mr. Gamey said he had not pledged himself in the matter, and that he knew of no more capable and better suited man for the position. He stated that the position was to be filled by a Liberal, that he would be pleased to

see me get it, and that he would in all probability recommend me, but that the appointment would not be made before the 10th March. I remain

Yours obediently,

(Sgd.) G. W. Spencer.

(112)

EXHIBIT 49.

Department of Public Works, Ontario.

Toronto, January 5th, 1903.

(Written in ink.)

Sir:—

I have to acknowledge the receipt of a petition for a grant to a road in Campbell Township—between 20 and 25, side road—S con.—lots 23 and 24, and in reply, to say, that the same will be duly considered.

I am, sir, your obedient servant,

(Sgd.) Henry Smith,

Supt. Col'n Roads.

R. R. Gamey, M.P.P.

Gore Bay, Ont.

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EXHIBIT 50.

Department of Attorney-General, Ont.

Toronto, 27th January, 1903.

Dear Sir,—

The Attorney-General has asked me to draw a recommendation for the appointment of E. W. Swanson as a Justice of the Peace for Algoma. Will you kindly let me know Mr. Swanson's Christian names. I suppose I should describe him as of the Township of Dennison, Whitefish P.O. Kindly let me hear from you.

Yours truly,

(Sgd.) M. Currey,

Private Secretary.

R. R. Gamey, Esq., M.P.P.

Gore Bay, Ont.

(Typewritten letter, with signature in ink.)

(114)

EXHIBIT 51.

Little Current, Ont., Feb. 14th, 1903.

(Personal.) (In ink.)

(Letter typewritten.)

The Hon. G. W. Ross.

Toronto, Ont.

Dear Sir,—

Having heard that the position of License Inspector for the District of

Manitoulin has become vacant and that an appointment is to be made of other than the late holder, I have been directed by the Executive Committee of the Little Current Liberal Association to forward you their hearty endorsement of the application for the office of Mr. G. W. Spencer of this town. Mr. Spencer has been a resident of Little Current for upwards of twelve years, and is esteemed for his probity and straightforwardness wherever known. I have to say that his appointment at the hands of the Government would be received with confidence and satisfaction by both political parties on the Island, and that his ability and integrity would in every way make him an excellent occupant of such a post.

Trusting that his application will receive your most favorable consideration.

I am sir,

Your obedient servant,

(Sgd. in ink.) Walter B. Scott,
Sec. L. C. Lib. Assn.

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EXHIBIT 52.

(Letter written in ink.)

Little Current, Feb. 23, 1903.

The Hon. R. Harcourt, Toronto.

Dear Sir,—

Mr. Thomas Conlon has written you re the appointment of a License Inspector here, and I have since seen Mr. Gamey and on the suggestion of Mr. Conlon have written Mr. Stratton and enclose herewith a copy of the letter.

There is considerable uncertainty here as to whether Mr. Gamey will recommend me.

As Mr. Conlon wrote you, I am endorsed by the Local and Executive and would be very thankful to you for any good word that you may care to put in for me.

Yours truly,

G. W. Spencer.

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EXHIBIT 53.

Sault Ste. Marie, Ont., Oct. 17, 1903.

G. E. Lumsden, Esq.,
Assistant (in ink) Provincial Secretary, Toronto, Ont.

Dear Sir:—

I return you the draft commission of the peace as to Thomas Flesher, who

lives on the Island where the Spanish River Company's Mills are situate. This is not within any township. I have, therefore, corrected the draft as you will find it.

Yours truly,

(Sgd. in ink.) J. D. Kehoe.

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or draft

(this letter was written in ink)

To Thomas Flesher of

(Spanish River Mills P.O.)

Esquire,

to be a J.P.—Algoma.

(118)

To His Hon. the Lieutenant-Governor.
O. Mowat. (In ink.)

The undersigned respectfully recommends that Thomas Flesher, Spanish River Mills Post Office in the District of Algoma, be appointed a Justice of the Peace in and for the District of Commission of the Peace do issue accordingly.

(Sgd. in ink.) J. M. Gibson,

Attorney-General.

Toronto, 6th October, 1902.

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Toronto, October 2nd, 1902.

My dear Gibson:—

I enclose you a petition from the Huron Lumber Company, asking that Mr. Thomas Flesher, Collector of Customs at Aird Island, be appointed a Justice of the Peace, in the room and stead of John Andrew, who is said to be permanently removing from the Island. It is recommended and approved of by Mr. Gamey, the member for the district.

Will you be good enough to have the matter attended to at your earliest convenience.

Yours sincerely,

(Sgd. in ink.) J. R. Stratton.

Hon. J. M. Gibson,
Attorney-General.

P. S.—Mr. Flesher's Post-office address is Spanish River Mills.

J. R. S.

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Endorsement on back:—

No. 5888.

J. R. S. 1902. No. 15.
Secretary's Office, Ontario.

The Honourable the
Attorney-General.

—subject—

Recommends that T. Flesher
be appointed Justice of the Peace in
and for
the Dist. of Algoma.

—action—

Draft sent for revision,
14 Oct., 1902.

Received back.....190....

Date of Commission, 23rd Oct., 1902.

Names in Commission entered in Magistrates' Register, 11 Nov., 1902.

Commission mailed, Oct. 31st, 1902.

"G. O. L."

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EXHIBIT 54.

Little Current, Ont.,
Feb. 16th, 1903.

The Hon. George W. Ross,
Premier of Ontario,
Toronto.

Dear Sir,—

Understanding that Mr. J. B. White
has ceased to be License Inspector, I
beg herewith to make application for
the position.

The Liberal Executive of the Mani-
toulin and the Local Liberal Associ-
ation of the same Riding will endorse
my application.

Yours obediently,

(Sgd. in ink) G. W. Spencer.

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EXHIBIT 55.

Plan of room of Crossin Piano Mfg.
Co.

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EXHIBIT 56.

(Deposit slip.)

Form 14.

The Traders Bank of Canada.

11 Sept., A.D. 1902.

Credit Sudbury

Dep. ac. R. R. Gamey. 1500.00

Advise (Written in blue lead pencil.)
Word "Cancelled" perforated.

Acct,

Endorsed, blue pencil, 10 x 50
10 x 100

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EXHIBIT 57.

(Written in ink).

Memorandum of a conversation be-
tween R. R. Gamey, M.P.P., and Frank
Sullivan, in the fourth floor of No. 102
Adelaide Street West, Toronto, which
said conversation was overheard by
three hidden witnesses:

About 8 p.m., Tuesday, 10th March,
1903, Mr. Gamey and Mr. Sullivan
came into the room in which we were
hiding. Mr. Gamey asked Mr. Sulli-
van to take a chair. Sullivan's first
question was, "How did you get along
with Whitney?" Gamey replied to the
effect that Whitney treated him friend-
ly enough. Sullivan said: "You give
him to understand that, in a vote of
'want of confidence,' that you will sup-
port him, and that will be all right."

Sullivan asked how the Manitoulin
people felt about it. Gamey replied
that the Executive could not support
him, as an Executive, but that, person-
ally, a number of them were with him.

Gamey asked: "How is Stratton?"

Sullivan answered that everything
was all right; that he had seen Strat-
ton every day; in fact Stratton in-
sisted upon his calling and reporting
every day. A little later, he said that
Stratton was scared that the whole
thing would come out. "One day,"
said he, "He (Mr. Stratton) walked
up and down the floor, and finally
stopped in front of him and said. 'Is
this man to be trusted?' Sullivan
said he is all right, if you don't do
any dirty work, and told Stratton sim-
ply to leave the whole matter in his
hands, and not do anything concerning

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it until he had consulted him (Sulli-
van).

Sullivan further said that, whenever
he called to see Stratton that he did not
have to wait his turn, but was sent
right in to his private room.

Gamey asked: "Do you think Myers
is all right?" Sullivan said: "Myers is
scared out of his wits and there is no
danger from him." Gamey said that
Myers reddened up when he took the
money to the smoking room. "Why,"
said Sullivan, "Myers didn't take the
money to the smoking room. Chase,
that fellow that sits outside Ross' door,
took it; Stratton handed it to Myers,
who handed it to Chase; Chase then
took it down and left it in the smok-
ing-room."

Sullivan asked about the appoint-
ment of License Inspector. Gamey
said that he had decided to appoint
Lewis. Sullivan said that Lewis was a
good man, as he controlled a large
number of votes. His father (Capt.)
Sullivan had said so. Sullivan said
that Sims had been down to see his
father, and his father told him, that

Gamey had the patronage, and if he wanted anything to go to Gamey.

Gamey asked if he thought Stratton would put up the rest of the money. Sullivan said: "We got him just where we want him, and that will be all right." Sullivan further said that now is the time to get whatever we want, and the sooner we ask for it the better. He (Sullivan) said that the Island scheme was too small, and that the government were getting a large revenue from the lake deal. Sullivan asked if he did anything further about their mining scheme. Gamey said no, but that they could get out a blanket

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claim for 640 acres each, but that no prospecting could be done at present. The blanket claim would hold it till the snow was off. Sullivan said that Gamey could make some new discovery, or any old thing, so that they could get it pushed through. Gamey said that the people would be on to it, if they went in together, as the people of Manitoulin, although they did not think he got any money, thought that he would get some mining or timber concession. It was then agreed that another man should be taken in, to allay suspicion. Sullivan said, we must take care, and get all we want to this time. Sullivan said that they could give back the money we have gotten from them if we get a good thing, for they need money very badly now. Sullivan said that they were afraid that Evanturel was not going to come down, and they were afraid that he was going over to the other side. He said the government had given him a room in the House. He said that the government needed Gamey as badly now as they did last August. Several members on the Liberal side were sick, and he did not think Charlton would last a week.

Sullivan said the Liberals would be unseated in the three Norths. He knew of evidence that would unseat the candidates in North Grey and North Norfolk, and that he could get information that would unseat the member in North Norfolk in half an hour. He said his father managed the bye-elections, but he did not go into any of the constituencies himself, as he would be suspected.

The Grand Trunk, he said, were going to get their subsidy, and that, after that, they could tell the government to look out for themselves, and, if so, they would have a hard time to win.

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Gamey asked if there would be any trouble at all in putting through their deal. Sullivan said he was sorry that the deal was in Davis' Department, but he could easily be worked.

Gamey then asked if Davis knew about Gamey being bought over, Sulli-

van said that Davis and every member of the cabinet knew about it.

Sullivan then said that if there was any trouble in putting through their deal that he had a confidential friend on The World staff, and that he would get him to put in a few head lines that the Tories had got on to a big Reform scheme. He said that Stratton could not have it come out of any account as Stratton would certainly have to leave public life and resign.

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EXHIBIT 58.

(Telegram.)

(Sent 1)

Jan. 27, 1903,

Robert Gamey, Gore Bay, Ont.—

Important that you be here on Thursday or Friday. Answer

Frank.

(Says no address.)

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EXHIBIT 59.

(Bank Cheque)

No. B. 39,694.

Supreme Court of Judicature for Ontario.

In the High Court of Appeal for Ontario.

(\$1000 perforated and in figures.)

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\$1000.00 Principal
\$1000.00 Interest

re Manitoulin Fraser v. R. Gamey.

Toronto the 4th day of November, 1902.

Pay to Kerr, Davidson, Paterson and Grant or order out of moneys standing to the credit of this matter the sum of one thousand 00—100 Dollars and out of the moneys standing to the credit of the General Interest Account with the court, the sum of 100 dollars, pursuant to order of High Court of Appeal, bearing date 31st day of October, 1902.

(Countersigned) Geo. S. Holmested.
Accountant of Supreme Court.

James S. Cartwright,
Registrar. C.A.

To the Manager of the Canadian Bank
of Commerce, Toronto :

B. M., Assistant Acct.

(Stamped : The Canadian Bank of
Commerce, Toronto, 11-7-1902. Paid
B.)

(On side of cheque : Supreme Court
of Judicature for Ontario.)

(Payable at par at any Bank in On-
tario.)

Perforated : "Paid."

Endorsed : Pay to the order of the
Standard Bank of Canada.

Kerr, Davidson, Paterson & Grant.

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Copy of Entry of Order.

Re Manitoulin, Fraser vs. R. Gamey
Order 31st October, 1902.

J. MacLennan.

Upon application of Petitioner (Jas.
M. Fraser) : It is ordered that the
\$1,000.00 now in court to the credit of
this petition, together with any ac-
crued interest thereon, be paid out
to Kerr, Davidson, Patterson & Grant.
Entered O. B., No. 9, C. of A.

Original order returned to Kerr,
Davidson, Paterson & Grant on 11th
December, 1902.

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In the Court of Appeal.

Re Manitoulin

Jas. M. Fraser vs. R. R. Gamey.
Required direction for the bank to
receive from

James M. Fraser, ...	\$1,000.00
.....	\$
.....	\$
Under R.S.O., c11,514	

Date, 11 July, 1902.

(Signature) Kerr, Davidson, Paterson
& Grant.

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EXHIBIT 60.

"The Ocean House"

Gore Bay, Ont., 5th Aug., 1902.

(Letter written in ink.)

R. A. Grant, Esq.,
Barrister, Toronto.

("Manitoulin" written in lead pencil.)

Dear Mr. Grant,—

I have collected particulars of twenty-
five charges of which ten are personal,
but I have not examined them closely.
The work was done at Providence Bay,
Mindemoya, Long Bay, throughout the
Townships of Campbell and Carnarvon,
Manitowaning, and Killarney. In ad-
dition something went wrong at the
west end of the island, but they are

very close-mouthed, and I can get no
names. There was no work done here,
or at Little Current, that can be traced,
and I fear that Manitowaning is cover-
ed, with the exception of two cases.

Sheguindah furnishes a personal case
which looks interesting, and if the facts
as stated by several parties are near
the truth we can disqualify Gamey.

I intended to write particulars to-day,
but I had a fruitless drive of 60 miles,
owing to the absence of our faithful
man at Providence Bay, and as he will
not return until Saturday I thought
that it would be wise to investigate the
Sheguindah case thoroughly, go from
there to Manitowaning and from there
to Providence Bay, thus escaping Gore
Bay, where the watch is kept on all
strange faces. From Providence Bay
I can strike into the heart of the worst

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work. The wise people advise me to
keep away from the mainland. There
is a feeling there that to inform on a
man for this sort of offence is similar
to giving information respecting moose-
killing, which, in their eyes, merits
death.

The work done at Killarney was
amongst a number of French. Here I
made a mistake in confiding in Noble
of The Dominion Fish Company. I
was sent to him by well-meaning
friends, but he is sour, owing to the
pending law suit, and although appar-
ently friendly is really neutral, or
worse. If you wish to succeed at Kil-
larney, you must send a French-speak-
ing spy.

At Little Current there were, as I
have said, no cases of bribery in sight,
but there is a flagrant case of persona-
tion, and I have stimulated criminal
proceedings. I sounded the man and
believe that he will lay the blame on
Kingsboro, an agent of Gamey, who
represented that it would be all right,
and that he could take the oath. I may
need more money, as transportation is
very expensive and everybody drinks
like a fish. I have consumed sufficient
Saugeen to float a ship.

Yours,

Jno. P. Stanton.

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EXHIBIT 61.

Lee, Farmer & Stanton,
Barristers, Solicitors, etc.

Hamilton, Ont., 16th Sept., '02.

(Letter written in ink.)

R. A. Grant, Esq.,
Barrister, Toronto.

Re Manitoulin Election Protest.

Dear Sir,—

I enclose report on this delayed
through absence of one of our sten-
ographers.

The farmers on the island were busy during the whole of my visit, and Mr. Fraser was able to give me a few days only. They are willing to help, and now that they have a better understanding on the question of evidence, will assist to the best of their ability. I shall keep up correspondence with several, and hope to fill a few of the blanks.

It would be well to subpoena a few of the proposed witnesses at the earliest possible date, as Dougherty, for example, cleared out immediately after talk of a protest, and is at present skulking.

On the question of fees, I have had difficulty in coming to a conclusion. You will find my bill enclosed \$100.00. If you think this too high, please tell me frankly. I look on this service as a duty, provided it could have been attended to without serious interference with business. This was impossible, owing to local circumstances.

I shall send a confidential report to

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the organizer through your hands. If you consider it impertinent, stifle it.

Yours truly,

(Signed) Jno. P. Stanton.

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Exhibit 612 continued.

Report on Manitoulin Island Election Case.

Re Adam Trotter.

This case was brought to the attention of several members of the Cabinet by the Dominion Government officials, and was the first which I investigated.

It appears that about four years ago Adam Trotter, who keeps a large general store at Sheguindah lost a steer, which was found by a man at Honora Bay. The animal was advertised and claimed by R. R. Gamey, who took it to his barn about forty miles away. James Stringer of Little Current saw the steer in Gamey's barn and recognized it by Trotter's brand. He advised Trotter, who went to Gamey and claimed the steer. Gamey undertook to pay \$20.00 for the beast, and actually paid \$16.00. The balance remained unpaid for some time, when Trotter placed it in the hands of J. F. J. Cashman of Gore Bay for collection. Gamey paid this to Cashman, but whether Cashman paid it over to Trotter is doubtful; at any rate members of the Trotter family stated that it had cost more to collect it than it was worth. I interviewed Mr. Cashman, who was at the time confined in the district jail, and he was not at all clear in his statements regarding the matter. His books are in a mud-

dle, and I do not believe he can tell how his account with Trotter stands. A few days prior to the election, Mrs. W. L. Trotter (Adam Trotter's daughter-in-law), in speaking to F. R. Bradbury (Trotter's clerk), who now runs

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a rival store at Sheguindah, said "the old gentleman seemed opposed to Gamey at first, on account of that trouble over the steer, but Gamey came and straightened that up, and I believe he will vote all right." This is Bradbury's account of the conversation,—he says that the following day he gave Mr. Trotter a hint of what he had heard, and Trotter replied, "Who was telling you that: was it Mat?" (meaning Mrs. W. L. Trotter, whose name is Matilda). Bradbury says that about half an hour afterwards Mr. Trotter, who had been silent the greater portion of the time, broke out with the exclamation, "I wonder who could have let that out: she must have told it." I had a short conversation with Mrs. Trotter. She is a silly acting woman—very flighty and a person liable to say anything without thinking. Bradbury is a very important young man, in his own estimation, and has a reputation of being imaginative. He may have had this conversation with Mrs. W. L. Trotter, but attempts have been made to pump her without success, in fact, she denied all knowledge of anything of the kind. While Bradbury stuck to his story very strictly, he seemed very anxious to put his statements in such a way that he could not by any possibility be put on the stand. However, Mr. Adam Trotter has a reputation of telling the truth. He is well along in years, and our friends do not believe that he will make any untrue statement in the box. There is no doubt about the trouble over the steer, the difficulty which Trotter had in collecting the balance from Gamey, and that he was highly incensed at

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Gamey's conduct, and that eventually he voted for Gamey.

Re William Badgerow, Township of Campbell.

This man is a poor lime burner, and lives about two miles from Gamey's home. About three days prior to election day Gamey purchased from Melville Lehman, baker and confectioner of Gore Bay, a barrel of flour, and told Lehman that Wm. Badgerow would call for it. Badgerow called and took the flour. The next day Gamey returned and paid for another half barrel, for which Badgerow called. I investigated thoroughly the dealings between Gamey and Badgerow, and I cannot find a trace of any business transaction between them later

than October preceding the election. Badgerow then worked a few days for Gamey, and he was no doubt duly paid, as he has a large family, is very poor and has the reputation of demanding his wages as soon as the day's work is done. With Mr. John Fraser I interviewed Badgerow. When asked respecting this flour transaction, he said, "Oh, Bob Gamey did not have anything to do with that. I went to Bob to borrow some money to buy flour, and he told me that he could not do anything with me just before election, but that he could tell me where I could get it, and sent me to his brother Henry. I went to Henry and he fixed it for the barrel and half of flour, and I got the rest of the \$10 in cash, and gave a note for it." The fact is that R. R. Gamey bought and paid for the flour personally. Lehman is a thoroughly reputable man, who was born and brought up on the island and knows the Gameys as well

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he knows his own family, and could not be mistaken. He is very clear, more particularly as Gamey dealt with him only a few times. Badgerow is a thoroughly disreputable character, and, while it might have been possible to get a written statement from him, it would amount to nothing. He was threatened with a charge of perjury not long ago, and has been in other trouble.

Re John Moore, Township of Billings.

This man is a socialist, and lives in an isolated settlement near Honora. He says that on the day before election Mrs. McEachren (housekeeper for his brother) brought him an envelope, which she said had been given to her by John Collins of Honora, to hand to Mr. Moore, and that it was for his day's pay to go down and vote. He opened the envelope, found a \$1.00 bill in it, and gave it back to Mrs. McEachren, telling her that she might do as she pleased with it, but that he would vote for McMillan, the Socialist candidate. Mrs. McEachren will corroborate this.

James Moore, Senior, Township of Billings.

John Collins of Honora paid this man \$2.00 for hire of rig on election day. He made no concealment of it, but appeared to think there was no harm in it, winding up with the remark, "and after I had paid for my dinner, there was not a darned bit too much." I wished to get written statements from both the Moores, but Mr. Fraser, who has known them for twenty-five years, asked me not to request anything like this, as it might offend them. He says that he has

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known them for twenty-five years, and they could not be persuaded to perjure themselves.

William Marshall, Billings Township.

This man lives in the same settlement, and received a quantity of lumber and shingles from Collins, who runs a mill. These were to pay him for his day's time in going down to vote, some distance from his home. We were not able to interview him personally, but he has frequently discussed this matter with the Moores, and he has frequently stated that he received this stuff.

James Robertson.

Collins paid this man \$1.00 for his day's time.

Re Agency of Collins.

Collins was a very active canvasser for Gamey, and I am informed was named in the list of vice-presidents of the Conservative Association. I was not able to make a search, as it would be necessary to return to Gore Bay, making an additional journey of about seventy-five miles, but Mr. Fraser will search and report to me. Collins is a man of first-class reputation, and Mr. Sims and other friends told me that if put on the stand he will tell the whole truth. One of our friends at Honora reported that Collins stated that Gamey had given him \$50.00 to expend in Gamey's interest. This came from a reputable source, but the man was away from home when I called, and I have this statement second-hand only.

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Re James Thornton.

Until a short time prior to the election this man lived temporarily at Mount Forest, where he had been injured in some way. He then returned to the island and visited his brother-in-law, James Brucklebank, of the Township of Gordon. Brucklebank is a quiet, straightforward fellow, and one of our best workers. He says that Thornton offered to vote for Fraser, if he could get sufficient money to take him on a trip to Michigan. Brucklebank refused to have anything to do with him, and Thornton went to the Gamey settlement, where he had a vote. He was at the time penniless. Up to this date he had been a strong Liberal. The next day (election day) he was seen conversing with Gamey, in a small grove of young poplars near the polling place. When he returned to Brucklebank's after the election, he had plenty of money, and immediately started for Michigan. He is now in the Michipicoten District. His mother, who is now married a second time to a Mr. Lewis of Campbell Township, says that she knows

that her son received money. She has not had a talk with him, and says that she does not believe that he will deny it. She appears to be a straightforward woman, and very anxious because the boy has got himself into this trouble. Mr. Fraser will have a further interview with her, and I believe that she will persuade him to return and face the music, if he is assured of protection, as he wishes to return eventually, and he has been frightened by the stories of the charges that hang over his head. This man undoubtedly received money from some person, and I am inclined to believe that Henry Gamey paid the money, although Robert arranged the matter. Thornton told a story to his mother in effect that he had simply borrowed the money to take him away in search of work, and that he had given a note, which Gamey had put into the bank for collection.

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Re William Doherty. Lot Twenty,
Concession Four, Campbell.

This man states: "I am a cousin of R. R. Gamey. A short time before election, R. R. Gamey canvassed my vote and told me that in case of a change of Government that he would give me the spending of all the colonization road money in our district, if I would vote and work for him. My brother Alfred told me that he was going to get money from Gamey, and that Gamey would give him a dollar a day and expenses for working for him. He said that he could get money for me. If I would take it and support Gamey, and that I was a fool not to take it. The other members of the family ridiculed my brother and he refused to say anything more. After the election, when there was a talk of protest, my brother and one of the Gameys consulted Hearst, a lawyer at the Sault, about this, and when Alfred came back he told me that he had made up his mind to tell the truth, that they could not expect him to lie for any of them. My brother says now that he will not say anything against Gamey unless obliged to, but that he will tell the truth if called on."

Abraham Badgerow.

This man makes the following statement:

Gore Bay, July 5th, 1902.

I, Abraham Badgerow of the Township of Campbell, in the District of Manitoulin, farmer, do voluntarily make the following statement, viz.:

That I was a voter at the election held on the 29th day of May, 1902, for the District of Manitoulin, for the

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election of a member to the Ontario House at Toronto, held on the 29th day of May, 1902, and that I did receive from one Henry Gamey \$5.00 to vote for R. R. Gamey, the Conservative candidate, and I did also receive \$5.00 from one Alfred Dougherty to vote for R. R. Gamey, and that said Henry Gamey and Alfred Dougherty are farmers of the Township of Campbell, and the said Henry Gamey is a brother of R. R. Gamey, and I was also promised money from R. R. Gamey, if I would vote for him on said election, and that I did vote for R. R. Gamey, the Conservative candidate, as agreed with him, on May 29th, 1902.

Signed,

Abraham Badgerow (his mark).

(Witness):

(Sgd.) John Fraser.

Badgerow is a brother of the man named in another part of this report. As nearly as I can make out, he is no good, but the Conservatives have thought seriously enough of the matter to ship him off the island. He is now living at Sault Ste. Marie, and is working on the streets.

Re Pug Mine Stock.

Gamey is the secretary of this company, and it turned out that there was not even a hole in the ground, and many people lost money, but considerable of the stock appears to have been floated in other places, and we searched diligently for islanders who had been taken in, and the following are all so far discovered: Albert Graham,

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Robert Graham, Matthew Graham, William J. Graham, all of the Township of Billings, and T. J. Thompson of Kagawong. These men are all opposed to Gamey. I am informed, on account of the failure of this mine, but were finally persuaded to vote for him.

Andrew Conklin, Campbell Township.

This man is Gamey's father-in-law. He did not intend to vote, although a Mackenzie rebel. On election day Mrs. Gamey asked him if he would not go out to vote, whether he would take \$5.00. This made the old man angry, and, although he was over eighty years of age, he walked over and voted for Fraser. He says that William Reid of the Twelfth Concession of Campbell got money from Henry Gamey, so that he would not vote either way, but went up to the poll just after the close. He says also

that Samuel Paisley of Campbell Township got money to expend, and that Mrs. R. R. Gamey actually paid out some of the money, especially to Hiram Pearson, who received money for canvassing purposes. This man, Hiram Pearson, was paid a large sum for posting bills, particulars of which will reach me in a few days. I was not able to secure them, owing to the absence of the man who acted as returning officer.

George Pearson, Campbell Township.

This man is a farmer residing at the Dougherty settlement. He was promised a road inspectorship, in case of a change of Government. The Pearsons have all been Liberals until the past election.

Re John Allen.

It is currently reported in the Dougherty settlement that this man received money to expend, but he was away from home and could not be seen, and we could secure no outside evidence.

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William Clark, Campbell Township.

This man was an active canvasser and is reported to have promised several voters, but as they were engaged in loading boats it was impossible to find them. Mr. Fraser knows them, and will report in a short time, as they are now returning preparatory to going into the lumber camps.

John Hilliard, Kagawong.

This man keeps the Mavelock Hotel, at Kagawong, and was a Liberal, in a way, until the recent election. We are informed by Mr. Jesse Lehman, a reliable Liberal, a general merchant in Kagawong, that Hilliard attended to several voters, who were told to call on him before polling their votes. The names furnished were: Wm. Kendrick, Geo. McNevin, Wm. McAnsh, Jacob McPherson, G. N. Buck, Geo. Franks, W. A. Buck and G. A. Buck. Mr. Lehman undertook to look after the evidence on these charges, but although I visited Kagawong twice, I was unable to see him. He is engaged in the timber business during the summer season, and was in the bush when I called. Mr. J. N. Fraser and the writer interviewed Hilliard's brother-in-law, who is not very friendly with Hilliard, and had him tell Hilliard that he would be put on the stand in connection with these dealings. He appeared to be very much disturbed about the matter, and told his brother-in-law that he did not intend to testify if he could help himself. We also gave him a hint of what was in store for him, and he appeared to be exceedingly nervous. The

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information sent in by Mr. Lehman and one or two other friends of the party is to the effect that these conversations with the voters were overheard.

Samuel Greer, Gore Bay.

This man visited Sault Ste. Marie a few days before election and returned with the voters, viz:—Wm. Greer and Dougald Buey, who voted at Gore Bay. He undoubtedly paid their expenses, as although they are respectable young men, they do not take sufficient interest in politics and have not sufficient means to afford a trip of such expense on their own account.

Allen McEachern, Gore Bay.

This man was in the livery business at the time of the election, and it was reported to Mr. Fraser by one Hesson who was sent from the Sault to investigate these charges, that McEachern had admitted to him that he had been paid some money and expected more for hire of rigs.

George VanHorn, Gore Bay.

This man voted at Kagawong. He lost his day and was driven to Kagawong by McEachern or by one of McEachern's men. Our friends report that he has always insisted upon a day's pay when he spends time to go to Kagawong.

Neil Kennedy, Gordon Township.

This man lives in a settlement known as Scotland. Members of the family have been known as Liberals, but it is believed that Neil voted for Gamey. The writer interviewed him, and he said: "I was promised something all right enough, but it would not do for me to admit that I got anything unless

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I have to, because you know I would get myself into trouble." That is all that I could get out of him.

Hugh Kennedy, Gordon Township.

This man is a brother of Neil Kennedy. He made the following statement to me. "On the day of election before I had voted, I met Jas. Fisher (Gamey's agent) on the street in Gore Bay. He said, 'You voted long enough the other way and never made anything of it. You have a chance to make something right here.' I hesitated for a moment, but he said, 'Oh, we will pay you all right enough.' My brother Malcolm also canvassed me for Gamey. He said that he was working for a \$200.00 purse, and had to keep his end up and wanted me to do him a favor by voting for Gamey." I may add that Mr. Fraser believes these men. From my own observation I do not take any stock of them.

Morrison, Meldrum Bay.

Mr. McMillan, the Socialist candidate, told me that this man admitted to him having received money from Gamey's brother Wilfrid. Although he knows Morrison he had forgotten his Christian name, and as there was no other case reported in Meldrum Bay I did not return there for this single case. The village is about fifty miles from Gore Bay, over rough road, and it takes an ordinary horse three days to make the round trip. As soon as Mr. McMillan returns to that end of the Island he will communicate the information to Mr. Fraser.

Daniel McEachern, Little Current.

This man tried to sell himself to Mr. T. C. Sims, one of our leading friends (148)

at Little Current. He said that Gamey had promised him the position of jailer at Little Current if he would vote for Gamey, and he wanted our people to do better by him.

A. R. Taylor, Little Current.

This man voted in the place of A. R. Taylor, saw-filer. He had recently arrived in the country, and was sufficiently warned that he had no right to vote. I met him accidentally at a hotel after a warrant had been issued for his arrest, and he unbosomed himself when he found out my profession. He said that he would not have done it had not Kingsborough, the president of the Conservative Association of Little Current persuaded him that it would be all right, and that no trouble could come from it. This man has a case pending against Conlon Brothers. They instigated the issue of the warrant with a view to frightening the fellow out of the country, and thus stopping the action. He is now in Brockville, and unless some outsider presses the prosecution the Conlons will allow it to sleep so long as he does not prosecute his action for damages.

Wm. Bocksam, Little Current.

This man came from Manitowaning on the mail boat, stayed all night and had money to spend, a most unusual thing for him. So far no person has been able to secure any admission from him, and he would not hesitate to lie. He was probably sent by Irving, a leading Conservative worker at Manitowaning, but he cannot be trusted to tell the truth. The man was undoubtedly paid, but no one can suggest a means of proving it.

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Wm. Jones. Bidwell.

This man came from Bidwell Township, and rowed to the poll at Whitefish River. He was never known to expend so much energy without being well paid. He belongs to the same class as Bocksam, and there is no chance of getting anything out of him. The work was done by Collons, Irving

or Kingsborough, who were most active in that neighborhood.

Re Treating.

It was suggested by outsiders that considerable treating had been done, and that it might be possible to unearth a general scheme. There appears to have been no central resort where liquor was kept, and while certain prominent Conservatives undoubtedly treated to a greater extent than had been their usual custom, I do not believe that sufficient evidence can be obtained to found a substantial charge. The customs of the country are against substantiating such a charge in the light of recent decisions. There are two classes—those who drink and those who do not drink, and when a drinking man in that country has any money he treats until he has not anything left, and that appears to have been the rule during the campaign. However, there is a general prejudice against giving information on this score, and as soon as our most straightforward friends were approached on the subject they became afflicted with poor memory.

Re Killarney.

This division did not turn out as expected, and is the only division on the east end of the Island which disappointed our friends. For reasons which

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I explained to Mr. Grant, I was unable to remain there. There was undoubtedly considerable bribery amongst the French-speaking lumbermen. Some of our friends, or supposed friends, attribute this to Jackman, a fisherman who deserted us. I do not believe that Jackman had a hand in it further than to point out the people to be approached. Bateman probably did the actual work.

In conclusion I wish to add that it is likely that considerable of the actual bribery committed was done by an outsider who travelled with the local leaders. Some of our friends pretend to know his name and address, but were unable to remember when asked. Unless he is known at headquarters it will be impossible to trace him. Our opponents circulated the report that he was a detective, but it was generally believed that he was engaged in the actual handling of the money.

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EXHIBIT 62.

11th February, 1903.

Capt. John Sullivan,

Walker House, Toronto, Ont.

Dear Sir:—

I have your letter of the 10th instant. The wood that is wanted must be 70 per cent. spruce, 25 per cent. poplar

and 5 per cent. balsam. I do not see any reason why wood that has been cut a couple of years would not do.

I would like also to find out whether we can get a supply near North Bay, so that it could be shipped on the Grand Trunk, as they give a good rate to Thorold from North Bay.

Yours truly,

(Sgd.) H. H. Collier.

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Department of Public Works, Ontario.

Toronto, Feb. 11, 1903.

(Letter written in ink.)

Mr. R. Gamey, M.P.P.

Gore Bay, Ont.

Friend Gamey,—

Enclosed please find a letter which will explain itself. When we heard from this fellow we at once thought of that pulp-wood you spoke about on the island, and we wrote and asked him if he would accept wood which had been cut a couple of years. Kindly let us know the lowest possible price, over rail or boat—or do you think it would be better to buy the stuff where it is—figure the thing out and see the way we can make the most out of it.

Yours faithfully,

(Sgd.) Frank J. Sullivan,

(14 Linden-st.) or Walker House.

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EXHIBIT 63.

Clearing House Slip.

15th Sept., 1903.

Ont.	
x 1	
x 2	
x 4	
7 x 5	35
3 x 10	30
x 20	
17x100	1700
	1765

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EXHIBIT 64.

This exhibit is The Evening Telegram of Tuesday, April 21st, 1903, extracts of which were used by Mr. Johnston on cross-examination. The extracts are as follows:

"Mrs. Gamey Moves.

"Left Toronto This Morning, It is Said for Manitoulin.

"Enquiry at Mrs. Peek's house this morning resulted in the information that Mrs. Gamey had gone, and they

did not know where. She left with Mr. Wilfrid Gamey about seven in the morning, and that was all they could tell. This was the first statement, however. Later on the information was imparted that Mrs. Gamey had left for Manitoulin with Wilfrid Gamey, going from Toronto to Collingwood and thence by boat to Long Point. Mrs. Gamey was anxious to get away from Toronto for the reason that she wished to see her family, from whom she has been away now several weeks. Mrs. Gamey has six children, ranging in age from 10 to 18 years, and Mr. Gamey is said to have been wrapped up in his family, and was devoted to his wife. How much her devotion to him inspired his confidence is a matter of speculation. Mrs. Gamey thought with the majority of the people on the Island of Manitoulin that there was only one "Bob Gamey," and her husband was "it." Mrs. Gamey wished to leave for home on Saturday, but decided to wait until this morning. While in Toronto she is said to have stated to her relatives that Robert never told her anything about the sensation he was about to create in Parlia-

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ment by throwing his bombshell at Provincial Secretary Stratton. On the day the House was to open he invited Mrs. Gamey and his brother over to the Legislature, and it is said that neither of them knew anything about what was to come, or what Gamey was going to say.

"Gamey has a reputation among his friends of being a good fellow, and a man who never told anything. While at Mrs. Peek's place Gamey had no confidential chats with his wife, so Mrs. Peek says. Mr. Peek says that Gamey will come back all right, and that it was a common occurrence for him to go away for a couple of days at a time, and never say where he was going or what he was doing. In every respect, he was, regarding his doings and business, as dumb as an oyster. He was close in financial matters.

"Mrs. Gamey seldom said anything about relatives, but sometimes referred to an aunt in West Bay City, Michigan. Any relatives in the United States, the Peeks say, are living in Michigan. Gamey has no relatives in the east that they know of.

"On Monday morning there arrived in Toronto Charles White, Duncan Orr, Alexander Dougall and Duncan McDougall and Dr. Hogan, a partner of Dr. Fell of Gore Bay, who came down a week ago. Dr. Fell is the individual who ran against Farewell, the Liberal, in the general elections four years ago, and was defeated. Dr. Hogan and a man named Scarff are the two important witnesses whom McGregor was to see for Gamey.

On Saturday Mr. Gamey walked to and fro on King street east, near the

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King Edward Hotel. He was engaged with a sharp-looking individual in earnest conversation. To The Telegram a few minutes later Mr. Gamey said he knew that Frank Sullivan would deny everything, and he supposed every one else would, too. The bank slip and one or two other matters have led Mr. Gamey's friends to believe that, should he return, he will be arrested."

"Will Come Back.

"A Personal Friend Gives That Information.

"This morning Dr. Fell assured The Telegram that Mr. Gamey's whereabouts were known to Mr. Masson, who had a communication with him at 11 o'clock last night. "He will be here tomorrow night," said the doctor, "and if he is not the public will be given the information as to where he is."

"Frank Sullivan's Admission.

"Frank Sullivan admitted his morning that he had received \$1500 of the \$3000 Gamey is alleged to have received from Mr. Stratton, but the Liberals say that the \$3000 was put up by Conservatives who were in caucus here a day or two before the money was paid."

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EXHIBIT 65.

(On G. N. W. form.)

"C. P. R. Co.'s Telegraph (Rubber stamp.)

Toronto Copy (Rubber stamp.)

Sent No.	Sent by.	Rec'd by.
R. M. 6.	W.	96.
Time sent.	Time filed.	Check.
5.55	p.m.	6 pd. .40

(The following is written.) :—

April 18th, 1903.

To George B. Wilson,
c.o. National Hotel,

Rochester.

Will be to see you to-night.

Hattie.

(The same message is written on a white sheet of paper, not a form, and pasted on the back of this exhibit.)

Attached to Exhibit 65 is the following copy, made by the witness Mrs. Sullivan as a specimen of her handwriting:—

"George B. Wilson,

Will be to see you to-night,

Hattie."

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EXHIBIT 66.

(A deposit slip.)

The Ontario Bank.
Toronto.

Credit E. Crossin & Co.

Deposited by E. Crossin.	
11th of September, 1902.	
x 1	
x 2	
x 4	
x 5	
x 10	
x 20	
x 50	
9 x 100	900
	\$

This exhibit is endorsed as follows:—
"3 p.m.

18 April, 1903.

J. B."

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EXHIBIT 67.

(A deposit slip.)

The
Ontario Bank,
Toronto.

Credit E. Crossin & Co.
Deposited by E. Crossin & Co.

11th of Sept., 1902.	
x 1	
x 2	
x 4	
10 x 5	50
20 x 10	200
30 x 20	600
1 x 50	50
x 100	
	\$

This exhibit is endorsed "April 18th.
1903.

J. R. H."

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EXHIBIT 68.

This is a form of deposit slip of the Ontario Bank, drawn by Mr. Johnston during the examination of the teller, Mr. Howarth, 27-4-03, and showing the teller's initial "H," which initial was made by the teller for Mr. Johnston.

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EXHIBIT 69.

Three deposit slips of Edward Crossin Co., dated 20th Sept., 1902, Nov. 11th,

1902, Nov. 29th 1902, respectively, put in by Ontario Bank to show file mark, blue pencil mark and initial.

EXHIBIT 70.

Telegram.

Canadian Pacific Railway Company's
Telegraph.

Sent No.	Sent by	Rec'd, by
5.	C.Y.	S.
Time sent.	Time Filed.	
7.40 p.m.	7.42 p.m.	

The Globe,
Toronto. Ont.

Office of
The Ocean House.

R. J. Porter, Prop.

(The following is written in pencil.)

Gore Bay, Ont., Feb. 16, 1903.
15 below zero.

A meeting of the Conservative Executive, fairly well attended, was held to-day, at which the action of R. R. Gamey, as outlined in the recent interview with The Globe was discussed. W. H. Williams, who recently returned from Toronto, was asked to give his views as from the outside Tory party; he strongly condemned the course taken by Mr. Gamey, and charged that serious rumors were afloat as to the value given for that course, but did not produce any particle of evidence or even any good reason for such rumors.

T. Robinson, a delegate from the country, took the ground that R. R. Gamey had promised to take an independent stand during the campaign last spring, if the Government were sustained, and that he had received a great many Liberal votes on that account. Mr. E. Batty did not understand any such stand to have been taken during the campaign. (150).

Mr. Gamey attended and explained his position in a clear and careful manner, alleging that his duty was to his constituency first, and that he had only done what he considered in the

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best interests of his constituency, and particularly asked them to suspend judgment for the present. He also expressed an opinion that this executive had no power to ask him to resign, and that he would be pleased to have a convention called and abide by their decision, as he knew from letters and interviews that the great majority of the people were well satisfied with his recent actions.

A strongly worded resolution endorsing Mr. Whitney and condemning the recent interview was passed, but no attempt was made to introduce a resolution asking for his resignation, as it could not have been carried. In fact, the majority of the delegates personally favored Gamey, and have still confidence in him doing the best for

the riding. Quite a number of voters were around the town and expecting to hear a public debate, but there was no public meeting, and the almost unanimous opinion expressed by those was favorable to Gamey.

(W. Stoddart),

of

(Owen Sound).

343 Cal.

3 Ex.

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EXHIBIT 71.

Copy of entries in Doane Bros. books spoken of:

Tony—Hon. Mr. Stratton, E. D.	
Victoria, 12.25, 1 to Osgoode	
and back	1.25
Wingfield—Stratton, E. W.	
Victoria, 3.35, 2 to Ex. and back	6.35
Lodge—Hon. Mr. Stratton, E. door	
P. Buildings.	
Victoria, 7.30,	12
	ret.

Wednesday, Sep. 10th, 1902.

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EXHIBIT 72.

Plan of Parliament Buildings, with Chase's desk, Mr. Stratton's room, and smoking room marked particularly.

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EXHIBIT 73.

Plan of Parliament Buildings.

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EXHIBIT 74.

Letter Gamey to Bellwood.

Envelope attached addressed:

Personal.

W. A. M. Bellwood,

Little Current.

Ont.

(The following letter was written in ink.)

"Private and confidential."

Gore Bay,

Feb. 10, 1903.

"My Dear Bellwood,"

I see by the last issue of Expositor that you condemn me, will you kindly say nothing further until I have an opportunity to explain my side to you, then if I cannot fully satisfy you as to my action you are free to go ahead as hard as you like at me, I have not gone over to the other side fully by any means, and only went as far as

I thought any man should go who represents this riding. I believe and have for years that we have too much party politics, and I was trying to serve my riding better than my party. This question of me getting timber limits or any other concessions is all pure nonsense, as time will prove to you. I have no intention of interfering with anything politically by way of patronage that you may want to do, and I, if I had any influence, want to recommend you again as a commissioner, but I am to-day very seriously considering a resignation. I have many letters from friends approving of my course, and urging me not to resign, and only for that I would resign at once, and it is more than probable that I will. What my executive may or may not do will not influence me in the slightest. I am just as apt to resign after they meet as now, if they

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approve, as they in no way represent the feelings of the people. Mark my words, the people are not to-day in Ont. represented by either political parties, and they are going to demand something more, a shaking up of the dry bones that will surprise the old parties. If I told you what I thought of some men on both sides to-day, it would surprise you perhaps and many people are the same way. I will discuss these matters with you some day later privately.

Yours truly,

(Sgd.) R. R. Gamey.

"Kindly consider this private.

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EXHIBIT 75.

Macdonell, Boland & Thompson.
Barristers, Solicitors, etc.

Toronto, Sept. 9, 1902.

The Honourable J. R. Stratton,
Parliament Buildings,
City.

My Dear Mr. Stratton:

Re Sapphire Corundum Co.

I have been communicating with Mr. Brodeur. He is firmly of the opinion that no good purpose can be served by remaining on the board, and is ready to resign at any time. However, as stated above, he does not wish to do anything that will prejudice you or Mr. Warren.

I was talking to Mr. Morrison, who, until recently, has been the engineer of the company, and he all along advised that the directors should not resign, as that is what Kelly is after; that, if they did resign, he could get the matter into the control of his own

nominees and that would be satisfactory. He told me a couple of days ago that Kelly told him, on his return from England, that he presumed that the directors would kick and he would be very glad if they did and resigned.

Morrison was talking to me for some time the other day, and complained very bitterly about what he thought was a breach of faith on your part. He told me that he gave you a written statement in reference to the Corundum Company, and that he handed it to you on the train between Peterborough and Toronto, and asked you to treat it as confidential. He states that, instead of doing so, when you attended the meeting of the board at

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Ottawa, you put the statement before them and told them that it had been handed to you by Morrison, and, as a result of that, Morrison was dismissed. He showed me his letter from Taylor McVeity, which gave as the reason for his dismissal, that he had submitted a statement reflecting on the company and on the board, which had been handed by you to the board, or words to that effect. I told him there must be some mistake about the matter.

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EXHIBIT 76.

Yours truly,

(Sgd.) W. J. Boland.

EXHIBIT 76.

\$3,000.00

Fraserville, Que., Aug. 22, 1902.

At ten days' sight pay to the order of Ourselves Three Thousand & 00/100 Dollars, for value received and charge the same to account of The Trusts & Guarantee Co., Ltd., Toronto, Ont.

River du Loup Pulp Co., Ltd.

K. L. Warren, Mgr.

The following is written across face of document:

Sept. 9. (Written in blue pencil.)

The Molsons Bank, Fraserville, Que.,
No. B.D.B. 1413 (Stamped with rubber stamp.)

The Trusts and Guarantee. Paid
Sept. 9, 1902. Company, Limited.
(Stamped with rubber stamp.)

The Trusts and Guarantee Company,
Limited. (Stamped with rubber stamp.)

T. P. Coffee (Written in ink.)
Manager.

The following written in red ink:

Toronto, Aug. 27, '02.

Accepted payable at this office of
The Trusts & Guarantee Co., Ltd., 14
King street W., Toronto.

Endorsed on back as follows:

River du Loup Pulp Co., Ltd.,
K. L. Warren, Mgr.

Pay to the order of any Bank or
Banker,

The Molsons Bank,
Fraserville, Que.

(Sgd.) J. B. A. Boudreay,
Manager.

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Negotiable without charge at any
office of The Ontario Bank.

The Trusts and Guarantee Company,
Limited.

No. S417.

Toronto, Sep. 9, 1902.

Pay to the order of the Molsons
Bank \$3,000.00 Three Thousand 00-
100 Dollars. To retire River du Loup
Pulp Co. draft.

The Ontario Bank,
Toronto.

The Trusts and Guarantee Company,
Limited.

(Sgd.) J. R. Stratton, President.

(Sgd.) T. P. Coffee, Manager.

The following stamped across face:

Paid (Perforated).

The Ontario Bank, Toronto. Ac-
cepted, Sep. 9, 1902. 2. (Stamped with
rubber stamp.)

Audited. I. H. Vigeeon. (Stamped
with rubber stamp.)

Ontario Bank, Toronto. Paid, Sep. 10,
1902. Banks. (Stamped with rub-
ber stamp.)

629 A. (Written in ink.)
Endorsement:

The Molsons Bank, Toronto, Ont.
Sep. 9, 1902.

1.

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EXHIBIT 77.

Plan of lavatory.

K2

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EXHIBIT 78.

Little Current Lockup,

July 7th, 1902.

I inspected Little Current Lock-up on
July 7th. A few days before my visit
there were two prisoners in custody,
both of whom escaped after breaking
the window gratings and smashing the
doors.

The present method of attaching
these gratings is not practical. The
bottom horizontal bar running paral-
lel with the window sill is about 2 or
3 inches above the latter and is at-
tached to the side of the window
frame. Some outside person had prob-
ably handed into the prisoners a
crowbar or strong piece of iron. This
was placed between the sill and the
bottom horizontal bar and the whole
iron grating shoved out of place. I
would recommend that all the gratings
be changed and the lower bar be plac-
ed on the window sill, and attached
to it as well as to the sides of the
frame. There should also be an ex-
tra bar placed on each window about
4 inches from the bottom. The floor
is broken in two places. The roof
leaks with every heavy shower of
rain.

One of the iron beds has been broken
by a prisoner and the material used
to assist in making an escape. All
these repairs can be supplied in the
village. The building in its present
shape is no safer than an ordinary
house, and as Little Current is an
important point as well as the largest
village on the island, I would recom-
mend that the lockup keeper be in-
structed to get tenders for all the re-
pairs necessary to make the lockup
safe and serviceable, that the same
be submitted for consideration to the
Public Works Dept., and the repairs
be carried on under his direction and

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subject to his approval.

Approved,

I. R. Aikens.

Officer of Pub. Institutions, Prisons
and Charities.

(Sgd.) T. F. Chamberlain,
Inspector.

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(Inspector of
Asylums, Prisons, &c.,
Ontario.)

Toronto, July 31, 1902.

Re Lockup keeper at Little Current.

Sir,

It appears that the lockup keeper at
Little Current, Mr. Sims, is now run-

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ning a hotel in the village, and it is rumored that parties on becoming intoxicated are transferred to the lock-up to get sober. It is also suggested that he is not a proper person to act as lockup keeper under the circumstances. The salary is \$20 per year.

I am sending you a copy of reports of the lockups in that part of the province, from which you will note that some of them are in bad condition. I have already referred the questions of repairs to the Public Works Department, and it may be well for you to make inquiry and urge that they be put in proper condition.

Your obdt. servant,

(Sgd.) T. F. Chamberlain,
Inspector.

Hon. J. R. Stratton,
Cltv.

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Toronto, July 31, 1902.

Re Repairs, Gore Bay Lockup.

Sir

I enclose you copy of report on Gore Bay lockup, from which you will note that some repairs are immediately necessary. I also enclose a letter from Mr. Sheriff Jackson, referring to the same subject. Please give instructions as to what shall be done in the matter and return enclosure.

Your obdt. servant,

Inspector.

F. G. Heakes, Esq.,
City.

Enc. 2.

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EXHIBIT 79.

Cor. Colborne and Scotts Streets.

No. 87.

Toronto, Sept. 9th, 1902.

R. J. Armstrong,
Gore Bay.

Bought of McCormick Harvesting Machine Co., Chicago, Ill., U.S.A..

Manufacturers of

Harvesters, Mowers, Rakes, Shredders.
Telephone 342.

Net price.

Bales Sisal Twine, lbs.

" Standard Twine, 700 lbs. 12 84.

" Manilla Twine, lbs. —

" Pure Manilla Twine, lbs....\$1.00
Shipped from.

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EXHIBIT 80.

The Chatham Manufacturing Co.,
Limited.

Chatham, Ont., Sept. 9, 1902.

Received from R. J. Armstrong the following notes:

Geo. Lobban, due April, 1903....	\$20 00
Geo. Lobban, due Dec., 1903	29 00
Thos. Robinson, due Nov., 1902..	50 00
Robert Falls, due Oct., 1902....	36 00
Robert Falls, due March, 1903..	36 00
James Poole, due April, 1903 ..	35 00
James Poole, due Nov., 1902....	35 00
	<u>\$250 00</u>

The Chatham Mfg. Co., Limited.
W. R. Landon.

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The Chatham Manufacturing Co.,
Limited.

Chatham, Ont., Sept. 9, 1902.

Received from R. J. Armstrong check one hundred and sixty eight dollars, to apply as follows:

On Phillips' past due notes	\$74 00
On A. Morell's note	35 00
On Wilson's Sterling note.....	32 00
On A. Aitken note	5 00
On R. J. Campbell note	10 00
On Esley Eaton note	12 00
	<u>\$168 00</u>

The Chatham Mfg. Co., Limited.

W. R. Landon.

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EXHIBIT 81.

Toronto, Canada, May 6th, 1903.

Walter Barwick, Esq., K.C.,
18 King-st., West, Toronto.

re Royal Commission-re Ontario Bank

Dear Sir,—

Referring to the discussion before the Honourable the Commissioners this morning and to your request that a letter should be written to you indicating in a general way the line of investigation desired to be pursued in connection with the examination of the books of the Ontario Bank, I have to say as follows:

1. Information is required as to all sums of money amounting to \$1000 and upwards paid out by the bank or its various branches in Toronto and suburbs and its branch in Peterborough between the first and fifteenth days of September, 1902, both inclu-

sive, and the names of all customers of the Ontario Bank and other persons on whose order or for whose accommodation either on discount or otherwise sums exceeding \$1000 were paid out in money during that period.

2. Information as to all sums of \$1000 and over paid out during that period by or on the order of or through the head office.

3. Full information as to all \$100 and \$50 bills respectively of the Ontario Bank paid out between the 20th August, 1902 and the 15th September, 1902, through the bank and its various branches throughout Ontario during the said period.

4. (a) Information is required as to all payments of money amounting to \$200 and upwards paid out by the bank or its various branches in Toronto and in Peterborough between the 25th and 31st days of January, 1903, both inclusive, and the name of all cus-

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tomers of the Ontario Bank and other persons on whose order or for whose accommodation either on discount or otherwise sums exceeding \$200 were paid out in money during that period.

(b) Information as to all sums of \$200 and over paid out during that period by or on the order of or through the head office.

(c) Full information as to all \$100 and \$50 bills respectively of the Ontario Bank paid out between the 25th and 31st days of January, 1903, through the bank and its various branches throughout Ontario during the said period.

In connection with the information referred to in this paragraph and subsections you may remember that His Lordship the Chancellor intimated that the enquiry should be pursued up to the 11th of March, 1903.

5. Information as to all Ontario Bank bills of \$100 and \$50 denominations received by the bank in Toronto from any of its branches or from or through other banks during the period between the 25th August, 1902, and 15th September, 1902.

Yours truly,

"Wm. D. McPherson."

Del. at once.

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Copy of circular sent out by the Head Office of the Ontario Bank to the branches mentioned in the annexed lists.

Toronto, 8th May, 1903.

The Manager,
Ontario Bank.

Re Royal Commission.

Dear Sir:—

The bank is required to get all its branches for the purposes of the judges

the information set out in the enclosed memorandum. The notes in this memorandum are made by the solicitor, with the view of explaining the previous requirement, and make what is wanted fairly plain. The solicitors supporting the Gamey charges have endeavored to secure some arrangement under which an expert should be allowed to examine the books of the bank with a view to ascertain whether the \$100 and \$50 bills referred to during the evidence can be traced through the books of the bank. The board has refused to allow any outsider to inspect its books taking the position that any consent to such investigation would be gross violation of the faith which must be observed between the bank and its customers. The bank has agreed to have the investigation made by its own officials. It is important, therefore, that the enquiry should be made carefully so as to observe the strictest good faith with the Commission, and you should be in a position if called as a witness to state that the information has been prepared under your directions and has been verified by you and is true. It is quite certain that any examination such as is asked will be futile and that the bank is being sub-

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jected to a great deal of unnecessary annoyance, but this is not the fault of the Commission, and the bank desires that even if this opinion be correct to have the investigation made so as to make it plain that enquiries so far as the bank's officials are concerned, has been exhausted. If you require any further information with regard to the memorandum will you please communicate by telephone direct with our chief solicitor, Mr. Walter Barwick (Telephone No. Main 3946), who will be in his office to-morrow (Saturday) morning between 10 and 12.

Yours truly,

(Sgd.) C. McGill,
General Manager.

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List of branches as on 30th Sept., 1902.
The Ontario Bank.

Alliston,
Aurora,
Bowmanville,
Buckingham, Quebec,
Cornwall
Fort William,
Kingston,
Lindsay,
Montreal, Quebec,
Mount Forest,
Newmarket,
Ottawa,
Peterborough,
Port Arthur,
Sudbury,
Tweed,
Toronto—Scott and Wellington Streets.
" —Queen and Portland Streets.
" —Yonge and Richmond Streets.

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List of branches as on 31st Sept., 1903.
The Ontario Bank.

Alliston,
Aurora.
Bowmanville,
Buckingham, Quebec,
Cornwall,
Collingwood,
Fort William,
Kingston,
Lindsay,
Montreal, Quebec.
Mount Forest,
Newmarket
Ottawa,
Peterborough,
Port Arthur,
Sudbury,
Tweed,
Toronto—Scott and Wellington Streets.
“ —Queen and Portland Streets.
“ —Yonge and Richmond Streets.
“ —Yonge and Carlton Streets.

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Re Royal Commission.

Memorandum of information to be obtained from all the branches in Toronto and throughout the province.

Full information as to all \$100 and \$50 bills respectively of the Ontario Bank paid out between the 20th August, 1902, and the 15th September, 1902, through the bank and its various branches throughout Ontario during the said period.

(Note.—This is understood to mean that each paying teller in each branch is to prepare a statement showing the number of \$100 and \$50 bills in its cash at the close of each day between August 20 and September 15, 1902, both days inclusive.

In addition each teller is to add to his statement the particulars as shown by any entries or slips or from recollection of any payments made between the above dates or on either of these dates, to any person in \$100 or \$50 bills.)

Full information as to all \$100 and \$50 bills respectively of the Ontario Bank paid out between the 25th day of January, 1903, and the 11th day of March, 1903, both days inclusive, through the bank and its various branches throughout Ontario, during the said period.

(Note.—This is understood to mean that in this instance also each paying teller is to prepare a statement showing the number of \$100 and \$50 bills in its cash at the close of each day between Jan. 25, 1903, and March 11, 1903, both days inclusive.

In addition each teller is as well to add to his statement the particulars as shown by any entries or slips or from recollection of any payments made between the above dates or on either of these dates to any person in bills of the above denominations.)

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Re Royal Commission.

Memorandum of information to be obtained from all Toronto branches and the Peterborough branch.

Information is required as to all sums of money amounting to \$1,000 paid out by each of the Toronto branches and the Peterborough branch between the 1st and 15th days of September, 1902, both days inclusive, and the names of all customers of these branches, and other persons on whose order or for whose accommodation either on discount or otherwise sums exceeding \$1,000 were paid out in money during that period.

(Note.—This is understood to mean that a list is to be prepared in detail of the names of all persons who drew \$1,000 and upwards between the 1st and 15th September, 1902, both days inclusive, and the amounts paid to each.)

Full information as to all \$100 and \$50 bills of the Ontario Bank respectively paid out between the 20th August, 1902, and the 15th September, 1902, through the bank and its various branches throughout Ontario during the said period.

(Note.—This is understood to mean that each paying teller in each of the above branches is to prepare a statement in detail showing the number of \$100 and \$50 bills in its cash at the close of each day between August 20 and September 15, 1902, both days inclusive.

In addition each teller is to add to his statement the particulars as shown by any entries or slips or from recollection of any payments made between the above dates or on either of these dates, to any person in \$100 or \$50 bills.)

Information is required as to all payments of money amounting to \$200 and upwards paid out by either of the above branches between the 25th and 31st days of January, 1903, both days inclusive, and the names of all customers of each of these branches and other persons on whose order or for whose accommodation either on discount or otherwise sums exceeding \$200

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were paid out in money during that period.

(Note.—This is understood to mean that a list is to be prepared of all persons who drew \$200 and upwards between the 25th and 31st days of January, 1903, both days inclusive and the amounts paid to each.)

Additional information to be furnished from the Toronto branch.

Information as to all Ontario Bank bills of \$100 and \$50 denominations received by the Bank in Toronto from

any of its branches or from or through other banks during the period between the 25th of August, 1902 and the 15th September, 1902.

(—Note.—This is understood to mean that the slips showing deposits made by the other branches in Toronto or by other banks between the above dates are to be assorted out and gathered together.)

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Toronto, Canada, 9th May, 1903.

Walter Barwick, Esq., K.C.,
18 King St. West, Toronto.

Re Royal Commission.

re Ontario Bank.

Dear Sir:—

Referring to the discussion herein with the Honourable the Commissioners, will you kindly let me hear from you if you have thought of the name of some expert in whom the bank has confidence and who would be acceptable to all parties with the view of having him examine the bank's books and vouchers in connection with this matter.

Yours truly,

"Wm. D. McPherson."

Del. at once.

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W. D. McPherson, Esq.,
Barrister, Etc., Toronto.

Re Royal Commission.

Dear Sir:—

I beg to acknowledge the receipt of yours of the 9th inst., asking whether I have thought of the name of some expert with a view to his examining the bank's books and vouchers.

You have already been informed that the bank will not agree to the exposure of its customers' affairs to any outsider. Upon receipt of your letter of the 6th inst., which followed the meeting of the Commissioners on that day, steps were at once taken to procure the information asked. This, however, necessitates the examination of 18 branch offices, and is a work requiring some time. I believe that the work will be well on to completion by Wednesday next, when I shall be prepared to appear with the General Manager before the Commissioners to lay before them the information which has then been obtained.

You have been aware of the bank's position in this matter for several weeks, and if, instead of trying to force the bank into submitting to the opening of its customers' affairs to an expert and to counsel engaged in the case, you had furnished the bank with a

statement of what is required, such as done in yours of 6th inst., the information would have been ready long before this, and no delay would have been caused to the Commissioners.

I am directed by the General Manager to state that instructions have been given to the staff of the different branches to press the enquiry forward, and these instructions will be laid before the Commission.

Yours truly,

"Walter Barwick."

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May 12th, 1903.

Walter Barwick, Esq., K.C.,
18 King St. West, Toronto.

Re Royal Commission,

Re Ontario Bank.

Dear Sir:—

Referring to my letter of the 6th of May and to subsection C of paragraph 4 thereof, I am instructed to inform you that it will not be necessary for the Ontario Bank to procure the information therein requested as to \$100 and \$50 bills respectively of the Ontario Bank paid out between the 25th and 31st days of January, 1903.

Yours truly,

(Sgd.) Wm. David McPherson.

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W. D. McPherson, Esq.,
Barrister,
Toronto.

Re Royal Commission—Re Ontario Bank.

Dear Sir:

Your letter containing the advice that it was not necessary for the Ontario Bank to procure the information asked for by sub-section C of paragraph 4 of your letter of the 6th May was not received at our office until about four o'clock yesterday. I think the bank might well have been informed of this sooner. The procuring of the information asked for by this sub-section involved an immense amount of labor to the staff, which of necessity was carried on after office hours. What you asked for in this sub-paragraph involved more labor for the staffs of the eighteen branches of the bank than was involved in getting the information asked for in the other paragraphs. It appears now that this labor has been uselessly undertaken, and the bank officials might well have been spared the trouble they have been put to.

Yours truly,

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EXHIBIT 82.

Copy of Pass

Q. 168.

Canadian Pacific Railway.

Periodical Pass 1903.

Pass Mr. Robert Roswell Gamey,
M.L.A.

Between stations in Province of Ontario.

Good also to Montreal.

Why granted: Complimentary until
31st December, 1903.

Thos. G. Shaughnessy, President.

Not good unless countersigned by

E. A. Alexander.

On back:

No. Q. 168.

This pass is not transferable, and may be cancelled at any time and the person using it assumes all risk of accident or damage to person or property, whether caused by the negligence of the company's servants or otherwise.

Countersigned. E. Alexander.

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EXHIBIT 83.

Negotiable without charge at any office of the Ontario Bank.

The Trusts and Guarantee Company,
Limited.

No. 8426.

Toronto, Sep. 11th, 1902.

Pay to the order of W. E. Buckingham \$1,905.44 Nineteen Hundred and Five 44-100 Dollars.

The Trusts and Guarantee Company,
Limited.

The Ontario Bank, Toronto.

(Sgd.) J. R. Stratton, President.

T. P. Coffee, Mgr.

The Ontario Bank, Toronto,

Accepted Sep. 11, 1902.

2. (Rubber stamped).

Paid (Perforated).

The Ontario Bank, Toronto.

Paid Sept. 11, 1902.

1st Teller. (Rubber stamped).

Audited,)

H. Vigeon,) (Rubber stamped).

4.)

Endorsement on back:

Identified,

"T. P. Coffee."

"W. E. Buckingham."

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EXHIBIT 84.

Sketch of Trust and Guarantee office; drawn by Mr. Riddell.

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EXHIBIT 85.

Ross' Majority is Now Seven.

Mr. Gamey of Manitoulin Supports the
Government.

Will Build Up Ontario.

Liberal Policy Should Be Encouraged.

An Exhaustive and Interesting Statement by One Who Wants to See
the Government Sustained.

The Provincial situation is considerably clarified and the position of the Ross Government appreciably brightened by the announcement made yesterday by Mr. R. R. Gamey, M.P.P. for Manitoulin, that he would give the Liberal Government an independent support. Mr. Gamey was elected last May as an independent Conservative, and has always been counted in the Opposition column. He now announces his belief that the Ross Government will remain in power during this parliamentary term, and in view of that they deserve cordial support in their policy of developing New Ontario. The effect of Mr. Gamey's action will be to make the majority of the Government seven, not counting Hon. E. J. Davis, who has announced his intention of resigning shortly. There are two open seats—North Renfrew and Centre Bruce—besides North York, which Mr. Davis will vacate; while, in addition there are four petitions still in the courts—Lennox, South Oxford and Sault Ste. Marie, against Conservatives, and East Middlesex, against a Liberal.

Mr. Gamey is a comparatively young man. He has for years carried on an insurance agency at Gore Bay, and now lives on a farm near that village. He is a man of force, and has been prominent in asserting the requests of the people of the north.

Mr. Gamey Gives Reasons.

When Mr. Gamey, who is a guest at the Walker House, was seen yesterday by a representative of The Globe, he was asked in reference to a rumor touching his relations with the Ontario Government.

"There is a rumor that you are inclined to be friendly to the Government and their policy. Would you care to say anything on the subject?"

"I have no objection," Mr. Gamey replied, "to saying that I have for some time been seriously considering the matter you mention. I have thought it over seriously, and have come to the conclusion that it would be best in the interests of my constituency, as well as New Ontario generally, that any Government in power should have a strong enough support to carry on the work.

"I believe that with a strong following the Ross Government will carry out their policy of developing New Ontario. I am chiefly interested in that; for my own constituency must get a big share of the benefit, and in this respect Manitoulin is my politics, and I feel that I have a right to do the best that I can for its welfare. And I feel that I can do this best by helping the Government with an independent support, for I realize as well as anybody can what the development policy of the Ross Government has

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done, as well as what it is doing, and also what it is calculated to do for the advancement of New Ontario.

An Independent Support.

'My desire to see this policy carried out has led me to decide to give the Government an independent support. I will not be a staunch supporter, but will stand firmly by the Government on all questions where they need my help to carry out any good development policy. I want to see the Government kept in power by a fairly strong support, and will stand by them on all questions which may involve a vote of want of confidence in matters that I am satisfied with. There is no doubt that the Government are sustained, and will continue to carry on the affairs of the Province. I believe they should be strong enough to carry out their work well, and then if they can not do what is right they will have all the more reason to fear the electors.

Build Up Ontario.

"For my part, and for the part of my riding, I want to see New Ontario opened up and built up, and I believe I am right in helping on the work, for I want it done without any delay. So, the Ontario Government being in power for another term, and willing to do this work, I intend helping them to carry it out. I believe I can, by independently supporting the Government, induce them to introduce changes in mining laws, timber and settlers' regulations, and appointment of officials, that will be in the

interests of New Ontario. I find that the members of the Legislature in the past have often erred through lack of knowledge rather than inten-

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tionally in regard to New Ontario questions. I have travelled that country and mingled with the people for many years, and feel that I can materially assist any Government that are anxious to do the best for us, and I am convinced that this Government have the best interests of that country at heart, as it is nonsense to say that anybody of intelligent men are wilfully desirous of continuing or enacting legislation that is detrimental to so important a part of this province as the newer portions are."

Manitoulin is Prosperous.

Mr. Gamey, in reply to further questions, said business on Manitoulin Island was better than it had ever been in the past. The farmers had a big crop last year, and prices generally had been good. They had recently given stock raising the preference as against grain growing. Large quantities of cedar ties and timber were going out as well, for which high prices were being paid this year. One buyer had estimated that 500,000 railway ties would be taken from the island this year, which would bring the people from \$125,000 to \$150,000. Perhaps no farmers in Ontario to-day were as well off as those on the Manitoulin. The Manitoulin & North Shore Railway had been anxiously expected, but he feared it would be some time, under present circumstances, before anything would be done. In the mining section, business was active, with the prospect of a very busy season next summer. There was also the greatest activity in the lumber camps, and for this the weather had been most favorable.

Mr. Gamey will return to the north in a day or two.

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EXHIBIT 86.

Cheques taken by paying teller in payment of notes \$100 and upwards. 1902.

Sep. 9. Gordon, Mackay & Co.	141.50
J. A. M. Robb	273.45
Eby, Blain Co	674.28
Ont. Wind Eng. &	
Pump Co'y	1,000.00
W. Mashinter & Co..	500.00
Canadian Camera Co.	600.00
Gadsley & McCann ..	1,000.00
J. B. Miller	5,800.00
Parry Sound Lumber	
Co.	10,000.00
World Newspaper ..	150.00
Jno. Inglis & Son....	875.00

Andrew & Howarth .	500.00
Jos. Lumbers	5,000 00
H. W. Williamson....	500.00
Parry Sound Lumber	
Co.	24,567.00
10 James Lumbers	1,400.00
J. B. Miller	5,600.00
J. D. King Co.	111.60
Eby, Blain Co.	828.84
Gordon, Mackay & Co.	3,512.08
Coulter & Campbell.	112.00
C. J. Kidd	114.50
Cockburn & Rea	5,000.00
R. S. Williams & Sons	
Co.	612.00

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Bruce Piano Co.	1,165.00
Ont. Wind Eng. Co....	900.00
Westman & Baker...	200.00
Peter Ryan	6,000.00
"	300.00
"	400.00
J. D. Ivey Co'y	2,030.77
Andrew & Howarth ..	1,500.00
King Bros. of Whitby.	3,000.00
Fairweather & Co.,	
J. W. T.	4,500.00
Sep. 11 J. B. Miller	2,250.00
Jno. Inglis & Son ...	5,180.00
Rose Publishing Co....	150.00
Ontario Power & Flats	150.00
W. Mashinter & Co. .	100.00
J. Inglis & Son, Ful-	
ton Jewel Co.	316.40
Jno. Inglis & Son.....	149.85
Gordon, Mackay & Co.	404.12
Andrew & Howarth ..	2,000.00
Fairweather & Co.,	
J. W. T.	4,000.00
D. D. Hawthorne &	
Co.	12,000.00
World Newspaper ...	106.15

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EXHIBIT 87.

Cheques of \$100 and upwards paid in cash by paying teller, 1902.

Sept. 9. Trust & Guarantee	
" Co.	\$ 125 00
" T. J. Norman	100 00
" Murray Ptg. Co....	375 52
" Reid Bros. Mfg. Co.	100 00
" J. B. Miller	150 00
" Ont. Wind Engine &	
Pump Co.	150 00
" W. Mashinter & Co.	100 00
" Eby Blain Co.	173 59
" C. Ricketts (Sav's)..	408 80
Sept. 10. Samuel King	204 85
" Victoria Shoe Co....	100 00
Sept. 11. Sheriff Mowat ...	133 33
" Jno. D. Ivey Coy....	139 52
" Trusts & Guarantee	
" Co.	1,905 44
" Fulton Jewell Co. .	110 00
" Western Assee. Co....	112 50
" L. J. Pendrith	153 00
" W. Hy. Smith	100 00
" Western Assee. Co. .	2,853 81

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EXHIBIT 88.

Payments Out. 1 to 15 Sept., 1902,	
1903. inclusive.	
Sept. 2. Wm. Graham	1,000 00
" 3. J. C. Aikins	1,800 09
" People's Loan & De-	
posit Co.	1,145 64
" Wm. Graham	1,250 00
" D. Rothschild (on Sud-	
bury branch)	1,000 00
" 4. Aurora Br. dft. pay-	
able to Rec. Gen'l.	1,000 00
" 5 H. W. Williamson..	1,500 00
" John Inglis & Sons.	3,650 00
" 6. J. D. King Co.....	1,500 00
" S. R. S. Williams, Son	
& Co.	1,284 16
" Mutual Reserve Fund	
Insurance Co.	1,980 72
" Parry Sound Lumber	
Co., pcl.	11,250 00
" 11. Trusts & Guarantee	
Co.	1,905 44
" Western Ass'ce Co..	2,853 81
" 12. Ont. Wind Engine	
Co.	1,258 00
" J. B. Miller	5,550 00
" Newell Higel Co. ..	1,757 72
" 13. J. D. King Co....	1,850 00
" 15. Temiskaming Rail-	
way Comm., pcl. ...	1,500 81

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Exhibit 89.

Names of banks from which \$50 and \$100 were received 9—15 September.

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EXHIBIT 90.

Cheque, O'Hara to Buckingham:—

H. O'Hara & Co.,
Stock and Debenture
Brokers' No. 15,752

Pay to the order of
W. E. Buckingham, \$2,305.44
Twenty-three hundred and
five 44-100 dollars.

(Sgd.) H. O'Hara & Co.

To the Imperial Bank of
Canada, Toronto.
2305 (Perforated.)
Paid (Perforated.)
Imperial Bank of Can-
ada, Toronto. (Rubber stamped.)

Accepted Sept. 10, 1902.

Endorsement on Back:—
W. E. Buckingham.

Pay to the order of The Ontario Bank.
The Trusts and Guarantee Company,
Limited,
"T. P. Coffee," Manager.

The Ontario Bank, Toronto.

Sept. 11, 1902.

W. Hy. Smith, Manager.

REPORT

OF THE

Royal Commission *re* Gamey Charges

BEFORE

The Honourable SIR JOHN A. BOYD, Chancellor,

AND

The Honourable CHIEF JUSTICE FALCONBRIDGE.

Argument of Counsel.

PRINTED BY ORDER OF
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ARGUMENT.

TWENTY-FIFTH DAY.

May 21st, 1903, 10 a.m.

The Chancellor: Now, Mr. Blake, will you proceed?

Mr. Blake: Mr. DuVernet wishes to make a statement.

Mr. DuVernet: My Lords, I have been requested by Mr. Gamey to mention the matter which your Lordships referred to as to the \$1,200. The position, my Lord, my client takes in regard to that, is this. He is anxious to have that money taken out of his hands and placed where it belongs, but he, of course, desires protection. He is either willing, my Lords, to have a marked cheque put in, payable to Mr. Frank Sullivan, from whom the money was obtained, who holds his I.O.U., or he is quite willing to acquiesce to any formal order your Lordships may make which may give him protection. He does not desire afterwards to be held accountable for the I.O.U., or for that money in the hands of some third party, to whom Mr. Sullivan, of course, may have assigned his claim. He has information that his claim has been assigned, and will be enforced after this Commission is over. If your Lordship will make some formal order which will protect my client, he will at once pay the money into Court, or he will deposit a marked cheque, payable to Mr. Frank Sullivan's order, whichever your Lordships may see fit to direct.

The Chancellor: I do not suppose you advised him, Mr. DuVernet, as to the effect of an assignment of a choses in action, passing all the equities. I do not think he need have any misapprehension on that score. I suppose you have read the well-known story of the two highwaymen who impleaded each other in the Court of Chancery to obtain a mutual accounting of the profits in their profession. They were not permitted to do so.

I have myself a clear opinion that this money, if it were a bribing fund, as it is said, could not be litigated in the Court. That is the first thing to be observed.

In the second place, Mr. Frank Sullivan has by his oath purged himself of all connection with the \$3,000, and the

I.O.U., which would be a complete answer.

And in the third place, if that money is deposited in the Court, as the \$1,500, it is there subject to further order, and the direction of the House, who would be the ultimate judges in the case, so that justice will be done. That is all we can say in the matter.

As to paying it to Frank Sullivan, that is out of the question. We could not sanction any such recognition of his having entered into the matter at all.

Mr. DuVernet: Perhaps your Lordship would be good enough to allow the Registrar to put the thing in some formal shape.

The Chancellor: The reporter has it all down.

Mr. DuVernet: We desire a formal order.

The Chancellor: We will do nothing but what we have said.

Mr. DuVernet: Very well, my Lord.

The Chancellor: Mr. Blake, will you proceed?

ARGUMENT BY THE HONORABLE S. H. BLAKE, K.C.:

Mr. Blake: I am sure, my Lords, it will be without regret, after sojourning in this atmosphere for over a month, you see the approach of the day when we can leave it. One can understand the yearnings of the old writer when he said, "Well with me that I dwell in the tents of Mëshac, and gather not my soul with wicked men." But, I say, that no time can have been better spent, if as a result of these meetings public opinion be so aroused that there follows as a result the fixed determination that in the men selected to fill the high office of Members of our Parliament, and to carry on the affairs of our Province, a far higher standard must be set, and that honesty and uprightness and stainless character are in the future to be the main requisite of those who make our laws, and administer the affairs of our Province.

I trust that the righteous indignation of the people of this Province will be aroused, and that they will begin to feel that as righteousness alone exalts a nation, unrighteousness so lowers the standard that the representa-

tives and the administrators of the affairs become debased, and our country becomes dishonored.

If these results flow from the time your Lordships have given to this matter, then no time can have been better spent than has been occupied in this investigation.

It will be necessary for a moment to consider the scope of the Act as in place of the House vindicating itself, it is thought proper to leave this in the hands of the two Commissioners. I simply state that there is no doubt of the wide scope of the Act, and of the Commission, and that all the evidence that was given was clearly within the competency of the Commission. I do not go, my Lords, into the details, because upon that your Lordships have ruled, and I feel satisfied that it has been a great satisfaction to those that I represent here, the people of this Province, that so wide a scope has been given, and that all the evidence, virtually, which has been tendered has been received by your Lordships. But, I may say, that if one looks at the formal charges that are on file, which do not go beyond the statements found in the papers A, B and C, and that of the 27th of March, the last clause of the Evidence Act, and the Commission, especially the last clause, all the evidence given is clearly covered by these various documents which govern in this matter, and so I submit, my Lords, that without question, all the matters that have been gone into have been matters that are covered in these three ways, and in respect of which the evidence adduced should have been, as it has been, received.

There is, however, my Lords, one question which I desire to present, and I do so without any elaborate argument thereon, and that is, whether it is competent for this Commission to report, that is to give a finding upon these facts, or whether it is the duty of the Commissioners simply to report the evidence which has been given, with such remarks, without an absolute finding, as may be proper. In order to a consideration of that, my Lords, I ask your attention for a moment to the Act, because, no matter how wide the Commission may be in its terms, beyond that Act it cannot go, on which alone the Commission is based. That is, my Lords, chapter 19, of the Revised Statutes of Ontario, 1897.

In the first clause your Lordships will see that the side note is, "The Commissioners may be empowered to receive evidence on oath." And, the larger reading, of which that is a synopsis, is, that there may be an enquiry in respect of good Government,

the conduct of any party, or the like, the power of summoning any party, or witnesses, requiring them to give evidence, to produce such documents and things as the Commissioners deem requisite, to the full investigation of the matters. That is the power given, to take evidence, for the full investigation of the matters, but nothing more than that. Simply to take evidence, with that end and object in view, so that all the matters will be covered, but nothing beyond that.

Then the second clause gives power to enforce the attendance, compel them to give evidence, as in a Civil Court.

Then clause 2. A Commission may be issued, authorizing an inquiry into such attempts, as aforesaid, and the Commission may not minutely specify.

Third. The Legislative Assembly, upon the evidence taken under the Commission, being submitted to it, may take such action, and so on.

So that I would submit, my Lords, that under the Statute, the whole function or office of the Commissioners is to take the evidence, to return that evidence, and upon the evidence taken under the Commission, which is to be submitted to the Legislative Assembly, it may direct such action as it deems proper.

The Chancellor: This being merely an examining board?

Mr. Blake: Yes, my Lord. That is my position, deeming it right that if the Commissioners think otherwise, they may proceed, as of course they will, in such manner as they deem fit and proper, but I did not think it was right that I should pass over that clause, which seemed to me to limit the power of the Commission, mentioning specifically the power and the right granted, and then giving to the Legislative Assembly the power to pass upon that.

The Chancellor: There is a strong temptation upon us to give effect to that, Mr. Blake.

Mr. Blake: Yes, my Lord, but the Court never gives way to temptation; therefore I very fairly present it to the Court.

The Chief Justice: I think you suggest that it is competent for the Commissioners to make remarks upon the evidence. Did I understand you to say that?

Mr. Blake: Only to this extent, my Lord. To the extent of saying, such and such a witness we deem was not worthy of credit. Only that which would so far implement the evidence as that it might be fairly given, my Lord.

The Chief Justice: Something, perhaps, in the nature of a charge to a jury?

Mr. Blake : Yes, my Lord, and not making the charge on facts as sometimes is done, my Lord.

The Chief Justice : It is said in some foreign countries that the charge on facts is error of itself.

Mr. Blake : Yes, my Lord. And, of course, we do not want that the Commissioners should do that which is impossible; that is, to err, my Lord.

But, my Lords, if the Commissioners think that the duty goes beyond reporting the evidence, with such remarks as will place the House in full possession of all, not only the evidence as it reads, but that which is of such great moment, the evidence as it struck the mind of the court, the demeanor of the witnesses, and the like, then I desire to take advantage of the opportunity presented and to consider what such findings might reasonably be.

My Lords, I propose in the first instance to present that portion of the case as to which there would appear to me to be no reasonable doubt, and to ask a conclusion upon it. I then propose to deal with those matters which I conceive to be open to question, and present such thoughts as strike me, and which, I trust, may be even to a slight extent helpful to the Commissioners, in. I admit the onerous and difficult task, if they find that task is presented to them.

Here I may say, my Lords, that I shall seek all through the statement that I make, to observe what your Lordships have more than once remarked upon. I do not choose, and I do not think, that it would be fitting that this should be treated as a political question. I shall deal with it as an inquest of the people who desire that the truth should be ascertained in respect of grave charges of corruption made in connection with the good Government of the Province, and the conduct of its public business.

My Lords, the first thought that strikes me in connection with that is, what were the circumstances which preceded the main matter which is in issue before your Lordships.

We have an election so close that a coalition was looked to as a solution of the difficulties which were presented.

I, as I have stated, my Lords, am now dealing with that branch of the case in respect of which I submit there is virtually no difference of opinion.

We have on the evidence of Mr. Stratton at volume 6, page 2480, line 27, this statement. That from the date of the re-count in Lennox, on the 8th July, until the 23rd October—that should have been the 28th—but I take the 23rd, that is quite wide enough for

my purpose, the majority was just one. That is the statement of Mr. Stratton at that page of his evidence. It may be said that each side stood equal as to numbers; each vote was of vital moment. Beyond the shadow of a doubt the Ministers were anxious to retain their places, and I ask your Lordships in the initiation of this matter to bear in mind that there was the common danger, there was a common interest, there was a common desire, there was a common motive, and there was a means suggested in which one of those interested was the chief actor, but which was known, according to the evidence of Mr. Stratton, to every one of the members of the Government, for he mentioned to them on the 10th September what he was doing.

Where you have a common motive, and a common interest, and a common danger, and a common desire, and one means of carrying it out, then very slight evidence, indeed, if it does not flow as a matter of course, will suffice to show that these people were engaged in that which they were desirous of accomplishing, and in respect of which a means of accomplishing it was presented.

There is no doubt, my Lords, that, according to their notions, the means were successful. There is no doubt that, according to their notions, Mr. Gamey had agreed to sell himself and his constituency. There is no question of that. There is no question that the difficulties were removed, and there is no question but that the price which was to be paid was to a certain extent actually paid, and that the balance was put in the process of liquidation, if I may use such a term. There are the facts. A seat wanted. The man that held the seat approached. The man that held the seat arranges that on terms it is to be given. The terms are accepted. The protest is withdrawn. So much of the patronage as could at that time have been given was given. An absolute, complete and distinct bargain made and carried out.

I am not at this moment dealing with the question of the money. I am leaving that for the other branch, my Lords, of the case. I am now dealing with that which is written so plainly that he that runs may read.

Upon this question there is no doubt that Mr. Gamey was put forward and was elected as a Conservative. He was elected as an opponent of the Ross Government. There is no question but that in that constituency there was the long and bitter fight of Conservative against Reformer and Reformer against Conservative. There is no doubt that that was accepted by the Government, and because of that his

seat was protested. If there could be any question upon what was thought up to the 14th of July, it is ended by the fact that they desired to unseat a Conservative member elected as a Conservative, and acting as a Conservative. There is no use now trying to minimize that. The position was defined. It was made actual and plain. And we find no word of interference with that step thus taken until there was the approach to Mr. Gamey. Then for the first time do we find questions of possibly this or possibly that, or possibly a little independence, and so on.

Then, my Lords, that being the case, there were approaches made, and, although I shall on the second branch of the case discuss that point, to my mind it appears utterly immaterial who made the approach; whether the Government made the approach, or whether Mr. Gamey made it. If the Government made the approach, did Mr. Gamey listen to it; if Mr. Gamey made the approach, did the Government listen to it? Who made the approach in the first instance is immaterial. The question is, when they were brought together, was the answer: "Mr. Gamey, we spurn power if it is at the price of wrong"; "we spurn to take your seat if it is on any bargain"; "we spurn to buy, not only yourself, but the constituency of Manitoulin, the Conservatives of which placed you there as the trustee of this sacred trust." "We spurn it?" By no means. The question is "What is your price?"

I do not care whether Mr. Gamey said "There is my price," or whether the Government said "This is what we will give you"; absolutely immaterial on this branch of the case.

I do not care whether the extreme anxiety of the Government to hold themselves in office made them so on the alert that they were on the lookout to see whether there was any purchasable commodity in the market or not, another Beatty, or whoever else may have done it before; that is immaterial.

I do not care whether Mr. Gamey stretched out his hand for the bribe, or whether the Government took told of him and put it in his pocket. The people of this country do not care in the meantime two straws about that. But, the question is, are constituencies to be bartered like hogs in the market, or is there to be some rule of decency, right, and propriety, in connection with those matters?

However, as I say, a promise was made, and that promise which the Government asked was, that he should be recreant to his trust, that he should sell the constituency which had gone

Conservative over to the Reformers, that he should stand as a member, that the election protest should be withdrawn, the patronage of the riding from which as an opponent of the Government he was shut out should be promised to him and given to him.

My Lords, that that cannot be in doubt, and still dealing only with the matters which are without any contest, let us look simply at the communications which give that bargain, and I refer first, my Lords, to exhibit 3, the letter of the 10th September, 1902.

I shall deal, as I said, later on with the question of where that letter came from, but in the meantime we have it as a letter written by Mr. Stratton and signed by Mr. Gamey, and addressed, as seems to have been arranged, to the Premier of this Province. I just ask your Lordships' consideration for a moment, without going further into the details of the bargain which is presented by that letter, remembering that it came from Mr. Stratton. I ask your Lordships' consideration of the second line in the second paragraph, which is short, and gives the bargain concisely. This is what the Government wanted. This is what is put first: "I have decided to give you my support." That is what the Government wanted, and in this letter it puts that as the first matter. "I have decided to give you my support." On the 10th September the Premier of the Province is informed. Then, my Lords, going down to the last clause but one: "I ask to be treated as if I had been elected to support your Government." There is the price. You must treat me as if I had been elected to support your Government. Election protest of course goes, for they are not going to protest the seat of one of their supporters. That must go; that is involved in it; if, as I will show, it was not equally clear that that had been the very basis of the whole of this bargain. So the price is "As if I had been elected to support your Government," and the consideration which is to be handed over is "I give you my support." An actual absolute bargain of purchase and sale on the 10th September then made.

Between these two items in the letter we have in addition "All that I would ask as the representative of the riding which I have the honor to represent is that my recommendations receive reasonable and fair consideration at your hands," and then that is put in a more specific shape when it states, "In fact I am to be treated as if I had been elected to support your Government." I have not been elected to support your Government; I have been elected to oppose your Govern-

ment, but if you will treat me in that way, then I will give you my support. That is what the Government wanted. That is what it is said Mr. Gamey desired to obtain. The Government asked for his support. He presented the price, and in the letter which Mr. Stratton prepares he gives the complete bargain. It is put in short in that.

Then I refer further to the letter of the 27th October, which is exhibit 13. That your Lordships will remember was virtually a copy of that, simply reiterating on the 27th October, "I have decided to give my support," "that I will be considered and treated as if I had been elected." Am I unfair, my Lords, in stating that to the people of the Province that appeared to be this. The constituency went Conservative. Conservatives, men of principle and character, are being sold for some paltry pieces of patronage, to be awarded to the member as if he were a Reformer, and a supporter of the Reform Government. They say that is not our idea of right, that is not our idea of morals, that is not our idea of the integrity which should be introduced into public matters.

What throws a great deal of light upon that is the next document. That is the document of the 28th January, exhibit 17, the newspaper interview. My Lords, why was this newspaper interview had? I am not saying whether or not the statement is not absolutely correct (on the other branch of the case I will deal with that), that there were two elections coming on, Centre Bruce and North York, and that it was stated that it would be of advantage to get a paper showing the position that Mr. Gamey was going to take. My Lords, what to my mind throws a flood of light upon the matter as it then stood is this. Why not publish the letter of the 10th September? Why not publish the letter of October? Why not publish those letters? Because, they dare not. Because they knew that all the people would see that a bargain was made, that the constituency of Manitoulin was being sold, and that the reason of the support of Mr. Gamey was not any honest conviction of this, that or the other, but that he was getting certain benefits. Therefore, they could not use those two letters which they had in their hands. It was then necessary to tone that down, and to modify it, and to think out something that could really be presented which would not be the means of blocking what they desired to effectuate, and that would appear to be the free motion of Mr. Gamey. He enters into the ranks of the Conserva-

tives, and supports them, of the Reformers and supports them. That cannot be shown by those letters, but it is a bargain and sale, and therefore this is prepared.

My Lords, can anything be more unfair and misleading than this paper which Mr. Stratton puts forth? In the safe receptacle of the Premier there is the letter or the letters.

Now, my Lords, he puts forward this, "In reference to a rumor touching his relations with the Ontario Government." The deed of bargain and sale was in the office of the Premier. There was no question of "rumor." It was absolute. The price was fixed. The goods were to be handed over on the 11th March, but that would not suit, and it is put here, "A rumor touching his relations," "There is a rumor that you are inclined to be friendly." My Lords, what a solemn farce for any Minister to prepare that as an interview, under the circumstances that I will refer to, and which Mr. Hammond has given to us. "For sometime he has been seriously considering the matter." "A strong enough support to carry out the work of the Government, developing New Ontario, Manitoulin is my politics." Necessary to throw in something apologetic, or else the country would have read within the lines, and the whole thing be seen, and instead of gaining support it would be, "Why, the Government is going up and down buying members." How can the people stand against that. "I will not be a staunch supporter." "There is no doubt that the Government is sustained and will continue to carry on the affairs of the Province." At that time, my Lords, you will bear in mind what the position was. Just on the ragged edge. A starvation allowance of support, and nothing more.

And then, in order to endeavor to keep a kind of balance, so that he will not be absolutely repudiated he says, and this my Lords, I state is an explanation of a good deal of general talk that has been given. "I believe I can by independently supporting the Government, induce them to do so and so." My Lords, does not that bear evidence that that secret bargain which was made they dare not proclaim, and it was necessary to prepare something that could be published, not to let the world know how matters really stood, and that Mr. Stratton then brought in to existence this paper which I refer to now, and will have to speak of again in the second branch. I will only refer to it, saying now what strikes me as being very clearly the aim and object and desire and necessity of the Government for it.

Now, my Lords, upon those three

documents, and upon what does not stand to-day in dispute, can there be any doubt whatever on this branch of the case, it being immaterial as I say who made the approach, the two met, and the dealing was as given in those letters, without referring to anything more than to the fact that on the 4th October the protest was dropped, and that before that period the patronage was applied for, and every letter from that date on was one in fulfilment of the bargain that was made. The details of those of course I will give.

Now, my Lords, there is no doubt that Mr. Gamey was alarmed about this protest. I put that in as a fact, as to which there is no doubt.

Your Lordship may care to verify that, and I give these portions of the evidence, if your Lordships so desire. Gamey's evidence pages 37 and 38, volume 1.

Frank Sullivan, volume 3, pages 1,163 and 1,187, and 1,200 and 1,201.

The Road Inspector, Mr. J. F. Boyd, volume 5, page 1882.

Mr. Aylesworth, volume 2, page 677.

Mr. Stratton, volume 7, page 3521.

Dr. Struthers, volume 5, page 2002.

Dr. Arthurs, volume 6, pages 2289 and 2295.

Connée, volume 7, page 2649.

And the redoubtable D. A. Jones, pages, 3024 and 3029, volume 8.

I do not propose, my Lords, to read any portions of the evidence to the court; it is as fresh in your Lordships' minds as it will be in ours. I give just a little resume there. Mr. Gamey was alarmed from, at all events, the 12th August. The 7th August, your Lordship will remember, was the meeting at Allendale, and the meeting at the Walker House, the one with Captain Sullivan, and the other with the son, Frank Sullivan. So that there is no question but that the matter became a live issue on the 7th August. It was a question of large expense. Your Lordship will know how insinuatingly it is put, "They have got hopes of disqualifying you." It is not merely that the seat is to be lost, and that there is to be another election, but "You are to be disqualified." I should have judged that Captain Sullivan was the "Old man of the Sea" we remember reading about in Sinbad. He knew exactly how to touch, and therefore remarked, that there might be another election. "You are to be disqualified, and to be disgraced, because there are personal charges against you." Then came up the question of the costs, \$1,000 to \$1,500, and the mind was prepared and made receptive for some means of getting out of that difficulty, and it is soon presented.

I do not want your Lordships either to forget the intense interest that Cap-

tain Sullivan must have taken in this, because on the 21st August, according to the evidence of Mr. Gamey, according to the evidence of his brother, he took that long journey up to Gore Bay, and paid the midnight visit, all the pipes having been laid, and everything gotten into good order, to induce him to come down and give some paper, whereby it would be known that he was going to abandon his party, and the terms, and the like.

Now, of course, that is not denied, if it could have been. I think I may just as well say here, that that took place after that timber deal which was referred to by Mr. R. A. Grant, and by Mr. Frank Sullivan, that that was closed in May. I will give your Lordships the two references to that in a moment. There is the reference in Mr. Frank Sullivan's evidence.

The Chancellor: The Grant interview was the 12th August?

Mr. Blake: Yes, my Lord.

The Chancellor: And this is the 21st you are speaking of?

Mr. Blake: Yes, my Lord. I am speaking of the 21st.

The Chancellor: You said it was after the timber deal. That timber deal came up on the 12th August.

Mr. Blake: No, my Lord. The timber deal was carried out in May of 1902, according to my recollection of the date.

The Chancellor: What deal?

Mr. Blake: The Shannon deal, whereby, as Mr. Grant fairly says, the name of Shannon was used for the deal. It was Captain Sullivan, "I had to do with the carrying out of it. I know that it cost \$250, and that he got \$9,000 for it," and that transaction was carried out in May, 1902.

I have that reference now, my Lord.

The Chancellor: Mr. Blake, if you feel fatigued at any time, you may sit down. We know you have not been well.

Mr. Blake: I am very thankful for your Lordship's consideration. I may take advantage of it.

I have that reference sufficiently in my mind, and it is this: A timber deal carried out in the name of Shannon, Sullivan the real beneficiary, carried out and sold by Captain Sullivan for \$9,000.

Men who can get such large concessions from any Government will not be unwilling to work for them, my Lords.

Then, the midnight visit on the 21st of August followed, after he had the fruits of that, and I ask your Lordships to bear this in mind, that the year before that this man had on the evidence been reported for bribery on the part of the Government in one of their elections—the West Huron election.

Therefore, on the 7th August and on the 12th August, without any dispute, there was the discussion, the warning, the fear on the part of Mr. Gamey, followed almost at once by the determination of a tottering Government to try and get hold of what they admitted they considered to be a doubtful member. It is quite clear that Mr. Stratton was informed of this, for we find him approaching at once the counsel of the Government, Mr. Aylesworth, to know virtually how Mr. Gamey could be bound.

I shall refer only to the evidence of two persons, one is Mr. Aylesworth, because I think it will be a good thing for us to try and get from a man of unimpeachable integrity, whose word we would all take, as to what did really then happen. Put it shortly, He is consulted, and your Lordships will bear in mind that here is the first that we learn of the letter. We have no knowledge of the letter until that consultation, and then it is suggested, and the answer of Mr. Aylesworth is, "Prepare it yourself." It is prepared. There is no question how interested Mr. Stratton is in getting that letter. It would be a good thing to introduce into this some person who is without reproach, it will give it a standing, it will pass where, if others had been asked to undertake it, there might be question, and he takes the trouble, whether it was that he happened to meet him, which would have been altered into a visit if he could not have effected then what he actually did carry out, but Mr. Aylesworth is engaged in court, he comes down to the hall, he visits him there, he waits until he has an opportunity to speak to him, then he presents the letter, asks him to get it signed, and has an arrangement whereby Mr. Gamey is to be there at that time in order to carry this out.

Mr. Aylesworth, my Lords, very soon saw what I think everybody saw, that the transaction was an improper one. He saw perfectly well that it was not the case of Mr. Gamey, from conscientious convictions, going over to the side of the Reformers. He saw it. A man would have to be blind who did not see it. And, he adopted then the course that an honest man should, and threw his letter back, said, go elsewhere, get somebody else to carry it out. He could not give what Mr. Gamey wanted, and Mr. Gamey had to go direct to the Minister to get it. Let us see, my Lords, whether that is not what Mr. Aylesworth says. My Lords, that is at page 675, Volume 2. Retained, he states, acted in election petitions, the meeting with Mr. Gamey and Frank Sullivan, the interview with Mr. Stratton, and then, my Lords, at page 677, some general observations, and then the remark of Mr.

Stratton, "Gamey is going to support." "He spoke about the petition against Gamey, saying that Gamey was very anxious about it." Your Lordships will observe the two things put together. "He is going to support us," and "He is anxious about his petition." Then, the answer of Mr. Aylesworth, "I said to him, I do not suppose the petition would likely be pressed very strongly if Gamey was going to support them." The whole thing is done. Get from him that letter. The petition is dropped. Cannot be a supporter of the Government and you taking proceedings to take from under him the seat in respect of which he is going to support you.

Now, my Lords, I remember in the course of the conversation saying to him: "How do you know the fellow will, or what guarantee have you that he will, or something of that sort." Now, my Lords, no letter up to that time, no suggestion of a letter up to that time. "What guarantee can we have." "I think I suggested writing a letter."

There is the first place that the letter comes in, and it is, "Having Gamey write a letter," or "I suggested writing a letter," "Having Gamey write a letter," "Certainly it was suggested in the conversation between us." And, your Lordships will be good enough to remember that the suggestion did not come from Mr. Gamey, did not come from Mr. Stratton, but that it did come from Mr. Aylesworth, and no suggestion from Mr. Stratton up to that moment about the letter.

Then at the foot of that page, 677, when it was suggested that Mr. Aylesworth should prepare this, he said, "You know what you want, you had better do it yourself," and we separated. "He said, would you see Mr. Gamey if he came to you, would you get such a letter from him." If there had been a letter discussed, and if its form had been in existence, how differently would that have been presented, my Lords? Why, I have the form of the letter already, here it is, will this answer you, will this suit you; but, the form is then discussed, and it comes from Mr. Aylesworth. Then, my Lords, he says, "Why certainly, if he comes to me." "Well, he said, he will probably go to you to-morrow about his petition."

There is the starting point. I can get hold of Gamey by this election petition, and when I get him to go down to you about the election petition, then get the letter from him. That is the way I submit the evidence reads. He will go about his petition, and if he does, get such a letter. Up to this time Mr. Gamey did not know Mr. Aylesworth, had nothing to do with him, had no dealings. Mr.

Aylesworth was the counsel of the Government, as Mr. Stratton calls him. To him he is directed. Mr. Stratton intervenes and sees him, and he said, "He will go." Virtually, "I will send him down." The petition is the drawing card, but when he is there, you get this letter from him. "The next day Mr. Stratton brought me a type-written letter and handed it to me, saying, this would do, and said, Mr. Gamey will be at your office between this and 2 o'clock." Then on the next page we have what Mr. Gamey said. He said to Mr. Aylesworth, "He supposed I knew there was an election petition against him. I explained to him about the retainer, and if you are going to support the Government you won't have much need of counsel defending you in this petition." "I don't suppose," and a little smile between them, "it is very likely it will be pressed against you." That is what you want, and I here, as representing the Government, will tell you the probabilities or the absurdity of a Government accepting you as a supporter, and pressing against you an election petition. It shows also, my Lords, how completely this matter was in the hands of the Government, as your Lordships are well aware that petition was absolutely dismissed without a word passing between the petitioner, Mr. Fraser, and the persons that were pretending to act for him in the matter. It was a Government matter, and dealt with as a Government matter.

Then comes the question, "Would you put that in writing?" "Certainly," and then Mr. Aylesworth very rightly follows it up, that is, you put in writing that you are a supporter, then there is no reason in the world why I should not act for you in this petition, if you need me. That is to say, as a Government supporter, I represent the Government, we want this seat, and there is no use in your saying anything more about it.

Then, your Lordship, the Chancellor asked him a question, and he answers it. "He signed it immediately with that remark, that it was all right." The address, he thinks, was put in then. "Had it been mentioned to whom the letter would be addressed? A: Well, I think it had, but again that is hardly a matter of memory. It is more a matter of reasoning on my part."

The Chancellor: The letter, as a matter of fact, is addressed in Mr. Gamey's hand writing?

Mr. Blake: Oh, yes, my Lord. The date and the address. There is no question about that.

The Chancellor: I have not seen the original, but that is understood.

Mr. Blake: I have the fac simile copy of it. That is the case?

Mr. Ritchie: Yes.

Mr. Blake: Then he said he would give his word that it was to be kept there, and really I do not know for what purpose, unless it was to remain until the petition was dismissed. Then there was a talk about stock, whether it was of goods or otherwise, and he does not distinguish between what Frank Sullivan says, and Mr. Gamey, but this does not seem to me material, excepting that Sullivan was talking about the petition (page 686) in the earlier part of the interview when I said, "That I did not think they need fear about the petition being pressed very hard." Sullivan spoke about "How do we know," or who can tell, or something in that way. I merely suggest that as a reason why possibly the letter was to be kept, and not to be acted upon until the petition was dismissed. That is merely a surmise, assuring Gamey that he need not hesitate about leaving the letter in the way suggested. Then Mr. Aylesworth says, although wrong about the date, a slip of memory, a Member of Parliament acting as he did, he thought that the man was in the market. "I did not want to have anything more to do with him." Then they bowed, left the room, and there was an end of it. I thought that out alone (page 689), and I came to the conclusion that that interview was not on Mr. Gamey's part an honest business interview, and that he would never expect to pay me anything in respect of it, and I made no entry. "That was not on Mr. Gamey's part an honest business interview." How correct, my Lords? "remcau tetigesti." The matter just exactly touched. It was not an honest business interview. How much more did Mr. Stratton know that? He had been seeing this man and dealing with him. Then, that is pretty much all of Mr. Aylesworth's statement. He did not know anything about the money branch of the business. The letter may have been taken by Mr. Frank Sullivan, although he thinks that it was by Mr. Gamey.

Now, my Lords, that is the evidence in regard to the question of the letter of September, excepting that that letter was found in a private drawer of the Premier's, so far as I know, pending this negotiation. But, it was kept, it was there, it was the evidence, it had been received. For the purpose of this branch, I care not how. It was given its proper place, and remained there to be put to such use as might be deemed proper, supposing that the Government thought fit to use it.

Then, your Lordships will bear in mind that this was a matter which was known to the other members of the Government. Mr. Stratton states that

it was mentioned, not in a Council meeting, but to four members of the Council on that day. And, your Lordships will remember also that he says the next day to the remainder of them. And therefore the dealings between Mr. Stratton and Mr. Gamey are made known to the other members of the Government, and the letter which passed at that time is found amongst what I may call the muniments of title of the Government to Mr. Gamey. The "bought and sold note" is found in the pigeon-hole, all safely kept.

Your Lordships will find the account of that given by Mr. Stratton at page 2,425, of volume 6. "Had you spoken to your colleagues about Mr. Gamey and about his position? On the 9th? Q.—The position you had taken on the 9th? A.—Yes, just in a casual way. I said Mr. Gamey had been in and said he was going to support the Government." To some of the colleagues he said it was discussed.

Then, my Lords, at page 2,612, volume 7, "On the 11th you say you had a discussion with your colleagues and referred to the Conservative caucus? A.—Yes, that was in the morning at breakfast. Q.—How many and which of the colleagues were then present? A.—Mr. Harcourt, Mr. Dryden, Mr. Latchford, perhaps Mr. Gibson; I would not say definitely; he sometimes goes to Hamilton in the evening and returns in the morning."

He says that this conversation, my Lords, at page 2613, was more of a jocular discussion than anything else. I asked him the question, "Very funny, the untruthfulness of the man, I suppose, to you. What did you say then? A.—That was all. Q.—You simply referred jocularly to the man that was with one on the 9th and was with the others on the 10th? A.—On the 10th. Q.—But it was a matter of amusement to you. A.—Yes." I then say, "Oh, but I cannot understand that." I think I was wrong, my Lords, "I can quite understand that." I cannot understand it being a matter of amusement amongst Ministers of the Crown that a man that was elected to be an opponent of the Government, who under the influence which we have had described by Mr. Aylesworth, should become an opponent of his party, and a supporter of the Government. I cannot understand it. It seems to me to have been a very grave offence. It seems to me to have been a very grave sin. "It seems to me that people who choose to make a mock at sin certainly have not got the right sense of duty, whether it is that being for years dragged down into what they call the pit of political exigency, one loses a sense of what is

right and what is wrong; and, I take it, very few people who know as much as Mr. Stratton did on this which he call the 11th of the month of September, and knew the temptations that had been held out, knew that he was seeking to remove him from the fence and draw him into the Reform fold, would say there was anything to be laughed at, anything to draw forth anything but an extreme matter of regret, and indeed deprecation. I refer to this, for the reason that when we come to compare the evidence, we shall have to consider the source from which the evidence comes. Sufficient to say that that was the position then taken, and these were the facts that were then known.

I am not here going into the question of whether it was the 9th, the 10th, or the 11th, because, as I state, I want to keep out of the atmosphere of doubtful evidence, and deal only with that as to which there is no question.

This letter at that time contains the terms on which Mr. Gamey, holding this trust of the Conservative seat, is to sell not only himself, but the constituency, and its constituents, to the support of the Government which he was returned to oppose.

I just say here, my Lords, is it any wonder that those who do not seem to have been led away entirely by the demands of party, such men as Dr. Struthers, who struck me as being a very honest man, such men as Dr. Arthurs—everyone whom he consulted on the question—is it any wonder, my Lords, that they came to the conclusion that they did. Your Lordships will find the evidence, (I do not trouble with more) of these two gentlemen, Dr. Struthers, my Lords, at page 2,023, and 2,020 of volume 5, Dr. Arthurs, 2,302 and 2,320, volume 6.

My Lords, these gentlemen had presented to them the simple fact, "You know how you were returned." "You are going to support the Government that you were returned to oppose," "You are going to do that," "You talk of it." Dr. Struthers says, "I tell you if you do that your reputation will be everlastingly damned." And I think he spoke as an honest man. I believe he came to the conclusion at which every honest man would arrive. "Do not do it." Clear and distinct. "You have only one course to pursue, resign. You cannot sell those constituents." "You cannot sell that constituency, resign. Give these people an opportunity of saying once again whether they will support the Ross Government or the Conservative party?"

I think, my Lords, that throws a great deal of light upon what was done, and what should have been done.

You cannot do it. We advise you against it. If you cannot carry out your pledges to oppose the Government, then give the electors an opportunity of speaking upon the matter.

My Lords, it may possibly be opportune now, to show, as another absolutely undisputed fact, how perfectly the Government understood the bargain, and how quickly the strangers, up to the 10th September, became bosom friends. What in the world was it united them so that on the 29th of September we find, as your Lordships will see, almost immediately afterwards, (Exhibit 7) Mr. Gamey says, "My dear Stratton," a man that it is said he did not know until the 10th September. There must have been something that bound these men together. There must have been something that brought them together, and it is very remarkable that on that day he writes suggesting that he wants Mr. Thomas Flesher, Collector at the Port, appointed a J.P. His request is, "Would you kindly make this appointment for me." You know who I am. You know our letter. You know that I am your servant now. And this is the price of the servitude, the giving of the patronage. Do this for me.

Then this is also very remarkable, my Lords. "I am writing you while I know the appointment is in the other department." "But up to the present I have no tie with the other departments. I must in and through you get the approach. He says, I desire just now to do business with you. Would you be kind enough to ask the Minister of Public Works to let Mr. J. F. Boyd, Government Road Inspector in my district, know in a quiet way that he might consult me." Can anything be more clear and distinct than the demand made, that the consideration should be given, and that as the bargain made in and through Mr. Stratton, although this is in another Department, that it is to be in and through Mr. Stratton the approach is to be made. It is to be made for "me," the man you have bought, and "Will you see that it is done." Then he speaks about the railway passes. Then, "It is to be in a quiet way."

Then, Mr. Stratton accepts this term of intimacy, and says on the 2nd October to this hitherto unknown man, "My dear Gamey." Your Lordships will observe, no protest. "What have we to do with you? Who are you?" "You are the Conservative member for Manitoulin, coming around here and making requests for patronage which is only given to our own supporters." We find that by no means. "I have transferred your letter to the Hon. Mr. Gibson, Attorney-General, who

has charge of the Administration of Justice, and have asked him to approve of your recommendation." That is the bargain. "I will see him on my return to the city in a few days in regard to it." Then he says further, introducing him to all the Departments, "When the estimates are being prepared for the coming Session, I will ask the Minister of Public Works to speak to Mr. Boyd in the direction indicated in your letter." He does not know about the railway passes, and so on. My Lords, I need not waste time or words over that. The matter is, to my mind, pregnant, notwithstanding that Mr. Stratton goes into the box, and says, "I made no appointment." What does he do? He receives the letter, he listens to the application, he says that he will see these Departments and these Ministers. He virtually assures Mr. Gamey that the bargain will be carried out. All that, my Lords, shows the reality of that bargain, how substantial it was, that Mr. Stratton well understood it, and that that bargain was just as Mr. Gamey has stated it to be, and just as the letters prove.

From that time onwards we find Exhibit 9, my Lords, October 2nd, just in the same way. This, my Lords, is inexplicable, unless there was a bargain made. "Would you approve of the appointment of the late Returning Officer as the Returning Officer for the taking of the Referendum vote on December 4th?" They all knew about it. Why? "Your reply will be handed by my Private Secretary to the Premier." All knew about it. From one Department to the other we trace the knowledge of such an arrangement made, or what was suggested by Mr. Stratton, or Mr. Gamey, could not be carried out on the terms on which this Government sought and did retain power, that is to say, that the spoils are for those in office, and we do not recognize those that are outside. "This, therefore, which is asked by me, will be sent to the Premier of the Province and no doubt will be dealt with by him."

Then, my Lords, another letter of the 2nd of October, Exhibit 53, shows the bargain is known and recognized. Mr. Stratton hands it on to Mr. Gibson. Why? How could it have been handed unless there had been these communications? Your Lordship will observe that not one of these Ministers deny. It was absolutely affirmed. The correspondence shows it. The introduction on the 10th September, and the tampering with Gamey was known. I do not care whether it was jocular or as a matter of amusement, it was laid bare. No such action as was taken by those Ministers could have followed from any-

thing else, unless there had been the arrangement made and assented to.

Now, what does he say? "I enclose you a petition from the Huron Lumber Company asking that Mr. Thomas Flesher, Collector of Customs at Aird Island be appointed a Justice of the Peace in the room and stead of Andrew." It is recommended and approved of by Mr. Gamey. Mr. Gamey? Why is Mr. Stratton mad? Mr. Gamey, the Conservative member, Mr. Gamey returned to oppose us, how long shall we be in power, according to the mode of holding by us, if we listen to what outsiders say about our patronage? It is recommended and approved of by Mr. Gamey, the member for the district, "Will you be good enough to have the matter attended to at your earliest convenience." How strong an endorsement there is there. Do your Lordships suppose that all this that we have in correspondence did not take place with the perfect knowledge of these people? It could not have been otherwise. Res ipse loquitur. The matter is there. You have the result. You must have the preceding cause for it.

Then, further, again he writes on the 7th October. Mr. Gamey writes to Mr. Stratton, "I would recommend very strongly the Sheriff of our riding, Mr. E. H. Jackson, as Returning Officer for the Referendum." And then, "Could you keep this appointment over until next week and make it then. By doing this for me you will oblige me much." That is Exhibit 10, my Lords, of date 7th October.

Then, my Lords, you will kindly glance at Exhibit 11. What is the answer to that? This comes from the Minister's Secretary, and what does he say? "I have transferred your letter to the Hon. The Premier." Why, of course. He had the letter of the 10th September in his pigeon-hole. That explained to him the whole matter, and therefore when this was forwarded on from Mr. Stratton to the Premier he understood the why and the wherefore.

Then, it is useless for Mr. Stratton to say, "I made no appointments." He did all he could to get the appointments made. He looked up these Ministers. He asked them to make the appointments. Mr. Gamey's name is attached, as your Lordships will see, to Exhibit 22 again. "This grant is particularly required in order to make the road passable for children to get to the school at present," and so on.

Then on the 4th November, "What is the use of having a friend if you don't make use of him," and so Mr. Gamey, being encouraged by the answer he gets, by Exhibit 14, my Lords, November 4th, says, "Could I borrow \$2,000 and give my note for it

repayable after the first Session." There will be many transactions between us now, there will be a squaring up, and your Lordships remember that, according to the statement of Mr. Gamey, there was to be the sum of \$2,000 payable at the end of it. But we will just see what should have followed from that.

The Chief Justice: Which Exhibit is that?

Mr. Blake: Exhibit 14, my Lord, November 4th, 1902. "Could I borrow \$2,000." Well, what was the answer? None. He does not reply to it.

The Chancellor: The Secretary said he would send it on.

Mr. Blake: Oh, yes, my Lord.

The Chancellor: Mr. Stratton was out of town. Mr. Stratton took no notice of it.

Mr. Blake: If this was a question between the 4th November and the 15th November or the 20th, I would make no remark upon it, but this is a question of between the 4th of November and the 11th March. The answer of the Secretary was, "I have the honor to acknowledge receipt of your letter of November 4th. The Hon. Mr. Stratton is out of the city, expected on Friday, may possibly go to Peterborough, and not return until the middle of the week. Upon his return to the city, I will place your letter before him." If the answer had been delayed, or if a sufficient time had not elapsed, I admit there would be much in the observation of your Lordship, but I am dealing with the question of a letter which was received, and which it was stated would be attended to. "I will place your letter before him." On the 6th November they said he would be back at once. No reply is sent. I simply say, in passing over this letter, to my mind, it is a matter of great suspicion and it leads one to conclude, or helps in the thought, that there were minuter arrangements between those two, and that if they did not exist, if there was not a distinct understanding, there would at once have been a letter stating, "I do not understand what you mean by asking me for \$2,000, what is your security, I have no money to lend," or the like.

Then, again, your Lordships will observe Exhibit 37. The gentleman who says he did not issue a single appointment. On the 10th November he writes asking the Attorney-General to take up and to consider the appointment of Thomas Flesher.

Then, Mr. Gibson, on the 5th December, Exhibit 37, takes up the correspondence.

The question of the appointment of a Constable I do not trouble about. It does not seem to me to be very material, except that it is dealt with off-hand just in the same way.

Then, my Lords, Exhibit 37, December 18th, from Mr. Gamey: "If you can make the appointment I will be obliged." And the Attorney-General does not at all repudiate the endorsement of Mr. Gamey, but, on the contrary, my Lords, he says what?

This letter is part of exhibit 37, dated 23rd December, 1902. Mr. Gibson says, writing to Mr. Farewell, the late member, I should like to make the appointment if there are no specially strong reasons why I should not do so, and you will understand what I mean when I say this. "You will understand."

The Chancellor: Was that about Flesher? I think that was about another person.

The Chief Justice: About Swanson.

Mr. Blake: About Swanson. I was not saying it was about Flesher. I am merely carrying on that correspondence, whether it was Swanson or Flesher, or whoever it was.

The Chancellor: Oh, yes, I understand now.

Mr. Blake: And I thought it would be better to give this in the sequence of dates, in order to show that there was no break from that time onward.

The Chief Justice: Flesher was appointed. It does not appear that Swanson was.

Mr. Blake: As my learned friend Mr. McPherson calls to my attention, both of these were mentioned in the letter of Mr. Stratton, and are dealt with. However, that is utterly immaterial, because I am only going to show that from this period on—from the writing of that letter of the 10th of September onwards—there has been no break whatever in the demands made by Mr. Gamey for the patronage, and the response made in his favor by the Government, so far as any of the departments are concerned.

Then, the next letter, part of exhibit 23, is written to the Government Road Inspector. It must have then become pretty generally known. The date is 24th December. "You will find the Department understands that I am going to ask, and I wish you to do your best to push them through. I will go down about the 7th January."

Then, we have a petition presented, we have a communication from Mr. Farewell, who calls attention to the fact, not knowing the letter of the 10th September. The letter is on the 27th December, being again part of exhibit 37. He says, "I concluded Mr. Gamey was trying to make political capital," and so on. "Did not propose to lend my assistance," and so on. "Whitefish has always been very strongly opposed to the present Government politically. In both of my elections I think I received only three or four votes in that polling sub-divis-

ion." That, my Lords, is part of exhibit 37. Your Lordships will remember several letters were put in. This letter is of date 27th December, Farewell to the Attorney-General.

Then, again, following in sequence of dates, something that seems to throw a light upon this, the knowledge, and it seems to me without wanting to warp this to any extent, the mode of education of the departments in the various offices. In this exhibit of the 3rd January, exhibit 47, we find that the Inspector of Roads writes to Mr. Latchford this letter. I think it was quite evident, my Lords, that Mr. Stratton had not seen a copy of the letter of the 10th September, or of the 27th October, to the inspector, or else this letter would have been unnecessary. For he said, "I have been led to believe that Mr. Gamey expects some patronage in making grants and appointments, but fear that unless some decided advantage shall be obtained from this, we are running the risk of demoralizing our party." That is the answer that is made to the demand.

My Lords, it seems to be a painful thing to have to comment upon the fact, that whether children are to have a little road made that is to permit them to go to school, shown by almost a piteous appeal made, whether there are to be roads made here and there through the constituency, is to depend upon whether some decided advantage is to be gained by the Government, and that they are to think whether they will run the risk of demoralizing the party. As is the master, so is the man.

And, what we have from the Minister, we may expect in his inspectors under him.

Then, there is more or less correspondence still going on. I refer to letter exhibit 26 of the 13th January, Mr. Gamey to Mr. Stratton, about Mr. Platt, the issuer of marriage licenses. That is acknowledged on the 15th January as a matter of course. Then, on the 22nd January, part of exhibit 36, in the same way, Mr. Gamey applies for the appointment of Mr. McEachren. Inquiries are made in the usual way.

I refer, as I am discussing the exhibits, to what seemed to be very important, although it does not really come in here in this branch of the case. I refer to exhibit 16, 27th January, 1903. "Important that you be here on Thursday or Friday. Frank."

The Chancellor: That is Sullivan's telegram?

Mr. Blake: Yes, my Lord, exhibit 16, 27th January. Most important, because it was on the next day, and so far as I can see from the evidence, nothing to show that Mr. Gamey was seen at the time. It is on the next

day that Mr. Hammond is informed of the fact that Mr. Gamey will be in town, and that he expects to get an interview from him. I do not know how he knew that, except that he knew that this telegram was sent.

Then all this is carried on. I refer only to the exhibits. Then I refer to 13th January, 1903, part of exhibit 39, Gamey to Campbell, about the need of the road. Then, I refer, my Lords, to the letter of the 31st January, 1903, exhibit 21, to the Commissioner of Public Works, reading only this sentence, "I am particularly anxious that all my applications for grants go through this year, as it will be one means to satisfy my people that I took a move in their interests." We must be cautious about this. A word of warning, and the price must be paid, that he has got to reckon with some people, and so he says, "All my applications go through, it will be a means of satisfying them if they go through."

The Chancellor: What is the date of that?

Mr. Blake: 31st January, exhibit 21. "It will satisfy my people." You have gotten an interview, my people are restive, I must try and show that some benefit will come to them, and therefore carry out our arrangement, and let all my applications for grants go through. It will be a means of satisfying my people. I ask as a special favor that not one of these grants be left out. Then, there are some other letters carrying the matter on. For instance, take the letter of the 3rd of February, exhibit 39. Then the road inspector, by letter of the 3rd of February, exhibit 39, again replies. And then, my Lords, on the 7th February, exhibit 25, Mr. Latchford says: "It is a pretty large order; I will endeavor to arrange for them in my estimates. To satisfy the constituents I will endeavor to do my part of our bargain."

Then, my lords, there is a letter of the 7th February, exhibit 28, merely the sequence of dates again, and this is directed to Mr. Stratton and received by him, and a letter as to which he says that nobody knew the contents, unless it was his private secretary.

Now, I want your Lordships to be good enough to consider that for a moment, because of the reply that is made to it. That letter says (exhibit 28), 7th February, "There is certainly a row on. Fancy it will be hard to satisfy our people. Meeting of our Executive for the riding is called for February 16th to consider the question. I doubt very much if I can pass muster. In fact it looks as if they would ask for my resignation."

That was what Dr. Arthurs and Dr. Struthers had advised. The answer to it was, "The interview." That was what Mr. Stratton wanted, that is what he advised, and that is what he got. Then comes this letter which tends to resignation, and he says: "I can beat by hundreds any Conservative that can be put up, if the Liberals would not put a man in the field. Give me a reasonable support. This would be the strongest card to play. Strength in every part of the Province, and would also be of strength in the House. Present position does you more harm than good. From a political standpoint was a mistake. The resignation made at once, and a campaign as short as possible, would be a sure winner, as the voters generally through the country approve of my course."

I could not dare to make a recommendation for any position until after the 16th."

What perfect and absolute knowledge is shown as between these parties of the position that they were to help one another, and I ask your Lordships to come to the conclusion (the only matter here which I put of doubtful evidence, if it can be doubtful) that that letter, X.Y.Z., of the 11th February, exhibit 29, was Mr. Stratton's answer to that letter of the 7th February, which I have read. In the first place, it answers it specifically. It is not some general statement. Let us see how for this letter, X.Y.Z., with the enclosure—how far that corresponds with what Mr. Stratton had given to the typewriter. He says there, "I understand they are holding a meeting at Gore Bay on Monday, the 16th instant," your Lordships see, beginning as an answer to that letter of the 7th.

The Chancellor: You say "Stratton" had given to the typewriter. You mean "Sullivan."

Mr. Blake: This is what Sullivan gave to the typewriter.

The Chancellor: But you spoke of it as emanating from Stratton.

Mr. Blake: Yes, my Lord, and I say this is giving the reasons. That is correct, my Lords. Now, he refers in that letter of the 7th to the fact that a meeting is called for February 16th, and then this letter says: "I understand they are holding a meeting at Gore Bay on Monday, the 16th, at which you will be asked to state your position," which is just what he says here, and is it, that I am to resign, or is it that I am to stand by what was stated in that typewritten paper. My Lords, I do not care in the least whether this was by the hand of Mr. Stratton, given to Mr. Ford, who had been by him otherwise used in these matters, or whether this was given to

Mr. Sullivan and by him transferred. All I mean to say is that as a matter of plain common sense, that letter X. Y. Z., with the enclosure which so aptly answers the letter of the 7th February, could not have come into existence unless the person had that letter of the 7th February, to which all this is a complete reply. I do not care whether your Lordships come to the conclusion that this was a matter in respect of which the hand was the hand of Mr. Stratton, or whether it was of Mr. Sullivan, my own idea would be that it was a concoction between the two of them, but I mean to say that letter X. Y. Z., and the enclosure, so clearly is a reply to that letter of the 7th February, that it must be taken to be a reply, and taken to have been an answer given, either by or through the instrumentality of the person to whom the letter of the 7th February is written, because, my Lords, we have no other answer to it. And it was at a crucial moment, and Mr. Gamey was there expecting some advice. Do not let them scare you. McGregor & Reilly, etc., talking night before last, they decided they would have your promise to resign if the convention decided so. Twice the question of resignation comes in. Stick to what you have done, everything will turn out O.K. Then, my Lords, we have this typewritten communication which is just on the line of the communication that was given to the newspaper for publication. If your Lordships take that and look through it you will see that the advice given in the letter is given at large in this, and just follows out that same course. If necessary, keep a stiff upper lip, no resignation. He intends to pursue it. A dead-lock would seem to be imminent in the Province. Course is not without precedent. Dr. Beatty of Parry Sound. Then these men in Toronto. Then, my Lords, winding up, just written by the person who had so recently given and had in his mind, what does he do? He refers to that. The only interview he has given to the newspaper is the only one he intends to give. Had been inspired, and so on. For the present he is the member-elect of the riding and does not intend to resign the seat to which he was elected by a very considerable majority.

My Lords, that letter could not have come into existence excepting as an answer to the letter of the 7th February. The letter of the 7th February tended strongly in the way of resignation. This letter and the enclosure says, no resignation. I am going to stand to that interview. There was no other reply given by Mr. Stratton to the letter, no other reply given.

This is the reply and must I submit to the court stand as such. I think it bears inherent testimony of being the answer to it.

Then, again, my Lords, this is carried on by exhibit, part of 40, Mr. Gamey to Mr. Harcourt, for a grant of \$50. That is part of exhibit 40, 13th February.

My Lords, it is quite immaterial whether it may turn out on investigation that those demands that were made were reasonable demands or not, whether they were good or not. That is not the question. The question is whether they were not put forward by Mr. Gamey, and whether they were not taken up and presented by Mr. Gamey, and whether they were not dealt with, whether good, bad or indifferent, is utterly immaterial, in the way in which such matters are only considered by the Government, that is emanating from their own supporters, and your Lordships will remember, I think it was in answer to his Lordship the Chancellor, but whether or not, Mr. Stratton made the answer clearly and distinctly, that these matters when they emanated from the Opposition, were not considered. Whether they were good, bad or indifferent, it is utterly immaterial, they were not considered. The force of this is that they were considered, were taken up, were dealt with, and, according to the evidence of Mr. Stratton, such a letter as that, if it had been received, would simply be returned, or in a polite way they would be informed, there is no use in the world, from the position you occupy, seeking to deal with it. Then I refer also to the letter of the 20th February, exhibit 30. I say, my Lords, that the details which are found there could not and should not have been known to any person excepting the Minister, and the Private Secretary.

I am not going to trouble your Lordships going over these exhibits again. I say there is inherent testimony in the letters which are signed by Mr. Sullivan that he must have been in close contact with Mr. Stratton, they must have had a perfect understanding, and that he is giving to Mr. Gamey tips and information which were known to Mr. Stratton and his private secretary, and to nobody else but Mr. Sullivan.

Then the force and power of Mr. Gamey and his position under his arrangement is shown again by exhibit 48 of the 23rd February. Mr. Spencer, who is making an application for a position, says, "with reference to my application for license inspector, I have at the request of Mr. Thomas Conden, seen Mr. R. R. Gamey." That is

to Mr. Stratton. That is the pass word, and he is seen.

Then, politely, on the 26th February, exhibit part of 36, Mr. Gibson says, as to Mr. McEachren's appointment, that he will have the advantage of discussing it, and I hope you will not mind my leaving it in abeyance in the meantime. The expressions, the dealing, and all that, is that of a person who does not repudiate the arrangement, but who holds to the arrangement, but simply asks for a convenient season to carry it out.

Your Lordships will find again on the 27th February another letter from Mr. Frank Sullivan, as to which I will only say, that the information that is there obtained could not have been in the possession of Mr. Sullivan unless there was the conference between him and Mr. Stratton. The names, the position of matters, the advice given, all that in detail could not have come from Mr. Sullivan, if he stood alone.

Then, on the 3rd March again, exhibit 40, bringing it to the end, Mr. Harcourt again carries on the correspondence, saying, I will talk the matter over with you when the House is in session.

That, my Lords, was the state of matters which does not depend upon the slippery memory of man, but is given from the documents which I have read, and I submit very humbly to the court, or to your Lordships the Commissioners, that nothing could more clearly and distinctly corroborate that letter of the 10th of September than what immediately took place, what followed, and was continuous up to the meeting of the House. I did not give your Lordships the page as to the Shannon deal. Mr. Grant's evidence, volume 3, pages 1031-2-3 and 4. Frank Sullivan's evidence, volume 3, pages 1303 and 1304. Bought for \$250, sold for \$9,000, and the date when it was completed, and the fact that the name of Shannon was used; and, that it was Captain Sullivan.

Then, my Lords, it might be material to state that Mr. Conmee—I thought that that was a piece of evidence that was entitled to consideration—Mr. Conmee says that he told Mr. Stratton and Mr. Grant about Gamey and the protest.

That, my Lords, is found at volume 7, pages 2649, 2676, 2678-9 and 2683.

The petition filed by, virtually the Government, and therefore it was not necessary to consult Mr. Fraser. Mr. Grant, informed at that period of time by Mr. Conmee of the position of Mr. Gamey, and why, of course, from that time onwards it was only to get rid of the petition.

My Lords, I may just make one remark here, and it is all I will have to say upon the subject. This sawing off of petitions is something that appears to me to be very disreputable, but, my Lords, it is more disreputable when you take a petition, as here, which was a petition against a Conservative, and by virtue of that you saw off a petition on the other side, but when you have already got that, and that is a Reform constituency, you still use that as a Conservative seat to saw-off another. Your Lordships understand what I mean.

The Chancellor: Unless Mr. Gamey had informed the leaders of the Conservative party precisely what his position was, and Mr. Bristol knew as much about it as Mr. Grant did.

Mr. Blake: Mr. Bristol was not examined, so we cannot say that.

The Chancellor: We cannot say that, but we know Mr. Gamey saw Mr. Bristol. I quite agree with you that the sawing off of these petitions is a disreputable practice, but, unfortunately, both parties concur in it, and the law does not forbid it, as it might well do.

Mr. Blake: I know that, my Lord, but, your Lordship knows and, no one in the world knows better, than that pot and kettle—

The Chancellor: But in this enquiry we cannot change the law, or the practice of the parties.

Mr. Blake: Well, I do trust you will change the practice very materially.

The Chancellor—I am afraid not. I am afraid it is beyond the power of any living Judge or the power of the Legislature.

Mr. Blake:—No, I do not believe it. I believe that any such expression as that, coming from the Commissioners, coming from people occupying the position your Lordships do—

The Chancellor—I think Judges have said that in their judgments already, about the practice of sawing-off petitions. Mr. Justice Osler spoke of it.

Mr. Blake:—That may be, but here is a Commission, to which is relegated the consideration of these matters to an extent that was never given to the Judges trying a mere election petition, and I should very much regret that in respect of such matters, and more especially when I bring it home here, that at that period of time Mr. Grant was under the apprehension, Mr. Stratton was under the apprehension, Mr. Aylesworth was under the apprehension, all persons thought that seat was apparently represented by a Conservative, is virtually by the letters that we have obtained now represented by a Reformer, but still we will use that seat, which has ceased to be a Con-

servative seat, for the purpose of trying to gain another Liberal seat by an off-setting, which could not have taken place unless that was a practical Conservative seat.

The Chancellor—That would be a very strong position, indeed, if Mr. Gamey had not told us he was in conference with the leaders of his party on the island. He mentioned two or three of them there, and with Mr. Might, who is some representative of the party in this city, who knew his plan of campaign, and if you infer that Mr. Grant had knowledge, and if you infer that Mr. Bristol had knowledge of Mr. Gamey's actual position—however, that would be a matter of inference.

Mr. Blake—That is a matter of inference, my Lord, but I am dealing with a matter, my Lord, in respect of which there is no conflict of evidence. So far as that matter is concerned, those are the facts as they were presented.

The Chancellor—Oh, well, there was no conflict of evidence about the way in which this petition was finally disposed of. Two or three gentlemen met together, and they went over the positions and set off one against another, Mr. Bristol and Mr. Grant assisting, and the whole thing is done in that extraordinary way. But still that is the way it has been done.

Mr. Blake—That was the reason, my Lords, I thought it very material that we should have the evidence of Mr. Conmee, a very strong politician. He does not lose the opportunity of seeing Mr. Grant and informing him of the fact that Mr. Gamey is going to support the Reform party.

The Chancellor—Mr. Gamey saw Mr. Bristol on the 4th of October?

Mr. Blake—He may have, my Lord.

The Chancellor—And that was the day the petitions were arranged.

Mr. Blake—But there is no evidence.

The Chancellor—I quite admit there is no direct evidence.

Mr. Blake—I am simply dealing with the facts as we have them, my Lord, and I do not know whether there should be any inference. If your Lordships will allow me, I may state, I had a difficulty in asking Mr. Bristol or any person in that position coming to give evidence, because it was a matter as between solicitor and client. Certainly, for that reason, he did not desire to be examined, and I did not press it. Therefore, I cannot deal, my Lords, with that branch of it. I am only dealing with what is there and what is undenied. Mr. Conmee mentioned that to Mr. Grant. Mr. Grant had no reason to differ from the conclusion. Mr. Stratton knew of it. And,

with that knowledge, that which had become by that arrangement a Reform seat, is set off against the other. Now, my Lords, whether Mr. Gamey said anything upon that to Mr. Bristol or not I do not know. We have no evidence of that.

The Chancellor : Oh, no. But these three or four Conservatives knew of what Mr. Gamey was doing all the time. That is, Mr. McGregor, and somebody else up on the island.

Mr. Blake : Oh, I do not think there is any doubt but that he (that is a branch of the case I will deal with afterwards), having to protect himself, informed them of that. In the meantime I am desirous of dealing with that in respect of which there can be no question.

The Chancellor : The question is whether you can separate the one from the other, because Mr. Gamey puts it that the whole thing was done at the one interview, the money, patronage, and protest, at the first interview, and then he conferred with Mr. McGregor, or his neighbors. The thing cannot be separated in their discussion, as you are separating it in your argument.

Mr. Blake : Possibly not, and we do not know really how much of that was given to these gentlemen. I should have very much doubted—

The Chancellor : That is a matter of inference again.

Mr. Blake : Yes, my Lord. Your Lordship understands me. I take for granted your Lordship thoroughly understands me. I am presenting my case separately for this reason, and only for this reason. I thought that it would be more convenient, if possible, that we should dis-annex matters of doubt from that in respect of which there cannot be a doubt, and matters which appear upon letters, and upon the testimony, such as Mr. Aylesworth, and so on. I did that because, whether I am right or wrong—I should be very, very sorry to think that I was wrong though, that if your Lordships come to the conclusion that there was no consideration but the dismissal of the petition, if your Lordships came to the conclusion that there was no evidence but the giving of the patronage as a consideration, that a great crime had been committed, and a corrupt act, if there was the payment of money, again a corrupt act. But, if there is only one of these shown, there is the corrupt act, and if there was only one of these shown, the matter was reprehensible, and should not have been entered into. That is the reason I thought, taking these two matters which appear upon these letters, and which seem to me to be conclusive, and as to which there can be no answer, taking those, it would be better, and then afterwards to deal with the question of the money, as to

which, of course, I freely admit there is evidence the one way and the other.

Now, very little more have I to say upon this branch of the case, and I will try to put it as shortly as I can.

I was just there showing the knowledge on the part of Mr. Grant, and no conference with the petitioner, because it was a Government petition.

My Lords, I thought another matter, which is without dispute, was one of very great weight in showing the arrangement which was an actual one, and which was considered to be binding, and that is the interview of the 3rd of January.

The Chancellor: 13th January.

Mr. Blake: 13th January. Now, Mr. Chamberlain says, volume 6, pages 2250-55-57 and 2240. Your Lordships will there find that coming in after certain elections, Mr. Stratton, according to the evidence of Dr. Chamberlain, upbraided Mr. Gamey for the position he had taken. What right had he to upbraid him unless he was breaking some bargain? It was none of his business what position Mr. Gamey took in these elections, unless they had made some arrangement of which this was a breach. I thought it was a very, very strong point to add to the evidence if there was a compact, and the two points that struck me very much was, not only does Mr. Gamey go there and ask for general patronage, but he asks for a position for his brother, a special privilege to himself. And, Mr. Stratton turns around and upbraids him. Why, of course, there are two sides to a bargain. If we are to give you patronage, you are to give support, and what are you doing? You have been up in North Perth working on the other side. Mr. Gamey is obliged to apologize. He said it was absolutely necessary that he should do that in order to carry out what he had promised Mr. Stratton, and to keep his people in good humor. That was his apology for it. If patronage is given to you, support, the consideration, must be given to us.

Then your Lordships will find, and I think it worthy of consideration, that the bye-elections in Centre Bruce and North York were going on. According to the notion of Mr. Stratton Mr. Gamey had played him false. He was determined that that should not happen again, and so, my Lords, he asks for a public utterance, and hence the interview. He was not going to do that twice. He had done it already. These two elections were coming on. It was astute, it was a clever thing. I will put an end to your going up into these constituencies now. You shall make that public, or else we will see about our bargain. The letters could not be used for the reason I have assigned. It would show the whole thing too plainly. Therefore,

there must be some milder way of putting it to the public. Therefore, on the 27th January, that telegram sent, and the more those who had to do with the sending of it say they did not, the more I believe they did, for that just fits in so exactly with the statement made on the 28th January, to Mr. Hammond, to expect on the next day a visit from Mr. Gamey, who was in town until the evening of the 28th, so far as we can find, and to be prepared to take an interview, which he was going to try to get from him. It is perfectly true that without the knowledge of the sender of the telegram Mr. Gamey was on his way to Toronto, but that has nothing to do with the fact that the telegram was sent, and that there was the purpose for it.

Then, on the next day, Mr. Hammond, The Globe reporter, is seen by Mr. Stratton, and he is told that he is going to try and get an interview from him.

This, my Lords, is so important that I must ask, and the only evidence I do refer to beyond giving the mere passages, is the evidence of Mr. Hammond.

I might say that another piece of evidence that leads me to the conclusion that that emanated from Mr. Stratton, besides the absolute and distinct testimony, is that up to that time the advice that Mr. Gamey had received was, it is disastrous to you to do what you say you are going to do, for nobody will believe anything but that you were bought. It must have been, I think, pretty strong exertion to get him to take the irrevocable step by making public that which his friends had said will damn him everlastingly.

Now, my Lords, I want to call attention, as I say, to the evidence of Mr. Hammond. He seemed to give his evidence fairly. He does not put it too strongly. Page 623 of volume 2. I may just make this observation in regard to Mr. Hammond. A young man, occupying a position of procuring news for his paper, and who, by virtue of the employment, had every reason, his bread and butter may have depended upon it, keeping in well with those whose conduct and statements he was reporting. A line from that Department, stating it is not agreeable to us that Mr. Hammond should come here to report, would be fatal to his occupying that position. They had the right to say you do not enter this room, they had the right to say no information is given. Therefore, occupying such a position that it required strength of character and integrity to present any statement to your Lordships that would in the slightest degree impugn the conduct of the Minister.

Now, my Lords, he says, therefore, mildly at first, at this page 624, line 22, "I think I had an intimation on the previous day. I was there on the 28th. Mr. Stratton gave you the intimation. "I do not remember exactly whether I was to communicate with him or the message was to be left for me at Mr. Stratton's office." Then at page 625, line 9, "Mr. Stratton said that he would try to get Mr. Gamey to give an interview with the idea of supporting the Government position, an interview from Mr. Gamey, stating that he would support the Government would have some weight with the bye-elections which were then pending." He denied that. He said it was not for that purpose.

Then page 633, line 19. He says, "That was an interview which he would try to get Mr. Gamey to give to The Globe." "It was typewritten."

So that beyond any shadow of doubt there were the elections going on. The letters, as I have stated, could not be used, they went too far, and it was necessary to get something which would prevent Mr. Gamey doing with Centre Bruce and North York what he had done in North Perth. A number of visits were paid. They were closeted together.

"Wanted to see definitely when I could find him."

Then, my Lords, page 632, line 13, "I saw a document on the previous day which I understood would probably be handed to him." "To Gamey? A: Yes." "Who showed you that document? A: Mr. Stratton."

Line 30. "At all events, you had nothing to do with the preparation of it? A: Not at all."

Page 633, line 29, "He said something about not knowing whether Mr. Gamey would accept it in that form."

And then again repeats, page 634, line 4, "That it would assist the Government with the bye-elections to have this interview published in The Globe? A: Yes."

Then he saw Frank Sullivan in the corridor. Half-past 6 he came down and went into the office. And then he speaks at 639, line 22, about there being some alterations made.

Then (page 642), in answer to a question by your Lordship the Chancellor, "What change did he make? He wrote "in matters that I am satisfied with."

Then on page 642, he speaks of getting this. On page 643 he expressed himself as well pleased with getting that interview. Asked me if it had been signed. "When was it Mr. Stratton asked you to get him to sign it? A: On the previous day." (Page 643, line 13.) Tell us, then, all that was said on the previous day about

that, the obtaining of his signature? A: He wanted it signed so that he could keep it."

So that there was to be no more going to these elections. He was to have that signed, sealed and delivered, and he was to keep it.

Then, my Lords, especially I ask your Lordships' attention to page 644, line 8, and the following lines:—"I showed him the paper and I think he noticed the change himself."

"Any observation made about it? A: He did not like the idea of that being changed."

"How did you know he did not like the idea? A: He said so."

"What did he say? A: He said it was not as it had left him."

"Anything further? A: He wanted to strike that out."

An interview considered, signed and the man leaving, a request then made to strike it out. Why wasn't it stricken out? "Because I said I had acted in good faith with Mr. Gamey and I would not strike it out."

Would it have been forgery, my Lords, to have struck anything out of a paper of that importance, once it was signed? Was this the first lesson in forgery he had given? The Minister of the Crown, taking hold of a lad that in good faith had got an interview, and had it signed, asking him to change it behind the back of the man?

(Page 3,105) He asked me my recollection of what took place on the day of the interview or the day before. I recalled some of the matters. He said then that he did not remember one or two things which I had mentioned. Very insinuating. The next day he said to me that I was right. Anything else? I think at that time, he asked me to prepare my statement and give it to Mr. Johnston. I did so, and a few days later on I met him in the corridor after the House rose at 6 o'clock. We walked along the corridor together. He asked me if I would not forget some of the things. (Line 16.) He asked me if I would not forget some of the things. I was to go into the witness box and to forget some of the things. I wonder whether that was the first lesson in perjury that this Minister of the Crown gave—subornation of perjury? A young man in his employ, whose word would blast him and turn him out. He is to forget some of the things.

A man that would ask another to do that would do it himself. A man who would say, change that written document signed by that man, and a man who would say change your evidence so as to suit me, would change his own evidence and swear he had

not received money when he had. A Minister of the Crown, forsooth. We had better send the King a copy of that statement and let him see what Minister he has. And he dare not deny it.

That is to my mind the most humiliating and melancholy thing connected with the whole of this investigation. Debauching young men who go about that establishment. It is said of King Philip II. of Spain that he kept a Department of Assassination. This is very like it, killing truth, killing honesty, killing uprightness.

Is not that a key that opens pretty wide the door in this matter?

It would be bad enough for a man to allow the thought to enter his mind. An honest man would hate himself and cast it from him, but how much infinitely worse is it to allow that to enter the mind, and to try and pass it on to another, and get him to help you in the conspiracy such as is here presented by what took place between the Minister of the Crown and Mr. Hammond.

Pausing for a moment, my Lords, and only looking at the facts which are indisputable, and not considering yet what may have been the motive which led Mr. Gamey to act as he has done, have we not clearly established that the Government was in such a critical position that it was ready to, and actually did, make a bargain with a Conservative member who was elected to oppose it, and one whom they were endeavoring to unseat, and desired to do so, in order that they might rescue that seat, if he would support them. A bargain that he was to be assured in his seat by being treated as one of the supporters of that Government. Although elected as an opponent, and thus disentitled to a voice in the patronage, would have all the privileges of a Government supporter, and thus be given what bulks up very largely in many constituencies, and gives much "kudos" to the person placed in that position, absolutely controlling all the little sits, and places and the like.

Can anything be more corrupt, casting money aside for the moment, than the making and the agreeing to such a compact? One man is to sell himself, his friends, his constituency, that he may remain the dishonored member of Manitoulin, and the others are to pay the consideration in order that they may remain the dishonored members of the Government.

The documents and the acts do not, I submit, leave any doubt as to the correctness of the above conclusion.

I maintain, my Lords, on the evidence thus adduced, that every member of the Government is as much culpable as the member that has been chiefly put forward to bear the brunt of this. They all knew their dire need. They all know the means of strengthening themselves, they heard from Mr. Stratton that something was being done, the letters of the 10th of September and the 27th of October and the interview of January, the dropping of the protest, the introduction of Mr. Gamey into their departments, every department for patronage—all known. They knew all, and they deliberately chose to leave the matter to their colleague to arrange details. They thought it was better that they should be, when they knew somewhat of it, partially blind, and even if they chose to close their eyes and stop their ears, this deafness and blindness on purpose to attain the object wanted, leave them as culpable as if they had full knowledge. As one of the learned trial Judges said, you might as well take a man and dip him in Lake Ontario two or three times, and take him up and put him on the wharf and say he was perfectly dry, as to say that the people could go through all this and yet still be ignorant of these surroundings.

They cannot take the advantage of the benefit and repudiate the means whereby it was obtained.

It must not be lost sight of that with all these charges made, and abundant opportunity given during the last month, there has not been a single denial on the part of these men. Not a word of repudiation. Knowing that this has been going on, they leave it all unanswered.

Can there be any doubt but that at this point there has been demonstrated a corrupt bargain made and carried out by the means indicated, on the part of the Government.

My Lords, there still remains a question which is of very vital moment from another standpoint, and is, as I understand it, somewhat as follows:—Mr. Gamey says I was not, as the Government supposed, in the market to be bought. I had heard that in its extremity it had made, and was prepared to make, corrupt approaches. When such approaches were made in other cases, and the Government were accused of it, it absolutely denied the making of such approaches, and I determined to sacrifice myself to the extent of seeing how far the Government was really prepared to go.

My Lords, that is a point of view from which I presume your Lordships would consider this matter; fair

that it should be considered. What was the motive? Was it entered into from a corrupt motive? Or, was it, whether we approve of what was done or not—was it an attempt to put an end, as Mr. Gamey said, to corrupt practices. In pursuit of this he has been called a spy, an informer, and, I think, a little lower than Judas himself. Of course, my Lords, it is a most disagreeable position for any person to be placed in.

Your Lordships must not, however, forget that what would occasion great odium in one case, would fail to do so in another. To his mind, as expressed, if ever there was a case which fully justified his action, it was the present. From his view it was a great evil, sapping the very foundation of honest government, a systematic effort to buy members in various ways. It was a great evil, and it required heroic treatment, and the accuser, according to his statement, was willing to do, and willing to suffer to accomplish this purpose. As is often the case, the evil bulks up so large that the means used to abate it appears to be of little importance.

I am not dealing, my Lords, with the question of the morality of this, or the propriety of this, or the niceness of feeling, or the delicacy, but your Lordships will well know that over and over again a man has entered a certain distance, and by virtue of the distance that he has gone, it has been necessary to go a little further, and some matters have been presented which he never foresaw, and the like.

It is of course very easy for us to sit quietly here after the event and discuss all the points which it would have been well to avoid, but how very different, when in the hurly-burly of the undertaking, you are led on from one step to another.

We must consider, my Lords, how large are the sums that are paid annually by the various Governments of the world to carry on this very work of investigation. How often the letter written to incriminate or the marked coin to entrap, are used. What a standard has been set us by the leader and most pious doctors of casuistry, and what a volume has Machiavelli given us of what should be the language of princes, and, my Lords, it just struck me that our good doctor Paley, our college friend, in his lectures on moral philosophy—why, he gives us the instances in which it is justifiable to tell a lie, that is justifiable to tell a lie, and to deceive a person in various ways when there is going to be an injury.

The Chancellor: That was limited to the legal profession, I think he said.

Mr. Blake: Oh, no, my Lord. Your

Lordship is thinking of a different portion. I have no doubt he said that.

The Chancellor: You refer to another page perhaps?

Mr. Blake: I am referring to another page, making that more popular, my Lord; extending it beyond the lawyers. But your Lordship well remembers it.

The Chancellor—Oh, yes, he went a very long way, no doubt.

Mr. Blake: He did go a long way, and I should be very, very sorry to think, even although he has been our text-book, that we should follow it. I was thinking of the case where a person comes for the purpose of robbing you, and meets you in the highway, that you are entitled to tell him a lie, that you have not got any money or purse, or anything else, or that if a person is going to injure you, that you have a right to put him off the scent and tell him a lie.

The Chancellor: That is still sound morality, isn't it? Or doubtful?

Mr. Blake: I will not waste any more time over that. All that I say in respect of it is that it is very easy for us to sit quietly here and lay down very nice rules and regulations, which possibly we here may in a very short time break.

My Lords, would you accord me this favor? I did not get the evidence in this matter, a fault of my own, until 10 o'clock last night. I went over as much of it as I could with my learned friends, who have been very good in preparing it. I am going to finish the argument to-day, but if your Lordships would give an hour and a half at the recess, instead of an hour, it will give me an opportunity.

The Chancellor: Then adjourn until half-past two.

(Adjournment 1 p.m. until 2.30 p.m.)

AFTERNOON SESSION.

Mr. Blake, resuming:—At the adjournment, my Lords, I was, without troubling by reading any portions of it, going to give the court the statement that was made as to the position of persons occupying that alleged by Mr. Gamey in the very celebrated case of *Rex v. Despard*, 28 How State Trials, 345. The statement there of Lord Ellenborough, the Chief Justice, and dealing with the immense difficulty that there is at arriving at the truth in cases of a like case, showing the necessity there is for persons either to make a sacrifice by entering into the transaction, or appearing to do so, or else by the employment of those that will be informers in the matter. The importance of getting at the facts, unless as he states "from those to who the facts disclosed were by participation of the

same counsels previously known; that is from some of the conspirators themselves," and therefore the accuser to a certain extent, persons occupying the position that it is claimed by Mr. Gamey that he here acquires.

Then his Lordship says at page 489, of the same volume: "Another class of persons which cannot properly be considered as coming within the description or as partaking of the criminal contamination of accomplices; I mean persons entering into communication with the conspirators with an original purpose of discovering their secret designs and disclosing them for the benefit of the public," etc.

It is within that second class that Mr. Gamey states that he comes.

He proceeds them to elaborate that,

Then I would ask your Lordships' consideration of the case of the President and Trustees of Town of St. Charles v. Peter O'Malley, 18 Ill. at page 407, where the court says "As to the principle of law spies and informers may be more or less odious as matter of fact as the motive by which they are prompted is patriotic or corrupt. But it is not true as matter of law; so far from rendering a man infamous, the law encourages accomplices to repentance of their crimes, discoveries of their accomplices and offences and to reformations. So far from thereby becoming infamous their testimony is not only received, but the act is considered one of merit and though not a matter of legal right, yet numerous instances are recorded where the information has been rewarded with a pardon."

Again he says:

"Informers and spies may be abhorred and odious not by reason of denouncing and giving information against crimes and criminals, but for their association and participation in lawless practices," etc.

I think it but right, my Lords, just to give that which is known to the court, but yet still shortly present the case as it would be given in this matter by Mr. Gamey.

But, my Lords, the question at issue is not whether credence is to be given. The question at issue is whether credence is to be given in the main to the story told by Mr. Gamey, and not whether great refinement or delicacy pervaded what he did. The question is one of the truth or untruth of the statements that he makes.

I submit to the court for its conclusion as to whether Mr. Gamey did not stand well the ordeal of nearly three days in the witness box, following that great strain, and to be fair to the man, your Lordships desire to be fair to him, the great strain that followed the two or three weeks dur-

ing which he received so much abuse and during which he was the object of suspicion by both sides in political life. That followed or being followed by the strain of the three days in the witness box must be taken into consideration in dealing with the witness and his statements.

But, my Lords, I do not think it is necessary to consider the statements of Mr. Gamey in this matter further than as mere links connecting together the circumstances that stand out.

On the face of it it does not strike me as being one that bears the marks of a manufactured statement. He was the first witness that was examined. He had no opportunity of making up a case based upon the statements of other witnesses, and I submit that he has been in the main entirely corroborated in so many material points that general credence should be given to his story.

These, my Lords, were given as I say with but slight knowledge of the exhibits which were to be produced no doubt before his examination, but as to some of them and your Lordships will remember the memorandum put in by one of the young men in the piano factory, not even seen by him, the other exhibits produced, and yet still, whether you take the letter of the 10th September, or the letter of January, or you take the interview, or you take any of these matters which are of moment, and are presented to the court, all of them aid and assist in following out the testimony of Mr. Gamey. Mr. Grant's interview in the main, Mr. Aylesworth's interview in the main, Mr. Hammond's interview in the main, the interview of the 13th January as to the Perth elections in the main, the sending, and I consider that to be of very great importance in more than one aspect of the case—the sending of the message to Mr. Bastedo by Mr. Frank Sullivan through Mr. Myers, the Secretary of the Minister, and, above all, my Lords, by all that took place at the piano factory—all these are matters so entirely corroborating the statement of Mr. Gamey, and giving so completely the story which he tells, that I ask the court to consider whether or not the testimony as a whole should not receive the sanction of the court as one worthy of credit.

Your Lordships must bear in mind the peculiar position and much must be granted in view of that. It was impossible for him to carry out what he started to carry out if he did not mislead. It was based upon a misleading. It must be carried on upon a misleading, and however much any of us would dislike to do anything of the kind, yet still it is a matter that

is tolerated, and if you are to get large results, that are advantageous, then it may be permitted here and there, to go beyond what is true.

My Lords, what I intend to say is this, upon that point. That if a man makes a statement, without any such object, then I should not ask the court so strongly to give credence to his statement, but where the statement is based upon a plan or undertaking whereby the advantage that I suggest is to be obtained, then I think that the court should naturally look for discrepancies, although the court may say it is not proper, and we do not desire to sanction it, yet still we recognize that it is entirely different when a man goes into the box, and without having that object to be obtained, tells what is untrue, and a man who says, in order to accomplish a great good, I did go into the box, and in order to accomplish that purpose I thought it was worth while to make a great sacrifice in order to carry it out—a part and parcel of that, disagreeable although it might be, was to make statements which were not in accordance with the truth. One makes it without any reason that can be assigned. The other gives, whether that reason be sufficient or not, a reason for what he is doing.

I need not go further with the fact that immediately after the 10th September—for I have dealt with that on the other branch of the case—immediately after the 10th September the strong corroboration is given of the letters, and of the dealing with the patronage, and all that took place from that period, the 10th September, until the matter was presented to the House—all along the line, a succession of facts and circumstances that could not have resulted except from the statement that Mr. Gamey has made. I think, my Lords, he was a novice at this kind of thing. His position was as must always be very difficult when you enter upon the tangled web that appears to be necessary in order to accomplish what he had undertaken. And, my Lords, there is this also which must not be passed over, that if he made generally public what he was attempting to do, at once, he would frustrate what he wanted to accomplish, because the moment it was known that these approaches—simulated approaches—were made, then good-bye to any more attempts at meetings, good-bye to any efforts to have consummated that which he desired. That is put in such an absolutely distinct shape that it cannot be said there is no truth in his story. My Lords, he had to steer the course between letting two or three persons know of this, upon whom he could rely, and at the same time let-

ting that go to such an extent as that it would get to the care of the Ministers, and stop any further dealings.

Your Lordships will remember that Mr. Gamey stated that he made known to Mr. McGregor and to Mr. Might, and to Mr. Crossin, what was going on.

Your Lordships, if you care to take a note of that, will find at these pages what took place in respect of this matter. Mr. Might, volume 1, page 292.

Mr. Crossin, volume 1, pages 79 and 294, and volume 2, page 654.

Mr. McGregor, volume 1, pages 61 and 80.

Mr. Platt, Vol. 1, page 61.

And as to the information to his brother, Vol. 1, 294.

Mr. Smyth, Vol. 1, pages 294 and 295. It is stated there were a couple at Gore Bay (page 80), Messrs. Porter and Johnston.

The statement is, I continued my investigations, and approaches. I informed these people. I did not go beyond that.

We have also, of course, the fact beyond any dispute, corroborated by the statement of Mr. Crossin, possibly to a certain extent of Mr. Might, that he deposited the \$1,500. That, of course, is also shown us by the evidence of Mr. Strathy.

The Chancellor—There is no manner of doubt that \$1,500 was deposited at that time as said.

Mr. Blake—Yes, my Lord, and the bills, quantum valeat, Ontario Bank bills. There is no doubt of that whatever.

And, I submit, my Lords, that the court should also come to the conclusion that the \$500 actually produced at the trial in the bills which it was stated were received by him were also bills which were handed to him on the occasion of which he speaks.

My Lords, if he was going to make up a story, I do not think it would be such a story as that we have. And, if he was going to arrange for the payment of \$3,000 and \$1,000 and \$1,000 subsequently, it does not strike me as being very likely that he would have given one-half of it to Mr. Frank Sullivan. It appears to me strongly to corroborate the statement of Mr. Gamey that the \$3,000 was divided and that the \$1,000 was divided, and that he gave specifically the mode in which it was carried out. It was so easy for him to have said, and so much more difficult to have met in evidence, that this money was conveyed in this peculiar way, rather than that it was given on several of the occasions when it was perfectly plain Mr. Stratton might have handed it to him while in the

room, or while in the corridor. According to the statement of Mr. Stratton, there was no difficulty, for ostentatiously he answers, when he was asked whether he could have advanced \$3,000, he said he could have advanced \$30,000, and, therefore, there was no difficulty in the procuring of the money, no difficulty in handing it, and Mr. Gamey, in giving the statement that he did, must have known that he was simply presenting a difficulty. He did not at that time, and I am not saying whether Mr. Myers would have done it or not—he did not know that he was dealing with a person who gave instructions in “forgetting.” At all events, he was increasing the difficulty in the way by making the statement which I do not believe can have been made out of whole cloth. Much more easily, if it were manufactured, to say that the money was slipped into his pocket at the time. I do not think, looking at the story in all its details, that your Lordships can reasonably come to the conclusion that it was as a whole a manufactured story, and when we deal with the corroborations that we have, then, my Lords, I submit that it may reasonably be concluded that Mr. Gamey’s story was true, that the money actually was paid, and paid for a reason that in a moment, dealing with the case as it goes on, I will submit.

I am not going, my Lords, to reiterate that which I gave to the court in the morning. It comes in, of course, your Lordships will understand, at this branch, and I ask that your Lordships will be good enough to supplement what I am now saying by that which I have already given. That is, the various letters, the various meetings, and all that, took place beyond a shadow of doubt, and which should be woven as much into this branch of the case as that which I was discussing before the adjournment.

Now, my Lords, there were no doubt some general statements made by Mr. Gamey, it may be, as early as July, but I do not think it can be said earlier than the 14th of July, that seemed to have been the turning point, when the petition was presented, and when that which was causing the main trouble, to the mind of Mr. Gamey, was brought into existence. Some conversations there were, but I think, my Lords, in fairness, that that should rather be attributed to the desire to get a customs smelter, and improvements of a kind that would be thought useful in that part of the country.

I think from the evidence of Mr. Conmee it may be fairly said that it was thought that if he as a Reformer would present to the Government the benefit of a customs smelter, and if Mr. Gamey

as a Conservative would do the same, that there would be a better opportunity of their successfully presenting it, than if it were merely presented from one side of politics.

I think that, fairly looking at what Mr. Conmee has said, and fairly looking at what Mr. Gamey has said, and taking a common sense view of it, that that was about all that can be made out of this discussion in respect of the smelter. That seemed to have been largely in the mind of both of these gentlemen, and I am not saying from any selfish reason.

I think, also my Lords, that in considering the evidence of Mr. Gamey from the point on that I indicate, about the 14th of July, your Lordships would be erring if you did not take into consideration the fact that Mr. Gamey did desire to stand in well with all parties, and that the statement that he might make at the one time to Mr. Conmee, and those of the like stripe in politics, would be different from that which he might make to others. We may have divergent statements made by him, some as a put-off, where he thought that a man was getting on the scent of what he was really doing, a statement would be made, and when he thought that another person would be put off by another statement, another statement was made, and there is no doubt that those statements do not agree. But, I think, my Lords, that this word of apology may be fairly presented, that, entering into this class of matter, it became necessary for him to a certain extent to deceive it became necessary for him to a certain extent to keep in with all parties, it became necessary for him therefore to make such statements as would disabuse the mind of those who were attacking or prepared to attack him for the equivocal position that he appeared to be holding. He may be blamed for it, but if the story is correct in that this all had a purpose, then, my Lords, I think that that purpose should be taken into consideration as an apology to a certain extent of what he has done.

We have, therefore, heard, without doing more than merely mentioning it, the extreme and urgent need of the Government, the possibility, according to their information, of being able to touch Gamey, according to the statement of Mr. Conmee and of Frank Sullivan, and also Mr. Stratton, the interview at the Walker House, the proposals as to McGregor Island, and the bringing in of Mr. Grant, the leading up to Mr. Aylesworth’s statement. Can there be any doubt but that the Government ap-

proached Mr. Gamey, made the proposal which resulted in the letter of the 10th of September, and that that letter, on the testimony of Mr. Aylesworth was prepared by Mr. Stratton, and prepared of his motion? Can there be any doubt upon that? Can there be any doubt but that the corroboration of Mr. Gamey places it beyond a question? He allowed himself to be approached. Take his statement. It may be considered immaterial who approached, so long as there was the coming together, and the bargain is made, but, I submit, it adds strength to the intent of Mr. Gamey if we show the advances came from the other side, and, coming from the other side, Mr. Gamey was determined to test how far they would go.

Now, my Lords, at that point it seems to me necessary to consider for a moment the other occurrence which Mr. Gamey alleges took place on this occasion, namely, the payment of the money.

That, I think, stands out, and without contradiction, is this: An extreme desire to touch Mr. Gamey and to get his support. According to the evidence of Mr. Sullivan and of Mr. Gamey, and what took place in Mr. Aylesworth's office, a discussion as to financial consideration going to Mr. Gamey at the interview in August. There is no doubt of that. I am not now stating, my Lords, what particular shape this money consideration should take, whether it was McGregor Island or some other property, or whether it ultimately came to a sum of money, to be paid, but there was no question then but what there was a financial consideration, distinct from the evidence of the only persons that could speak upon it, and that is, the testimony of Sullivan and of Gamey, to a certain extent helped by the testimony of Mr. Grant, who was brought in. They desired to know whether it was possible to get some money. Then, my Lords, made absolutely plain by the statement of Mr. Aylesworth that the remark made by Mr. Gamey showed him that there was money in the matter. Now that brings it up to that point. We also get this fact, that that money in some shape or form, having been dealt with, and having been asked for, the want of that addition to what was promised was the means of not getting that letter in Mr. Aylesworth's office. He did not get it. He failed to get it. And he went away with that.

Now, my Lords, what seems to me to be cogent evidence in regard to that is this: The letter is obtain-

ed, and a sum of money is produced. What altered the mind of Mr. Gamey from the time that he was in Mr. Aylesworth's office? What he wanted was money. That letter would not be given without it, and that letter was given. Was not the term the money? Mr. Gamey swears that it was. No other reason can be assigned. The fact of an absolute refusal to give, the fact that money had been mentioned from the 7th of August up to the 10th of September, that they could not obtain it, and that that letter is given, and finds its way, by some means or another, as to which I say nothing, at the moment, finds its way into the office of the Premier. What caused the change? Nothing to show that Mr. Gamey was going to be satisfied unless he got the money, and you have therefore that strong circumstance, a letter that would not be given unless there was money, and a letter which afterwards was given, and the only one that was seen about it was Mr. Stratton; and, with him, the statement, "Cannot you forget?" Mr. Gamey says he does not forget, and that the money was paid, and that he received it, and he deals with the mode of division, and the like.

There seems to me at present no explanation of that which altered the mind of Mr. Gamey, unless it was that that term which he had desired, I am not saying honestly or dishonestly, to fix the Government, or anything else about it, that was a term, and he gets the letter, he produces \$1,500, it is deposited, and at the time he states there will be something further heard about this before long.

Then, my Lords, it seems to me, looking at what took place, as if it went in this way. These two were hunting in couples, Frank Sullivan and his father. They seem to have failed in accomplishing what was desired, and then they call in Mr. Grant. These failing, Mr. Aylesworth is called in, and he failing, through Mr. Stratton the Government seems to me to have taken this matter up itself, and it is carried through, and they get what they desire. These circumstances are there, and Mr. Gamey merely furnishes the links connecting them together, and tells you you are correct in your conclusions, what was wanted was given, and so the letter, with all that it covers, was supplied.

Now, my Lords, I ask for that consideration which no doubt your Lordships will give to this, and to every branch of the case, to this fact. Mr. Sullivan pretends to be very much off, disannexes himself from Mr. Stratton, but, my Lords, we must not lose sight of this fact, that Mr. Frank Sullivan

was the first person that brought Mr. Gamey and Mr. Stratton together. There is no doubt that on that day in September he introduces them. There was no doubt that as he was in at the beginning, Mr. Sullivan was in at the death, and the day before the meeting of the House he says to Mr. Stratton, "I do not think that fellow Gamey is going to support you." Between those two individuals we have also two matters that to my mind are very potent. The one is that meeting where they are discussing the Noble rake-off and seeing whether they cannot obtain that this year, and it is known that Noble is in the Buildings, it is feared that Noble may get from the Commissioner, Mr. Bastedo, the rights in respect of which these gentlemen expected to get, or Sullivan expected to get what he calls a rake-off, and Mr. Sullivan says to Mr. Myers, the Secretary of the Minister, go up to Mr. Bastedo and tell him not to make arrangements with Mr. Noble until he hears from Mr. Gamey, he has an interest in it, or words to that effect.

Your Lordships will find that which seemed to me to be of very considerable moment in Mr. Gamey's evidence, vol. 1, pages 156-7-8.

Then the letters your Lordships have, February 20th, and 27th, which have to do with this matter, and would be merely an explanation of it.

Then, my Lords, Sullivan's evidence, volume 3, pages 1326 and 1327, and then Mr. Myers' evidence, volume 6, pages 2176-77 and 78.

So that we have not only the initial transaction, and the final transaction, but also that incident coupled with the other matters throwing some light upon this I submit, that Mr. Frank Sullivan gets Mr. Ford to prepare this material document to which reference has been made and which I need not go over again.

Then, my Lords, with the letters that have taken place, is it possible to come to any other conclusion than that Mr. Sullivan was working in this matter? Mr. Sullivan did know of what was going on. Mr. Sullivan did keep himself en rapport with Mr. Stratton, and that the whole of this was as Mr. Gamey has presented to us, an arrangement whereby Mr. Stratton and Mr. Frank Sullivan were working together for the purpose of accomplishing this object.

I ask your Lordships to consider, not only the letter, if I may say a word upon that afterwards—the letters and the statements, but make a complete matter of this, the letters and the statements of Mr. D. A. Jones, showing that he was working on the same lines

as Mr. Frank Sullivan, and that as they appeared to have succeeded so well in regard to the Constituency of Manitoulin, they thought that they would see what they could do with the Sault and Algoma, and your Lordships will bear in mind that, while it was thought that as to one of those constituencies something might be done, that as to the other there would be a difficulty in the way of touching the member, but it was all part and parcel of one arrangement, the same interests, the same results, the same means used, in and through Mr. Frank Sullivan, to touch these constituencies, so as to increase the strength and power of the Government. They were encouraged by the success of the one, so they wanted to go on with this other deal which was referred to. What other meaning can be given? Your Lordships will remember that the letters to the same purport by the one, Mr. Frank Sullivan, who explains away—foolishly explains away, explains away in such a manner as that the court cannot give credence to his statement, and, so far as Mr. Jones is concerned, with which I shall deal a little further on, he admits that, as we have succeeded in getting one constituency, we were to go on and to try and get the others. What I said when I opened with this branch of the case, about the writing of letters, to see the other Departments, to do business with him, and so on, that I ask your Lordships to take into this branch of the case, and to deal with it, as if I were doing it now, but I do submit, my Lords, that a flood of light is thrown upon this by Mr. D. A. Jones, who advises, with Mr. Alexander Smith, who is the General Secretary, to find whether this can be carried out. It is not to be done, possibly I should call attention to that—it cannot be done without money. He approaches Mr. Alexander Smith and asks him, and he does not deny it. Can you pay not only the expenses, but a handsome sum for what? You, a Conservative, and as a Conservative can get into the secrets of the Conservatives, are to endeavor in and through your position to get at the secrets in respect of these two constituencies, worm yourself in, be guilty of the base treachery of being friendly with them, get at their secrets, and pop or pass that on to me, and I will turn it into money. That is the base proposal that he makes, and Mr. Alexander Smith answers that that can be done, and can be done lawfully, and that the money can be supplied, and that the money will be supplied.

They were, therefore, prepared to employ Mr. Gamey, not only as the one to sell his own constituency, but to make use of that position which he occupied for the purpose of endeavor-

ing to procure such information as will add further seats to the Government.

I admit, my Lords, that there is a good deal of contradiction as to days, and as to times, and that it would be, if it were necessary, almost impossible to say what were the dates as between the 9th, the 10th and the 11th of September.

But, whatever may be said upon that, my Lords, I think that the statement that there was the meeting on the 9th September is absolutely controverted by the unshaken testimony of Mr. R. J. Armstrong, entirely a disinterested party, who swears, having obtained information that was absolute, that he was with Mr. Gamey at the Exhibition, met him about 9 o'clock or a little after, near Simpson's, and agreed to meet him at the Fair Grounds at 10, which was done, and they did not separate until about 1 o'clock. Whatever difficulties there may be in solving the question of time, it seems to me that the case of my learned friend absolutely fails in showing that there was a meeting in September.

The Chancellor : The 9th ?

Mr. Blake : Yes, my Lord. Your Lordship has the Exhibits, 79 and 80, and the check, and the evidence of Mr. Armstrong upon that.

Then, as to the 11th of September, the so-called alibi of Mr. Stratton's is certainly very weak. Mr. Buckingham's evidence, which your Lordships had so recently before you, shakes entirely the statement made and goes quite as far as there is any necessity for Mr. Gamey to go, in showing that it was quite possible with ten minutes here and ten minutes there, for him to have handed over \$3,000, or \$30,000, to him, and that without anybody knowing it. I doubt much that it will be possible to solve the question here upon the evidence as to the 9th, 10th or 11th of September, further than may be necessary for the purpose of this Commission, and that would be simply that there was sufficient time. The defence says on the 9th it could not possibly have been. There was ample time on the latter days for Mr. Stratton to have handed this money to Mr. Gamey or to some person for him. The outcome of it all is the money is there and obtained in the way indicated. Very strong evidence was given by the cab drivers. My learned friend seemed to feel that that was so, because he answered it by stating, your Lordships permitting it, there will be rebuttal evidence given. We must take for granted that that proved to be impossible, for no such evidence has been adduced, and the testimony of these witnesses stands there absolutely, and they ne-

gative completely the story that is told.

There is no doubt whatever, from all that we have heard from Mr. Gamey, from Mr. Sullivan, from D. A. Jones, from Alexander Smith, that there was money in the air, and money discussed, and money offered, and money wanted, and plenty of money, from \$3,000 to \$30,000, and it is a strange thing if, with plenty of money going and people needing it, none of that money got home.

My learned friend calls attention to Frank Sullivan's evidence, volume 3, page 1186, line 29, the fact that Gamey stated he wanted to get some deal through right away, as he was hard up. He wanted to get a deal through if he could to get a little money.

Then, my Lords, I say is it not asking too much to ask that your Lordships should permit the Government to disannex itself from the means used to accomplish these purposes ? I refer, of course, specially to Frank Sullivan in that matter, from the beginning to the end. That expression, my Lords, "That that fellow will not support the Government after all," is at volume 3, my Lords, page 1232. I gave the expression without giving the volume.

Your Lordships must not forget also that which struck me, and I may as well deal with it in speaking of the evidence of Frank Sullivan, the extraordinary statement that is going up and down amongst the departments or the offices, if you keep your eyes and ears open you can pick up information which through the offices of the members of the Legislature you can turn into money.

The evidence of Mr. Sullivan, however, I shall deal with in a moment.

I do not want either that your Lordships shall pass over the fact that Dr. Arthur, the defendant's witness, says Captain Sullivan told him in the end of August that Gamey was going to support the Government, and he added, I was aware that Gamey had the patronage, it was pretty generally known. I just mention that in support of the statement, my Lords, that all these men were working in together, Captain Sullivan, Frank Sullivan, D. A. Jones, Alexander Smith and R. A. Grant. They had the one great object in view, and that was to sustain by some means or another the Government.

Your Lordships will not forget either, upon that point, the evidence of Mr. Conmee, who throws light on the subject, showing that just the same means were being used to work through Mr. Gamey for Algoma and

the Sault as in respect of his own seat. Mr. Connée mentions that as a fact. I gave your Lordships the page, but I did not comment upon it. Mr. Connée says that Mr. Gamey asked him if the protest would be pressed against him in view of his being a supporter. I told him it would not. I told this to Mr. Stratton. I told it to Mr. Grant. I then asked for information as to the Sault, Algoma, and what could be done there.

Then, my Lords, a word about the evidence of Frank Sullivan. We seem to have there, my Lords, the evidence of a man absolutely reckless of the truth. You may say, a man filled with deceit. In his letters, in his evidence, and in the absolute shamelessness in the way in which he gave his testimony, seemed to be an outrage on decency. A bold, hardened sinner. I do not know, my Lords, that he would have given that evidence as he did if the matter were only his own, but it seemed to me that he went into the box determined absolutely to say whatever he thought was necessary to protect his master in this matter, and that is Mr. Stratton, to shield—to make a case to shield. The absolute dishonesty. He only wants Mr. Gamey to be a friend of the Government because of the use he can make of him. He says that distinctly. His endorsement in the department is worth money. Therefore, so far as he himself is concerned, there is no language that would be too strong for the unnecessary display of untruthfulness, and of wickedness, in the way of carrying on his work that he gives to us. He has not the excuse or apology of Mr. Gamey, that he had a matter to carry out of the kind which Mr. Gamey said he had, but unblushing, wilful lying seems to be that which without any great remorse he gave out, seemed to smile at me because I thought it was not according to good manners, that I did not know anything about the mode in which a Government should be carried on, or the great advantage of being a clerk in a department, able to pick up knowledge which a willing bought member would make of money's worth to him. His story seems to me to be very absurd. Possibly your Lordships noted at the time his remark, "Our man," for instance, which he had the hardihood to say he intended to mean his father.

The Chancellor: Hardly respectful, was it?

Mr. Blake: Hardly respectful, my Lord. But smells strongly of Frank Sullivan for all that, my Lord.

The Chancellor: It struck me they did not make much profit out of the numerous things Frank Sullivan said

he could get. They never came to anything apparently. They were the phantoms that were being pursued.

Mr. Blake: Yes, my Lord. The devil sometimes does not reward his children, my Lord.

The Chancellor: We have no evidence on that point.

Mr. Blake: No, my Lord. We have no evidence except the facts in this case.

I do not think I need trouble the court, but I have a summation here of the various matters. I just note pages 1,187 and 1,200, volume 3. Then 1,188, the McGregor Island deal, and all the statements that were made.

The Chancellor: That whole affair about those islands seems to be in utter confusion upon the evidence.

Mr. Blake: It is very difficult. Really the only thing we have upon that that is standing ground is that there was a McGregor Island that had long been in dispute between the Province and the Dominion.

The Chancellor: Apparently good property, and they were trying to get it.

Mr. Blake: And nothing came of it. I only present it, my Lords, in this way: That it showed from the very initiation that, according to the statement of Sullivan, he wanted that Gamey should be used for the purpose of getting some financial profit, and that Gamey was there apparently in order to get a financial profit. This is one of the means that was presented.

The Chancellor: He wanted to use Mr. Gamey for that, and Mr. Gamey apparently was willing to be used, to all appearance, whether truly or not one does not know.

Mr. Blake: To all appearance, but I do not think particularly in regard to McGregor Island; it might be Sable Island, or anything else.

The Chancellor: Any good thing in sight, they say.

Mr. Blake: Yes, my Lord; but the timber on it was not as good as supposed.

There was one thing, my Lords, I think, I should call attention to, and that is, the statement of Mr. Gamey, of the proposed plot against the Government to concoct a story.

The Chancellor: That is the Cross-in factory business?

Mr. Blake: Yes my Lord. Page 1,227. I pass over a good many marked passages. I do not want to encumber this too much, but that did stand out, to my mind, for this reason: It was stated by Mr. Sullivan that it was a plot. It was stated absolutely by Mr. Sullivan that Mr. Gamey offered to pay him \$2,000 (your Lordships will find this at page 1,227 and then pages 1,276-7).

Now, my Lords, although he states that, and he states that they were to meet in the piano factory that plot in regard to the Government being the main thing, there was not a single word said about it. It cannot be said, my Lords, that that is covered over by general statements that were made, and the like, because a specific sum was mentioned, \$2,000. Mr. Gamey was to pay Mr. Sullivan \$2,000, and they were to go to the piano factory to arrange it, and from the beginning to the end there was not a word said about it. That seemed to me, however, one of the matters that showed how utterly and absolutely reckless the witness was. All through there are the minor matters of discrepancy, but such as that which I have mentioned seemed to show how absolutely prepared he was out of whole cloth to make his statement.

Then the passage that I refer to, my Lords, is 1,393, when he was showing what he could do. Anybody up around the Parliament Buildings who kept their eyes and ears open could find this out. This is proved in connection with the Government. (Page 1,393.)

The Chancellor: That you do not think is part of his untruth? That is part of the truth?

Mr. Blake: That, my Lord, I think, is giving the prisoner the benefit of the doubt.

The Chancellor: There are some little spots still left of good?

Mr. Blake: No, my Lord, some little spots of dark, because any man who goes up there has a clerk for the purpose of doing the work.

The Chancellor: It is his credibility I am speaking of. Some little spots of credibility?

Mr. Blake: Yes, my Lord. The leper seems to have those. But, as to the other, my Lords, it simply shows to my mind a baser mind, because your Lordships will remember with what effrontery he told us, as if it was a mode of adding to your income in the Parliament Buildings, that your eyes and ears should be open to pick up information that you can use by virtue of a friendly member.

Then, my Lords, I think also I should call the attention of the court to the fact of the very large number of contradictions (I do not go into those) between Mr. Sullivan and the three young men that were at the piano factory. One mass of contradictions there. Then, my Lords, take what seemed to me to be a principal one. Mr. Sullivan denied that he told Mr. Gamey that Stratton

would pay over the rest of the money. Now, my Lords, that is absolutely denied by the four. See pages 727, 836, 881 and 514. And then Mr. Sullivan's statements, page 1,295, volume 3—his absolute denial.

Then he says that he never stated that if the Opposition got onto these things we would never be able to hold our own in the three norths. That is Sullivan, the same volume, pages 1,298 and 1,299. He denies that.

Now, these three witnesses at pages 728, 784 and 885 say absolutely that he did. Then his mode of giving evidence, letters he guesses he destroyed (page 1,315). Then he states at page 1,289 that he did not swear positively that if Mr. Stratton kicks, will give him back his money and say it was only security. All the others emphatically declare that he did say that, pages 724, 837, 886 and 518. There was a mass of discrepancies. I only call attention to these which are of importance, the principal matters. I only refer to them, my Lords, as being illustrative, not by any means exhaustive, and are in request of matters of moment.

Another one that he thought, of course, would tell against the Government. This is the last I will trouble the court with, pages 1,296 and 1,297, denies saying we have just got them (that is the Government) where we want them. The three witnesses at pages 724, 834, 881, state that he did make that statement.

I do not go into the details, but I ask the court to note the discrepancies existing between the evidence of Mr. Stratton and Mr. Aylesworth and Mr. Stratton and Mr. Hammond. Also the statement of Mr. Cavers, volume 7, page 2,760. Of course, I am not now dealing with the small matters, the ins and the outs, and these days that have been referred to, but in regard to these matters which are vital, main points in the case. And it is to be observed, I think, that in those statements, quite apart from the unimpeachable testimony of Mr. Aylesworth and Mr. Hammond, and the like, the circumstances show the story of these gentlemen is correct, and negatives the statement made by Mr. Stratton. I do not say anything more, my Lords, about the local overseer. I have called attention to his letter.

The Chancellor: Who is the local overseer?

Mr. Blake: J. F. Boyd. Certainly, if we are at all dealing with the administrative part of the Government it seems to me to be a matter very much to be deplored, if the people who are so largely responsible for

carrying out the details of the working, should be educated in the way that is indicated by a letter which reads, and as to which there is not the slightest shadow of reproof; one of the strange matters connected with this investigation is, that, although these things which appear to outsiders to be very dishonest, to be a very outrageous way of dealing with these matters, in which we are all interested, there should not be a word of remonstrance, a letter calling attention to the impropriety a letter calling attention to the impropriety, but these that appear to me, my Lord, to be rank parasites begotten of surrounding corruption, are allowed simply to batten and grow fat on the public, without a word being said in deprecation of what they are doing.

I did not refer to the Wilson episode. It was peculiar, people who were wanted should have not taken a journey for 53 years, and that they should make up their mind that they would like to visit Buffalo, and fly over into Rochester, and side-track into some smaller place, and pulled up, don't know why they went there, or how they came back. It is all very peculiar, but it may be all right.

Now, my Lords, I have only to say that if the story of Mr. Gamey is correct, so far as the initiation of this matter was concerned, if he really had it in his mind, that great wrongs were being done, and that he should be the means of calling the attention of the public to it, and thereby intending to end it. He had received, whatever the members of the Government may jocularly say about it—the subjects of this Province look upon it still as a great trust from the electors of Manitoulin. He thought he should fasten the guilt on those who asked him to be recreant to his trust, and hand the constituency over to others in breach of that trust, a trust solemnly given to him by Conservatives, which was to be the means of carrying out the programme of his betraying it into the hands of the Liberals, to enable them, by this instrumentality to defeat Mr. Gamey's party. My Lords, it does not seem to me that it is any answer to that to say there were not many matters in the Manitoulin constituency which were matters of politics, and seek thus to apologize for the act. It is clear that there was the distinct policy, as claimed by the Conservatives, that too much of the property of the Province was being granted in large concessions to speculators, that it was made easy to them to obtain, without reasonable consideration, immense concessions, and to grow wealthy upon them; while the settler and the individual were so discriminated

against that they were mere cyphers in the country.

Now, my Lords, outside of these matters, which had to do especially with the constituency, there were the usual differences of opinion, and that those were substantial, my Lords, is absolutely clear from the fact that they furnished for many months, for many weeks, at all events, for some months, a campaign as between the rival parties, the Conservatives and the Reformers. My Lords, if it was only a matter of sentiment, a man is justified in having that sentiment regarded, and, whether sentimental or not, it was a contest openly fought apparently, fought to the extreme apparently, in which, as to local matters, as to Provincial matters, and as to matters of sentiment, ruling in these two parties, the one thought that they should succeed, the other thought that they should fail, the differences were considered by the two parties to be of vital moment, and on this basis the conflicts were carried on.

Now, my Lords, this is the last reference I will trouble the Commissioners with as to evidence. Upon the close of the examination of the witnesses, which were called, the Manitoulin group, my Lords, the Manitoulin witnesses, numbering 18, I did not think there was any case there shown from which your Lordships could be reasonably asked to conclude that anyone there, unless it were the individual here and there on the island with whom there might have been a little private talk, and there were some three of those, I think, but that understood, firstly, that Mr. Gamey was a Conservative, secondly, that he was put forward by the convention as a Conservative, thirdly, that he abused roundly the Ross Government, fourthly, that he wanted that they should be ousted, and that Mr. Whitney should be brought into power. The whole consensus of opinion from beginning to end showed that. Of course, my Lords, a man that would say that he would not support a good measure in case the Government that he was opposed to brought it in, would be a man that would be put on the shelf at once as being absolutely an impracticable man. Mr. Gamey, as Mr. McDougall says, stated that he would support such measures. But, on cross-examination that same witness says that he roundly denounced the Ross Government, he appealed to put out the Ross Government, he was directly opposed to it. He says himself, I did not want him to resign, I wanted him to support the Ross Government, and as a Reformer. I am not going to trouble the court by going into the evidence of these 18 witnesses. The next was William John Berry. The appeal was to turn out the Ross Government, and

most decidedly he was not persuaded to change his vote by anything he said. He said he was sufficiently independent to vote for any good measure, no matter from whom it came. Another witness, John Scott, never heard anyone score more heartily the Ross Government. He proclaimed that the Whitney Government was going to get in. That was the position. I was right. There were 18 witnesses examined. Then there was W. J. Brookes, who was the last of these witnesses. I do not know whether your Lordships would care to have the page.

The Chancellor: Oh, no, their evidence is short.

Mr. Blake: Yes, my Lord. It was from the 6th witness examined, to the 23rd witness in the number, and the result of the evidence of these eighteen witnesses appears to me to show that Mr. Gamey was brought forward and ran as a Conservative, that he denounced the Ross Government, said nothing good of it, desired the return of Mr. Whitney, who is to be the new Premier, that if good measures were brought up he would support them, no matter by what Government introduced, that he was going to work for the people of Manitoulin.

I refer specially to the evidence of W. J. Brook, No. 23. He speaks as strongly as anyone, but not a witness shown my Lord, to have been changed in his vote. They knew that he was a Conservative, and while strongly opposing the Government in power, he made use of such expressions as to measures as any person would in a constituency, and knew that they simply amounted to this, if good measures are brought in, I will support them, but you know where I am, I have come out as a Conservative, you are to sustain me as a Conservative, I am going in as a Conservative, and I will stick as a Conservative, to oust the Ross Government, and to bring in Whitney.

Then your Lordships will remember there were a number of witnesses that were put in from W. J. Hearst onwards, who contradict, to a certain extent, the statement of the witnesses that have been examined for the other side, and to present very strongly the fact that the matters which were presented as in favor of the defendant were matters that were not and could not have been mentioned, or that they would have heard them. They strengthen very much the position taken by us. Not an expression in the whole of the evidence that he was appealing as an independent, and your Lordships will bear in mind in matters of this kind, where the ipsissima verba cannot be pretended to be presented, that a statement

that one man might consider would be a show of independence, another man would assert, why, there is nothing independent about that, if the measure that is brought in is absolutely right, you would be a dishonest man if you did not support it.

Now, these men were at these meetings, some of them at the same and others at other meetings, and they say from beginning to end that Mr. Gamey was a straight Conservative candidate, present at the Convention, and put up as such, and my Lords, we cannot lose sight of the fact that in this constituency there was a triangular fight, because we had an independent; Mr. Gamey would be very foolish indeed to have stated that he was the Independent, for he might have lost many votes, and could not have gained any. The real true Independent was there running distinctly as an independent. They give the general statement that there was nothing there from which you could have gathered that conclusion, and they give the language of Mr. Gamey which certainly very strongly sustained the large bulk if not virtually the entire evidence upon it, that as a Conservative he was brought out, he ran, nobody was deceived, and it was perfectly evident that if he had been successful the result would have been a vote to change the Government, and to bring Whitney in.

I may say, my Lord, just one word, before I close, upon this piano evidence. It is for the Commissioners to come to the conclusion upon that, if they take it up, but it did seem to me that they were young men, honest and upright, and gave their testimony clearly. It did not seem to me to be anything against the evidence of these men, but rather in a general way to be in their favor, that they did not remember everything that had taken place. Your Lordships will easily understand how that would be. Here was a statement made, and the mind of one was dwelling especially upon that, and as they could not take notes, and as they would be compelled in a day or two it might be to give out what they had taken in, one might be endeavoring to think and get fixed in his mind a matter of moment, while some other portion of the conversation might be taking place.

The Chief Justice: I suppose we can draw on our old friend Paley, Mr. Blake, and his statement of the four Gospels?

Mr. Blake: Yes, my Lord. After what his Lordship, the Chief Justice says, I need not say anything further. It is a matter of every day note, by those that are accustomed to deal with

evidence, that while the manufactured story tallies exactly, the story which is not manufactured will be found to contain differences.

It is of course for their Lordships the Commissioners to determine whether, on the whole case, including all that passed on the part of all these that were in the immediate centre, and those that were outside, whether Mr. Gamey, as a straight Conservative, was not justified in concluding that the Government by protesting his election sought his personal disqualification, as was stated to him. That they would unseat and disgrace him. That they approached him with a promise that the petition would be dismissed, that he would get a handsome sum of money, that he would receive all the patronage of the riding, with all that flows from it. That for these considerations he was to support the Government, and to use his position as a Conservative to procure such information as would enable the Government to gain other seats.

My Lords, I have only got a word to say upon what is a branch of the case that is very material to Mr. Gamey, but which does not deal directly with, as I understand it, the main matter which is before the Commission, and that is this, my Lords. Outside of the question of whether Mr. Jones was an agent of the Government (I submit he was), whether Mr. Frank Sullivan was an agent of the Government (I submit he was), whether Captain Sullivan was an agent of the Government (I submit he was—a well-paid agent)—casting aside that, I very humbly submit to your Lordships that you cannot come to any conclusion against Mr. Gamey without taking into consideration that these men put themselves forward as representing—that before there can be any condemnation of Mr. Gamey in what he did, I mean in regard to the main matter—before there can be any condemnation, there must be taken into consideration the fact that these men so represented, these men had meetings with him, these men wrote letters, and that he (Mr. Gamey) was perfectly justified in coming to the conclusion, "This is true," "This is correct," whether we can trace such an agency as the court would say is proof or not, this showed what the Government were willing to do. Your Lordships apprehend my position on that point. That is to say, whatever may be the conclusion as to the actual position of these men, Mr. Gamey was justified in coming to the conclusion that they occupied the position that they pretended to occupy, and that it would be unfair to say that any wrong was done by him, excluding that branch of the evidence, but that the conclusion must be arrived at, tak-

ing all that into consideration, and saying whether, taking these representations, believing them to be true, he was correct in his conclusion, or not.

Now, my Lords, I close the observations which it appears to me my duty to lay before your Lordships. I cannot do that without thanking very sincerely my learned friends who are with me, who have taken the burden of analyzing the evidence and putting it into such shape. I have been only their mouthpiece in endeavoring to present the facts as I have done to-day.

But I desire to make, before I close, this general observation as representing no political party, but representing the people of this Province.

They consider that the position of a Minister of the Crown should be a very honorable one, representing, as the Minister does, the Sovereign of this world-wide kingdom. It is a high place, and a high position begets a large responsibility. The Minister of the Crown is to be measured by no ordinary standard. If your Lordships would observe the oath which he is bound to take, he is to serve his Majesty the King faithfully, honestly and truly. He is to have regard to the honor of the King, the good of his subjects, without partiality or affection, in no wise forbearing so to do, from any manner of respect, favor, love, need, displeasure or dread of any person or persons whatsoever. He swears, my Lords, that he will be vigilant, diligent and circumspect in all his doings to the utmost of his power, will and discretion. After what we have had here it seems almost a solemn mockery to add, "So help me God."

"The honor of the King," forsooth. Who dare send over to his palace a copy of the undisputed facts in this case, and tell him that is the manner in which the Ministers of your Province of Ontario care for your honor?

We may well cry, woe to the land, if this, the supposed fountain of justice and honor, becoming poisoned, the streams from it pollute the land, and corruption, with its rank and fatal growth, degrades and saps the life of our people.

On the part of the people of Ontario I leave this matter with much confidence in the hands of the Commissioners, men known and honored in our community for their high position, for their honor, and their ability. I may say that. They are men with whom I have companioned all my life, and know whereof I speak. My Lords, may our children's children look back with thankfulness to the day when a dark cloud of corruption overhanging our Province, this Commission sat, and from it such an utterance went forth that a new standard in our political life

was set, one far higher than the low and never-to-be-depended-upon morality of the world; that the reign of dishonor and corruption ended, and that an era of righteousness and justice was then ushered in, the benign influence of which was then felt. Humbly, and reverently, I ask that God may so pursue and guide you in your weighty deliberations, that you may be enabled so to deal with these large matters, in which our whole country is interested, that right may be done throughout our land.

The Chancellor: The commission will now adjourn until to-morrow at 10 a.m.

(Proceedings adjourned at 4.30 until 10 a.m. to-morrow, Friday, May 22nd, 1903.)

TWENTY-SIXTH DAY.

May 22nd, 1903, 10 a.m.

The Chancellor—Now, Mr. Johnston, we will hear you.

Argument by Mr. Johnston, K. C. :—

Mr. Johnston—"Assassins," "Corrupter of morals," "Unblushing liar," "Bribers," "Perjurers," "Suborner of perjury," "Forgery," "Teacher of forgery," such were the arguments addressed to your Lordships yesterday by my learned friend as a reason for finding a high official of the State guilty of a grave crime.

On behalf of those whom I represent, the Hon. J. R. Stratton and the Government of the Province of Ontario, I ask your Lordships' indulgence for a moment, and for a moment only, to say one word with regard to the personal character of the address, and then I shall very gladly deal with the facts in evidence before this court.

For five long hours my learned friend, for whom I entertain the greatest respect, and who assumes in this investigation the role of the people's protector, made a strong partisan speech, not to the court, but a speech which manifestly was intended to form the text for a great political party, a speech more akin to the utterances of a political extremist than in accordance with the performance of the high duty which my learned friend has assumed. A speech, and I say it with all reverence and all deference—a speech beginning with imprecations, continued through a torrent of abuse, and ending in prayer.

With such an address I have no concern, but I have the right, and I am sure your Lordships will grant me that right, to utterly repudiate and resent such language being applied to men in high places, unless such remarks are

fully and sufficiently warranted by good evidence.

For thirty long years the Government of this Province, whom I represent on this investigation, has had and retained the confidence of the people, rightly or wrongly. For thirty long years it has been a matter of history, that charges exactly in the line of my learned friend's address yesterday, have been made again and again against that Government and against individual members thereof. For thirty years those charges have not been proved. And it now comes to us to say whether or not there is sufficient proof to warrant the conviction of these men.

My desire is, if possible, to aid in getting at the truth upon the evidence. As far as the respective political parties are concerned, I have no desire to interfere.

When this case was removed from the political arena, when it was taken from the zeal and the prejudices and the partisanship necessarily incidental to a great political Parliament or legislative body, and placed in the hands of your Lordships, it was so done with a view, not of making it political, not of allowing any political feelings to intervene, but for the purpose of seeing what shall our Judges say upon the evidence that is submitted, what shall a calm, judicial tribunal pronounce as the proper verdict when the evidence is heard from the witness box. That, I understand, is the object for which we have been sitting during the past month or six weeks. That, I understand, is the desire of every good and faithful subject of his Majesty in this Province. That is the object of the resolution of the House, and that is the purpose for which your Lordships have been appointed, and for that alone.

If the truth is against me, if the truth is against the clients whom I have the honor to represent before this tribunal, then I shall be content to accept the finding of your Lordships, without the slightest uncharitable feeling, or ungenerous remark towards my opponent. This is not a matter in which any enmity of any kind should intervene. It is a case which ought to have no political bias brought to bear upon it in one way or another. If, I can aid your Lordships in arriving at the real truth of this investigation, I shall feel that I have performed my duty, and performed it to the very best of my ability. I have made these few remarks because I feel it my duty to the men whom I represent to have them made. I could say a great deal more, but respect—personal respect for my learned friend; regard for his

position at the Bar, regard for his age, and his great ability, prevent me from enlarging upon that particular question. I could not reasonably have said less.

I desire to state, equally with my learned friend, that the issue before this tribunal is grave and important; perhaps more so than would at first sight appear; infinitely more grave and more important than the mere political aspect or standing of the respective parties concerned. Grave, because a crime has been charged against a Minister of the State. Grave, because a crime has been charged against the State itself as administered by the Government. Grave, because it is subversive of all good Government, if such things as these can happen. Important, because if these facts are true, then the freedom of principles and the choice of the people are at once completely and wholly interfered with. Important, because not only in this country, but in all countries governed by responsible forms of government, it is absolutely necessary, so far as applicable in this life of imperfection that the Ministers of the Crown should be absolutely clean. Important, because this issue affects the whole Province.

Either a gross libel has been cast upon the fair fame of Ontario by the member for Manitoulin or the men whom we have entrusted with the Government of this country should be in the penitentiary.

We desire, as much as my learned friends, to wipe out that stain, and even if Mr. Gamey has to suffer, even if Mr. Stratton has to suffer, it ought to be the aim and object of every good citizen to see that the suffering goes to the proper quarter.

The ideal Minister should bear a character unsullied, he should be beyond suspicion, because in his hands is placed a trust, perhaps the highest in the land, to execute.

A member should not be influenced by promises, by inducements of an improper character. They should be in the position that their personal interests are completely lost sight of, their party interests only a secondary matter, and their country interests first and foremost of all. That would be the ideal Minister and the ideal member.

We cannot expect that. We have never yet seen it illustrated in the history of any country. We do not expect that, but we do expect, and have the right to expect, that a Minister of the Crown and a member of Parliament shall so nearly as may be approach to that high standard of ideal perfection which I have briefly outlined.

That position, as your Lordships will admit, and it is just perhaps for the moment desirable to draw attention to what is the actual fact—is more or less modified by the practice of both political parties.

It would be right, for instance, that the man who is best qualified in the riding should be entitled to the position in the gift of the Government, no matter what his political leanings may be. Parliamentary practice, and the recognized rights of both parties, have so determined the question that only supporters of the Government obtain the official positions, as a rule, the Bench perhaps alone excepted. The member himself elected to support a Government in power, and who does support a Government in power receives the patronage. There we have inducements from the very inception of an election. The hope that his party will be elected. The hope that he will himself be returned as a supporter, with the ultimate result that he will receive the benefits of that Government, and the benefits of that support by receiving the patronage of his riding. We see that illustrated very often in the House of Parliament, the House of Commons in England, as well as in Canada. No matter what the measure may be, no matter how well it may fit in with the wants of the country, no matter how high and moral the policy may be, if the vote is put as a want of confidence vote in the Government, the politicians elected for the Opposition, or the politicians elected for the Government, will vote accordingly, not to the measure, but according to the party needs, and the party exigencies.

These are some of the things, and only a few of many things which go to show that we have to bring to bear upon the question of political matters in this country a knowledge of really what is done, and what is recognized as fair and proper. And, in order to dispose of that question once and for all, and in order that I may not take up unnecessary time in dealing, in my own language, with a matter of that kind, I refer your Lordships to Todd's Parliamentary Government in England, volume I, second edition, at the bottom of page 616 and the top of page 617 as laying down the true principle which governs the question of a member's relation to the Government which he supports.

The Chancellor: Is that the edition which was brought out by his son? I think that was after the father's death, was it not? What is the date?

Mr. Johnston: It is 1887, my Lord. Yes, my Lord, it is by his son.

The Chancellor: That book had great vogue in England.

Mr. Johnston—Yes, my Lord. He quotes from May.

The Chancellor : The reference is found there, I suppose ?

Mr. Johnston : Yes, my Lord. I will give Mr. Todd's own language first, and I do so because it is much shorter for me to do it in that way than to repeat in perhaps a feeblor manner the principle that I am contending for :—

"In selecting individuals to fill subordinate places of honor and emolument, a great responsibility devolves upon the existing administration. Public opinion will no longer tolerate a prostitution of offices for political service that so often disgraced our history in former times. It is now an admitted necessity that everyone appointed to an office of trust, however small, should be qualified for his post, otherwise the choice will bring discredit upon the Government, and may lead to the withdrawal of public confidence, parliamentary support, from those who are accountable for the same, but so long as this principle is not lost sight of, it is acknowledged to be the privilege of an administration to give the preference in appointments to office to their political friends and supporters, for among the powers that are required to enable a Government to perform its functions with efficiency there are a few more essential than that of reward."

Then he quotes from Mr. May :—

"The patronage of the appointment so made has ever been used to promote the interests and consolidate the strength of the party in which its distribution happened to be vested."

Now, that being so, your Lordships will at once, I think, agree with me, that in the offer of patronage to the man who supports the Government, and in the exercise of that patronage through the Government supporter in each individual riding, which does support the Government, is in itself not a corrupt act, and it is no evidence of a corrupt act that that should be done, and therein lies the force, and the application of the quotation which I have made to your Lordships.

Now, just for one moment let me eliminate the question of money, and I may say that I quite agree with my learned friend, that in order to get at the effect of the protest, and the effect of patronage, it is more satisfactory that we should eliminate all questions of bribery in the shape of money bribes.

By a singular coincidence, in preparing my notes, I have followed, independently of my learned friend, the same course, as it occurred to my mind, perhaps we would be able to get at the facts, and at conclusions more correctly by following that method.

Now, there are three conditions and three conditions only in which the member can be placed in regard to the Government on the subject of patronage. The first is, where nothing whatever is said between him and the Minister or the Government; no promise made, no assertion that he will get patronage if he supports the Government.

The second case is where he is told, if you support the Government, or when you become a supporter of the Government, you shall of course have the patronage, the same as other members who are supporting us in power.

The third case is where there is a corrupt bargain made, an actual bargain based upon an act of corruption.

Your Lordships will observe, in these three cases, the net result is the same, namely, that he gets the patronage. But the getting of the patronage proves nothing in the first and second cases.

I am endeavoring to ascertain the probative value of the fact of a member getting the patronage. It proves nothing, because he gets it as a matter of right, he gets it as a matter of precedence.

The Chancellor : Or usage ?

Mr. Johnston : Or usage. He knows that if he supports the Government that he gets the patronage. These two cases, therefore, whether anything has been said or not said, whether any discussion has taken place or not, in these two cases, the act of giving him patronage proves nothing.

It is only in the third case where the actual corruption, or the corrupt act is some way proved, that the fact of his getting the patronage has any probative value whatever.

Now, just for a moment look at the member's position. Mr. Gamey, if he was honest on the 7th day of August in his intention to support the Ross Government, could not be corrupted by even the promise of patronage, because he knew if he supported the Government he would get the patronage.

If he was dishonest, intending to support the Government for his own personal reasons, he was taking advantage of what your Lordship has perhaps more correctly put than I did, Parliamentary usage, taking advantage of his knowledge of that, and perhaps that operating upon his own mind, may have induced him to do certain things which he would not otherwise have done. But that was no fault of the Government's. It is, therefore, only where we have a corrupt act, proved to be a corrupt influence operating upon the mind of the member, that the exercise of patronage becomes in the slightest degree tainted.

Having endeavored to make myself clear upon the question of patronage, and how the evidence should strike one in weighing it, let me call attention now for a moment to the Commission, and its scope, and I need not trouble your Lordships at any length upon that point.

The Commission is specific. It contains in the body of it three distinct charges. First, that J. R. Stratton, by the payment of two several sums of money, \$3,000 on the 10th or 11th day of September, and \$1,000 on the 29th of January, corrupted the member for Manitoulin. Secondly, that by the exercise and promise of patronage, a gift in the hands of the Crown, he corrupted the member for Manitoulin. Thirdly, by the withdrawing or arrangement in regard to a protest then pending against the member for Manitoulin he exercised a corrupt influence and corruptly induced, by these various means, the member for Manitoulin to support a Government, not in accordance with his political convictions, and not in accordance with the convictions of his constituents.

Then, there is a fourth charge, namely, the charge of conspiracy, which is introduced into this investigation by reason of a certain statement in the nature of a count in an indictment read by Mr. Gamey in the House, and which, with my learned friend's permission, I might point out, reads very like some portions of yesterday's speech.

Mr. Blake : Thank you.

Mr. Johnston : That charge is a charge of conspiracy. So that we have the four specific charges covered by this Commission, and by what is known as the amendment to the evidence act.

Now, the nature of this Commission is in the form of a criminal indictment. That it charges a crime there can be no mistake. That the crime is charged by the member for Manitoulin in specific language is equally unmistakable. And, when he undertook to make his charges in the House, out of which this proceeding has arisen, he then knew and knows to-day that he was not charging a political offence, that he was not charging a breach of Parliamentary practice or precedent or usage, but he was charging against a Minister of the Crown and his colleagues a specific crime under the criminal code. And, the importance of that is, with regard to the nature, the character, and the weight of the evidence to support such a charge. In other words, if the Commission under which your Lordships are sitting was shorn of its Parliamentary verbiage, the remainder of it would be a bill or an indictment upon which a Grand Jury could find a true

bill under the code. That being so, the onus of proving that crime rests upon the prosecution. That being so, guilt is not presumed, as my learned friend yesterday presumed it, but must be proved. I need not for a moment mince words with regard to our own position. We are charged here as criminals. We are here to meet that charge. All that we ask, and what we have got, and what no doubt we will get, is a trial upon that issue.

My learned friend says that under the act, Chapter 19 of the Revised Statutes of Ontario, 1897, there is no power to find by the Commissioners.

Surely my learned friend has not been reading the Commissions that have sat again and again under the same act, in which specific findings were made by the Commissioners, and surely my learned friend is not conversant at all with what took place on this very Commission. I read from the official report of the House, which I will put in as a reference, number 16 of the Votes and Proceedings of the Legislative Assembly, Tuesday, March 31st, when this question came up, page 130. The question arose respecting the Evidence Act, which was passed, as your Lordships know, as an ancillary measure to this proceeding. It was moved by the Attorney-General, that the bill be now read a third time. Mr. Carscallen of Hamilton moved an amendment, seconded by Mr. Beatty, that all the words of the motion after the word "that" be omitted, and the following substituted : "The bill be not now read a third time, but be forthwith re-committed to a committee of the whole House with instructions to amend the same by adding the following clause thereto. Notwithstanding anything in the said Commission contained or expressed, the said Commissioners therein named shall not make or report any finding or decision of fact, but shall report all proceedings had or taken in connection with the inquiry and investigation conducted by the said Commission, together with all the evidence given or tendered before them."

That is my learned friend's argument of yesterday to your Lordships. That was the motion moved by the honorable member for Hamilton when this question came up in the house as to the limitation of the functions of your Lordships. That amendment was put to the whole House and lost on a division, and the bill was read a third time, and passed.

The Chancellor : We may find, but not obliged to find ?

Mr. Johnston : Certainly, my Lord. But the intention of the House is that you shall find, as pronounced through that resolution.

The Chief Justice : I thought I read in some newspaper account that the

Attorney-General said, if we made any finding, it would be gratuitous. Was there any such phrase as that used?

Mr. Johnston : No, my Lord. And, the Attorney-General, I may say, has given me instructions again and again to so conduct the case that we shall get a finding one way or the other that will forever end this troublesome question. The principal reason why it comes before your Lordship is that there may be a finding by an impartial, competent independent tribunal in whom the people have confidence. Not by a committee of privileges and elections in a partisan House. On the one side there would be a majority; the result is, "white-wash."

The Chancellor : The act is not in terms explicit as to that. It says they shall "report," I think, or some equivalent word, and this Commission says that we shall make our report, leaving it at large as to what the report shall be. In the English Act, the corresponding act, I think it says the Commissioners shall make findings.

Mr. Johnston : It was with a view of giving your Lordships instructions, and, as far as possible, with a view of getting it away from the prejudiced atmosphere of the House on either one side or the other.

The Chancellor : But still this report will go to the House.

The Chancellor : But still this report will go to the House?

Mr. Johnston : Oh, yes.

The Chancellor : The ultimate tribunal in this case is the Legislature?

Mr. Johnston : Quite so, my Lord. But the object is that there should be a finding of fact, and for this reason the House has not seen a single witness, the House has not heard the method or manner of the witnesses in giving their evidence.

The Chancellor : It is conceded we can report that.

Mr. Johnston : It has the disadvantage of not hearing from day to day the evidence as given, and the manner of giving it, quite apart from the credibility of the witnesses. Whilst the Act is open in that respect, I have the reports of Commissions in past times, all of whom have found upon the facts.

The Chancellor : If we make no report at all, I suppose it is competent for the House, under that statute, to send it back to us, on the ground that we are not *functus officio*, or something of that kind? Any report we might make would not be received by the House, or acquiesced in by the House, if they thought we had gone beyond our powers. It is open to us to do what we think best, subject to the House overruling, or commanding.

Mr. Johnston : Perhaps that is so, but the word "report" surely means

more than being the mere hand which passes the evidence prepared by the stenographer to the House.

The Chancellor : I do not think the word "report" is in the statute. The word "report" is in this Commission. I have not the text of the statute here.

Mr. Ritchie : The word "report" is not in the statute.

Mr. Blake : That is a copy of it, my Lord. (Handed to the court.)

The Chief Justice : I do not think the word "report" is in the statute.

Mr. Johnston : No, my Lord, the word "report" is not, but the words are "inquire and investigate."

The Chancellor : The word "report" is in our Commission, which is the act of the Executive, and of course we would respect that, although the statute may not go as far. We have to regard what the Executive has said in issuing this Commission, but I think the statute does not say "report."

Mr. Johnston : But your Lordship perhaps does not go far enough in regard to the report being merely the act of the Executive. The "report" in this case is the act of the House.

The Chancellor : The House may have adopted it by that statute.

Mr. Johnston : Yes, my Lord, and that is the reason why I put in the statement made in the votes and proceedings, and put in the motion moved by Mr. Carscallen, because the Evidence Act was being passed as part of these proceedings, especially as an attempt was made to limit the power of the Commissioners in regard to the question of findings. The House voted that down and passed the Act in that way.

The Chancellor : What is the number of that?

Mr. Johnston : No. 110. Your Lordships have a copy of the statute?

The Chancellor : Yes. I see the solicitors on both sides do not agree upon the precise figures of the relative strength of the parties at the time of the protest, and any changes made until the sitting of the House. We can get that, of course, but I would like the parties to agree upon that so that we shall have that as fixed data to go on. That can be handed in to the Registrar at any time.

Mr. Johnston, resuming :—Then dealing with the question which comes up for determination in one way or the other, I desire to call attention to the fact that, generally speaking, indeed absolutely speaking, if the question of money is eliminated, and there is failure to prove that, the whole correspondence between the member for Manitoulin and the Government is precisely along the same lines as the other departmental correspondence that has been put in here, and is in itself a per-

factly innocent correspondence; it can only receive color on proof of a corrupt act of bribery. In a short time I shall take up that question more at length, but beginning with that proposition, that the Government must be assumed to have been actuated by proper motives, until the contrary is shown in some affirmative manner, and looking at the correspondence apart from all monetary considerations, there is not a single line or a single suggestion in the whole of that correspondence that might not have taken place between the Government and the leader of the opposition.

Assume that Mr. Gamey was elected as a strong party man, that he was elected to support the Opposition, and to oppose the Government under all and every circumstances, I still submit that the correspondence is clear of any imputation that can fairly be placed upon it, until the payment of money is introduced. But Mr. Gamey did not occupy that position towards the Government, or towards the party which my learned friend assumes he did. Manitoulin occupies a very exceptional position, geographically and politically. It is a district composed of islands, and a portion of the main land, lying between the railway track and the north shore of Georgian Bay. It is a territory entirely cut off from outside communication, excepting by ice in the winter, or boat in summer. It stands alone and unique amongst Ontario constituencies, and, I might add, it stands alone and unique in its representation.

The rule has been well recognized that these new constituencies, not having county organizations, have received that same Liberal support from the Province at large as constituencies would receive from their own county organizations where such exist. The result is that whatever Government may be in power Manitoulin has to look to the Government for support in regard to its colonization roads, its bridges, and its general municipal requirements. There was therefore a reason for supporting any Government in power. We do not start in this case with the same condition of things as would apply to the County of York, or the County of Peel, because in these counties there is no reason in the world why a Government supporter should be returned. These counties are free, so far as their financial and personal interests are concerned, to elect a supporter of the Opposition for all time to come, as the City of Toronto has done in some of its divisions for thirty years. There is no reason why the City of Toronto should have a supporter of the Government returned to power. There is a grave reason why Manitoulin should be more or less in accord with

whatever Government may be in power. That being so, we have the action of Mr. Gamey, not without a good and sufficient reason, unless he desires to take this anomalous position, party first, country second, and Manitoulin last and lost, in considering the requirements of his constituents. The other way, one would imagine, would be the position Mr. Gamey would take, naturally, properly, honestly. Manitoulin first, my own home, then my country generally, then my party. So that we provide, from the very circumstances of the case, a good, valid reason why Mr. Gamey might fairly give the Government an independent support, which I may state to your Lordships is all he ever promised to give.

Then, it did not require any particular change of politics on the part of Mr. Gamey to give that support. Perhaps it may have been a little jarring to the conscience of a man like Mr. Gamey to vote for the Ross Government. With that I have nothing to do. He was elected only for a term of four years. He was elected, according to his own showing, and the showing of his witnesses, to support the Government in power, upon the basis that it would be an Opposition Government—a Conservative Government. That condition was changed, and much to Mr. Gamey's surprise, perhaps, because he says, they were all confident of the defeat of the Government. Much to his surprise the Ross Government was returned to power in the elections of May, 1902. Therefore the change of conditions might reasonably bring about a change in his attitude. He did not require to change his politics to carry out the principles that he laid down in the letter of the 10th September in *The Globe* interview. He did not require to change his politics. What he did require to do was "in the interests of Manitoulin I will give the Government an independent support in matters I am satisfied with."

All this cry about the man being bought as a man would buy a hog, is utter nonsense. The man never proposed to support the Government through thick and thin. He proposed to give them that which perhaps on a careful consideration of the whole case his constituents would say, in view of the altered circumstances, it was his duty to do—his duty to himself, his duty to his constituents, and his duty to his Island. Then, there was another reason why Mr. Gamey should give the Government a fair, liberal, independent support, without allying himself closely with the liberal Camp. He owed his election perhaps very considerably to the Lib-

eral vote that he got in the riding, because he admits that he got many Liberal votes, and the Liberal votes and the weight of them are to be estimated by the extent of his majority, 400 or thereabouts.

The Chancellor—430 ?

Mr. Johnston—340. So that if he got 180 Liberal votes in that riding he was an elected man, but if 180 of those men voted the other way he was a defeated candidate, and not the member for Manitoulin. If he got a fair per cent. of the Liberal votes he owed his election not to his Conservative friends, but to that Liberal support, which so far exceeded the vote of the other man as to turn the scale in his favor.

Now, that is Mr. Gamey's position on the 29th of May, 1902. Volume 5, page 1816, the evidence of John Scott, puts it as fairly and correctly as it can be put. Your Lordships will bear in mind there was no Independent candidate running in that election. Mr. McMillan came out as a Socialist, whatever that may mean in politics. One would say that it involves the attribute of an iconoclast, one who would support a Government by reason of some special fad of his own. That was the man who was named here by my learned friend as an Independent candidate.

He was a man speaking to a small section of the community. Mr. Gamey, it is true, was running as the Conservative nominee. Mr. Fraser was running as the Liberal nominee. But, when we get at, as I have pointed out, the component parts of Mr. Gamey's victory, we find that he must, if he got any Liberal vote at all, owe his election to that section of the Liberal party that went to make up his majority. John Scott says what: "I might state that of course in our country in a new country, it is very essential to be on the side of the Government." "Of course he also made it very clear that the Ross Government was going to be defeated." "Well he was not going down to Toronto here for to sit on the cold benches of the Opposition, that he was going to be in a position to get something, that his politics was the Manitoulin Island." "Q—Do you mean whether the Ross Government were in power or not? Mr. Ritchie: Ask him what was said. The Chancellor: Better let him tell what was said. A—Well, he stated that he would be on the Government side, that is on the side that he would be in a position to get what the people wanted in the Manitoulin Island." And he appealed to the people as an Independent, because he was advocating things, rail-

roads, telegraphs and so on, which did not seem to be very much in accord with the politics of either side.

Now, there is Mr. Gamey's position in fact. There is Mr. Gamey's position, according to the very nature of the 'circumstances, and the 'exigencies of the conditions attaching to his election. Mr. Scott was not a Liberal supporter. Mr. Scott says he was there appearing for Mr. McMillan, the Socialist candidate. Mr. Scott was, therefore, taking, not the partisan view, but the middle view as between the respective candidates.

Then, at page 1818, Mr. Scott, who appeared to be a very intelligent man, saw The Globe interview, and saw the phrases in The Globe interview, and said they were very familiar, sounding like the utterances he had heard from Mr. Gamey's own lips during the campaign.

Then he says at the bottom of page 1,822: "I couldn't explain it better than just when the report came out in The Globe of Mr. Gamey taking the stand that he took, I just thought that he was in perfect accord with the statements that he had made." "Then the witness said, 'when I saw The Globe interview I thought he was carrying out just what I had heard.' Heard from whom? A—From Mr. Gamey's own statements that he would support any good measures that were brought forward, that he was going to be on the Government side of the House."

That is not the position of a supporter of the Conservative party, running in Manitoulin, and bound to oust the Government at all hazards, and bound to support his party at all hazards, no matter what the result may be. His object would be to support whatever Government there might be in power, and if he got his own political sympathizers in power it would suit his purpose better, would perhaps be more congenial to him, but the test was not Conservative or Reform. The test was, the Government in power, "Manitoulin is my politics."

Now, I do not desire for a moment to weary your Lordships with a number of quotations from these different men, but I think it is of the greatest importance that we should ascertain just exactly where Mr. Gamey stood prior to the election, because we have abundant testimony as to where his position was after the election, and before the 10th day of September.

Jesse Lehman is called, and I just refer to the page, 1,837 and 1,838, and

1840 and 1841 volume 5. He was at a meeting in which he says that Mr. Gamey said on the platform towards the end of his speech that, "Manitoulin was his politics." Then he says that is the substance, that he would give them a support, so that they would be under an obligation to give him road grants, or anything of that kind, that he would ask for, and he referred to A. F. Campbell as an illustration.

Now, witnesses were called upon the other side to show that certain remarks were not made, but they do not for a moment contradict the position taken by these witnesses who have given specifically what they heard. The most that the witnesses called for the prosecution could swear to was, "I did not hear these remarks at the meeting."

Now, we have a private conversation which is important, and that is the three McDougalls. Your Lordships will find their evidence at pages 1742, 1745 and 6 and 1749. That was before the election. That is also in volume 5.

Then at page 1749, and that is the only part I will read to your Lordships, because the rest is exactly in the same line, and is corroborated by the other witnesses.

"Yes, he said he was coming out—he said he came out as a Conservative, but he was more of an Independent than a party man. He had paid his own way through. He had paid his own expenses."

That, perhaps, my Lords, is one of the best tests of a man's independence. If a man looks to no party fund, he is under no obligation. He pays his own election expenses, and he says, no thanks to you, Mr. Ross or to you, Mr. Whitney, I am independent, I have paid my own way and I am not bound to do anything except what I think is in the best interests of my constituency.

That evidence, I may point out to your Lordships, is not contradicted by any single witness. Therefore, that evidence stands uncontradicted, not even contradicted by Mr. Gamey himself. It is worthy of note that these three men were present at the time that conversation took place, and it took place prior to the election on the 29th of May, 1902.

Then, if your Lordships will note, without my reading the extracts, Duncan Orr, same volume, 1757-8-9, and 1761.

Sylvester Berry, 1751-3 and 4, same volume, and the other references which I give your Lordships are in volume 6, Dr. Arthurs at page 2286.

The significance of Dr. Arthur's evidence at that point is this: Mr. Gamey had not apparently always been so ardent a supporter of the Conservative party as he endeavors to claim here, because we find that Dr. Arthurs at the top of page 2286 states this:

Q.—And, Mr. Gamey, what have his politics been? A.—Well, Conservative.

Q.—Always? A.—Well, I cannot say that. When I first knew Mr. Gamey the first couple of years of my acquaintance with him he was a Federal Conservative, but posed, or claimed to be a supporter of the late R. A. Lyon in Provincial politics.

Q.—And R. A. Lyon was what? A.—A Reformer. He lived on Manitoulin Island. He was a Manitouliner."

The Chancellor—That is fifteen years ago.

Mr. Johnston—Three terms ago. Over twelve years ago. I am pointing out to your Lordships the evidence we have got to show that Mr. Gamey was not the class of politician that one of the three gentlemen from the piano factory claimed to be, who saw no good in anything except his own side, and denounced the other side as being wholly and absolutely wrong and corrupt.

Now, before the 7th of August, and after the election, what was his mental attitude as a politician? I refer to volume 7, pages 2646-7-8, of James Conmee's evidence. It may be useful to see just exactly what Mr. Conmee says. This, as your lordships will remember, was in June, early in June. Mr. Conmee had taken the precaution to look up the date he arrived at the hotel. He arrived on June 4th, and it would be between the 4th and 11th, in other words, within ten days after the election. I am sure my learned friend had not looked at the evidence when he said that all this gentleman from Manitoulin was doing was supporting a Government that would build a smelter. The smelter was a private matter between Gamey and Mr. Conmee. No pretence that the smelter was the subject matter of discussion beyond the question of whether it would be a financially prosperous concern, but what is important is to be found at the bottom of page 2646, which I have given your Lordships. The general policy of the two parties came up, and I remained or mentioned to Mr. Gamey the pledge that had been made at Sudbury by Mr. Whitney, and he remarked that speech showed Mr. Whitney had a very slight knowledge of mining matters, in fact, he criticized it as ridiculous. I told him what the policy of the Government was, that I thought it was better in the interests of that

section of the country, and he agreed with me in that, if it could be carried out, he stated he would give the Government a support.

"Q.—Then was there anything more that you recall of that interview? A.—Well, we kept on discussing the question for a considerable time. Mr. Gamey had repeatedly said that if the Ross Government would carry out its policy he would give them an independent support."

Now, that is before the introduction at all of those men who are so obnoxious to my learned friend in this case, and I shall not mention their names more than necessary, because I do not want to give unnecessary pain, but it is before a single man had seen Mr. Gamey, before the Government knew or had an opportunity of discussing a single matter with Mr. Gamey. Mr. Conmee is then naturally anxious to know just what position Mr. Gamey is taking. Why? Because Mr. Conmee is a representative of the western section. Because Mr. Conmee has suggested the redistribution of that whole territory. Because his lines had evidently been followed more or less in the carving out of the constituency, and the adding of two or three new ones. And because Mr. Conmee was then a disappointed man in the result of those elections. Mr. Conmee was interested personally, politically, and in every other way, in knowing just what position the Government would be in, having lost three constituencies out of those five, when Mr. Conmee expected to have won the whole five. Therefore, Mr. Conmee's attention was specially directed to the attitude of Mr. Gamey in regard to his relation to the politics of the day. Mr. Conmee says at page 2648: "He mentioned that a protest had been entered against him. He was talking about that, and he told me that since seeing me,, and your Lordships will observe that this is in the latter part of June and early part of July—"since seeing me," and your Lordships will of June)—"he had seen some of his friends and discussed the matter of his policy with them, the course he should take, and stated to them that it was his intention to give the Government support, and that they had agreed with him; that he had fully made up his mind to support the Government."

He says that he did not make any secret about that. He says he thought that at that time he was honest in his intention, and to-day he said, I believe he was on the train, and at the Rossin House, honest in his conviction, but Conmee, wise politician as he is, apparently sized up his man, and he said,

"Whilst I believe you to-day, if you fall into the hands of some of your older Conservative friends to-morrow I have more doubt about your actions than I would have about your sincerity."

Now, if we looked for evidence to show the attitude that was being assumed by Mr. Gamey long prior to the 7th day of August, long prior to the operations of the corrupters of morals, long prior to any motive of an ulterior character, or of a sinister nature, Mr. Gamey, of his own free will, before he had seen a member of the Government, before he had an opportunity of discussing a single question of policy with any man in the Department, Mr. Gamey tells Mr. Conmee that he had not only made up his mind to support the Government, but that he had consulted his friends, and they agreed with him that under all the circumstances it was a very proper and very righteous thing to do.

Then we are not alone in relying upon Mr. Conmee's testimony. We have the testimony of Dr. Arthur, still before the 7th of August, in volume 6, at pages 2,287-8-90 and 91, in which he gives a detailed account of a conversation which he had with him in the beginning of July.

Mr. Gamey had been down at the Conservative caucus in June, according to his story.

The Chancellor: Did he deny that? I forget whether he did or not.

Mr. Johnston: No, my Lord. It was alleged he was not there. His counsel denied it, but Mr. Gamey did not deny it.

The Chancellor: I was not quite sure how it was.

Mr. Johnston: His counsel sometimes denied it, as counsel sometimes do.

(Page 2,288, line 1): "Did he say where he had been in Toronto? A.—He had been at the caucus held here of Conservative members." "The last week in June." "Who began the conversation? A.—I think I did."

"Q.—Let us have the conversation as nearly as you recall it? A.—I think that when he came in I said to him, 'Well, Gamey, you have been down counting noses, and saw how the party stands; I suppose you know all about the political situation now?' He said, 'Yes.' Then we went on to discuss the political situation. At that time I think most of the re-counts were over, before the County Judges. Probably they were all over but two or three appeals pending from the County Judges to the Supreme Court Judges. I remember him saying to me, 'Well, Arthur, I think that Ross is going to rule for the next four years.' I said, 'Yes, it looks so; that is my idea, too.'

"Q.—Then what did he say? A.—Well, I don't just remember what order it came in the consecutiveness of this, but, anyway, he purported to have told me some things that took place at the caucus here in Toronto. He told me that a good many of the members at that caucus were very much discouraged; that was the second time in which they had come so near winning, and yet fallen short; that it was very discouraging, and he took a very gloomy outlook on the prospects of the party; he said he did not believe the party would hold together another four years if they did not get in, and he thought they were not going to get in.

"Q.—What else did he say, if the party were not going to get in, if anything? A.—He said that he had made up his mind that, he said, that if he had not been certain, felt certain, that Whitney was going to win he never would have been a candidate. He said he had no desire to sit there four years in Opposition. He said that he did not wish to be a second A. F. Campbell, and that he had made up his mind, he said he had made up his mind what he was going to do, that he would give when the House met, that he would give Whitney the first vote, to demonstrate to him that he had not a majority. If he did have a majority of course the Government would be out, but as it was he had made up his mind that he would vote the first vote, the test vote, for Whitney, and after that he was going to support the Government."

In other words, his whole object was to see, to make sure, that the Ross Government would be in power for the next four years, and when that was fixed Mr. Gamey was a supporter.

Then, at page 2,291, there is this significant piece of evidence:—

"Another reason he advanced that would support him in that, he said he had got a great many Liberal votes in the constituency; he said scores of Liberals had voted for him, and he instanced his own polling subdivision, where he said there had never been a Conservative majority before this time."

The Chancellor: You touched on that before, and gave us some references, that he had been elected by Liberal votes.

Mr. Johnston: I did not give your Lordships the page, but I can give your Lordships the page in his own evidence, I think.

Now, after August 7th, Mr. Gamey is met by some very significant statements, and your Lordships will bear in mind that those statements are made by witnesses to whom Mr. Gamey was under no obligation whatever to disclose his political position.

We have heard repeated and repeated in the witness-box, part of my scheme, part of my arrangement, tell them something to keep my friends quiet, had to invent some kind of story; I was going on with a deep conspiracy, a deep plot, and I had to keep my friends in line. Something, perhaps, in that contention. Perhaps one would say that that was not an unreasonable position to take, but why tell the supporters of the Government? Under what obligation was he to tell Neil MacDougall, at page 1,717, volume 5? These references are all in volume 5. Under what obligation was he to tell Robert Thorburn, pages 1,763 and 1,802, same volume? What was his obligation to tell John F. Boyd, a Government supporter, and an official of the Government, at pages 1881-2-3 and 4. These were not friends he had to keep quiet. These were not people that he had to satisfy until it was time for the explosion to take place in the House on the 11th day of March. The reason that he is giving in the witness box, is, on its face, an utterly false reason, and he gives no other.

I do not desire for a moment to adopt the language of my learned friend, and say that he was swearing false in fact, but I say, and I do say emphatically, that the reason he gives is absolutely false, because that is followed up immediately with further and more remarkable evidence. He meets two men at the Walker House, men he had never seen, men who were as utterly removed from the member for Manitoulin as daylight is from dark. S. J. Martin and Mr. Bone. Men from the eastern section of the Province, four or five hundred miles away from Mr. Gamey, men whom he had never seen in his life before that evening. And yet, these men come here and tell us that he has been a Conservative from the moment he accepted the nomination until to-day, and in addition to his many other good qualities he adds that of patriotism, at the price of \$4,000. What earthly reason could there be for Mr. Gamey to have such a conversation with Mr. Martin and Mr. Bone at the Walker House during the Exhibition, before the poison had commenced its operation, before the sensitive nurture bed had responded to the approach of corruption made by the Government and its emissaries? Why should he have had such a conversation with these two men, not knowing whether they were Conservatives or Reformers, as to induce these two men on the first or second day of January to say, when they read his report in *The Globe* newspaper, that is exactly what he

told us at the Walker House in the first week in September.

That is one of the propositions which my learned friend puts to one side without any very strenuous abuse, or effort. Simply says, that goes by the board, it may mean this, or it may mean anything. It means the whole case as far as his client's position is concerned.

Then just one moment, my Lords, if you will kindly bear with me while I get through this part of the matter and dispose of it. I refer to the other side. William H. Hearst is called to prove that which was not denied, namely, that Mr. Gamey was a Conservative party, and elected by a Conservative party, and a certain number of Liberals in the district of Manitoulin. Mr. Hearst, at page 2780, volume 7, a barrister, is called, and he says: "Manitoulin, as a factor in politics, has a good deal to do with it, quite apart from the partisan. The interests of Manitoulin? Oh, yes, certainly, the same as any other part of the riding."

Then at page 2785 Mr. Hearst says that where there were measures coming from the Ross Government in the best interests of Manitoulin, he would expect Mr. Gamey to support the Government upon such measures, irrespective of party.

How much further has Mr. Gamey in any written document? An independent support. What more can be said of an independent supporter of the Government than that he will hold himself aloof to support measures coming from that Government that he is satisfied are in the best interests of his constituency. Page 2787. "Was that impression conveyed by the tenor of his speeches, that it would be an advantage to have a supporter of the Government, because Whitney was going to be the governing power for the next four years? A—I think that may have been put in this way." "It was a stock argument of the Government supporters to say it would be no use to send an Opposition member. I think in meeting that Mr. Gamey replied, that if there was any force in that argument, you should support me, because the Ross Government will not be continued in power, and I will be the man that will be on the Government side. Q.—And whatever advantage was to be gained for the island would be gained in that way? A.—If there was an advantage. Q.—That was the argument to the people? A.—Exactly."

The test was therefore, not the question of Conservatives or Reformers, as far as Manitoulin was concerned, but the test was, who is going to succeed in sending a supporter of the

Government, no matter what party may be in power.

Then in the same volume, page 2794. Dr. Fell is called, and he states that at the convention there was no pledge taken that he would support Whitney or anybody, but Dr. Fell puts it exactly as one would expect a candidate in Manitoulin, Algoma, Parry Sound, or these other places would put it. He was left free to act as he saw fit, according to the dictates of his own conscience, and his own political views, as the matters came up in the future. So that he could not have been in any better position if he had said: I am an independent member, I am an independent candidate. The answer the doctor gives is, "He might have been in a good deal cooler position."

One more reference on this point, to Mr. Kinney's evidence, who was at the convention, page 2801, same volume 7. He was not the reporter, but apparently his brother. "Q.—I am asking you if you would have blamed him if he had supported them, assuming he had approved of the measure coming from the Ross Government, the Ross Government being returned to power, and no obligation? A.—Oh, he was not bound. Q.—He was to do that if he wanted to? A.—Yes, he was at liberty." That is from their own friend and supporter.

Then I refer to Dr. Struthers, and I merely give the references to the page, volume 5, 2001-3 and 5.

Now, my Lords, I have given, as far as I can, the position of the witnesses fairly with regard to his relation to politics before the election, between the election, and the 7th day of August, and subsequent to the 7th day of August, up to the 10th day of September.

But, we have a more cogent piece of evidence than that. We have a report of the meeting held at Gore Bay, on the 16th day of February, 1903, written by Mr. Gamey, by his own hand.

The Chancellor: That is for The Globe?

Mr. Johnston: Yes, my Lord, and in that report there stands this contradicted statement. "T. Robinson, a delegate from the country, took the ground that R. R. Gamey had promised to take an independent stand during the campaign last spring if the Government were sustained, and that he had received a great many Liberal votes on that account."

Now, all these things are beyond contradiction. We have a consensus of opinion as to the position of this man. We have it more or less known.

The Chancellor: I suppose Mr. Robinson is a real person, is he?

Mr. Johnston: Oh, yes, my Lord. Quite so. Mr. Robinson was in attendance. We had him here and kept him here in order that it might not be said he was unavailable. It was open to the other side to have put him in the box.

Now, just in this connection, just for a moment look at the letter of the 10th September, and see whether that letter is in any sense opposed to the position which I have given your Lordships, and which is abundantly proved by the evidence. He has been recently thinking over the political situation.

The Chancellor: It is not said that Mr. Aylesworth read that letter, is it?

Mr. Johnston: No.

The Chancellor: Mr. Aylesworth had it. It does not appear Mr. Aylesworth read it in fact.

Mr. Johnston: He may have read it or he may not. The chances are that he would read it likely.

The Chancellor: One would think before he had time to sign the paper, he would read it, but it is not in evidence that he did actually read it.

Mr. Johnston: "I have been thinking over the political situation in the Province of Ontario. I have seriously come to the conclusion."

Now, what was the conclusion? To support the Ross Government, to change my politics, and enroll myself as a member of the Liberal ranks? Clearly not. "That I would be best acting in the interests of my constituency and New Ontario by giving support to your Administration." There is the motive. There is the reason that existed prior to the election; after the election, with Conmee, and the other witnesses, his bed-fellows at the Walker House on the second week of the Exhibition, that is the position throughout down to the very time of the meeting on the 16th February, 1903; never changed; never varied. And, strange to say, the position that he took prior to the 10th day of September was a stronger position in support of the Government than he took after it is said he got the money.

The Chancellor: Do you call him an independent Conservative? Is that what you call him?

Mr. Johnston: Quite so. Not bound to support the Opposition.

Then he makes it a condition, "In carrying out your development policy, there will be an impetus given to trade and settlement in New Ontario that will absolutely justify the course that I have decided to pursue." Then, he does not say, I have left the Conservative party, and you can count upon me as a Government supporter, but he qualifies that in this way. The course that I have determined to take makes me practically a supporter of your Government. There was a position

that was no stronger than it had been the early part of June, the latter part of June, and the beginning of July, and in August.

Now, he gets the money, according to my learned friend. The man from Manitoulin held out the willing hand, and took the bribe. And, having got the bribe, one would have expected a strong vigorous, active support of the Government until the time came for the explosion in the House. Quite the reverse. The first thing the man does is to attend a Conservative caucus on the 10th of September, when the money was in his pocket or within reach.

The Chancellor—That was before he got the money, was it not?

Mr. Johnston—It may or may not have been. I think I shall satisfy your Lordships, that, according to his own story, he had the money in his pocket while he was applauding his leader at the Conservative caucus, if he had the money at all.

The Chancellor—Where did the money come from?

Mr. Johnston—That I shall also deal with. That is a question that seems to vex a great many people, although I do not think it devolves upon us to show where the money came from, if we prove it did not come from us. Mr. Gamey knows, if he had the money, where it came from. It may have come from the 10th day of September. It may have come from a service fund.

The Chancellor—Both parties had an opportunity of going into that, and they both abstained, I noted.

Mr. Johnston—Quite so. And, to say it came from the Conservative campaign fund, is about as sensible, in a way, as to allege that it came from the Liberal campaign fund, upon the evidence.

The Chancellor—Except this. It is said the campaign fund on the Conservative side was exhausted, and that this man had nothing to fight his election.

Mr. Johnston—So it was shown upon the other side. It was not shown there was any campaign fund upon the Liberal side at all.

The Chancellor—There was a good deal of talk about it. There was no evidence about it.

Mr. Johnston—I say, as far as campaign funds are concerned, it is just as much open for me to say it came from the Conservative caucus fund, as it is for my learned friend to say it came from the Liberal campaign fund.

Now, according to his story, as I was pointing out to your Lordships, and here is the marvellous condition of things. This man says, I got a bribe to support the Government, and the

moment he gets the bribe, according to his own story, and his own actions, instead of leading the Government to believe he is going to support them, he weakens in his so-called allegiance, and what does he do? After, according to his own story, getting \$3,000 on the 10th or 11th day of September, he goes up to North Perth, the beginning of January, and helps the Conservative party, and makes speeches in favor of Mr. Whitney. That had nothing to do with either his plot or his scheme, or his bribe. When he gives The Globe interview, and says he got \$1,000 for giving the interview, he changes in his own handwriting, and so emasculates it that it might be signed by a Conservative member of the Opposition. He is being paid, according to his story, money to bind him to the Government, and every dollar that he gets is driving him further away, according to his utterances. He changes the interview in The Globe, "as well as New Ontario, generally, if the Ontario Government has a strong enough support to carry on the work." He changes that, "Any Government in power." Then he changes "I feel that I can best do this by helping the Government." In his letter of September 10th, he had said that he was practically a supporter of the Government. In his Globe interview he says, "That he could only help the Government with an independent support." He says, "My desire to see this policy carried out has led me to decide to give the Government my support." He changes that and says, "An independent support." He says, "That they need my help to carry out their development policy." He says in changing it, "To carry out any good development policy." That might have been signed by the leader of the Opposition. Immeasurably away from the position he was taking Conmee, Arthur, Struthers, Bone, Martin, and all these witnesses. Long before there was a dollar pretended to be paid to him, the man was stronger in his allegiance to the Liberal party, and the Government in power than he was after he stretched out his hand for an apparently willing bribe, according to his own story. Let us, says my learned friend, give this the taint of corruption. Let us smear it over with a slang of dishonesty and bribery. Let us put this forward, before two of the Judges of our land, and say upon that pronounce J. R. Stratton a criminal. No wonder my learned friend had to resort to invocation, so well as imprecation.

Now take the Bellwoods' letter.

The Chancellor: What is the date of that?

Mr. Johnston: The date of that, my Lord, is October 24th, 1902, or thereabouts.

The Chancellor: I thought it was in January.

Mr. Johnston: Perhaps I have the wrong date.

The Chief Justice: Exhibit 74.

Mr. Blake: It is dated February, my Lords.

Mr. Grant: 10th of February, 1903.

The Chancellor: That is the letter written before the caucus.

Mr. Johnston: Now see what his position is there. It is written to a man he was under no obligation to write to. Not a friend of his. Not a man who has been a supporter, but a man who was a political opponent. What does he say there? I have not gone over to the other side fully by any means, and only went as far as I thought any man should go who represents this riding. I believe, and have for years, that we have too much party politics, and I was trying to serve my riding better than my party.

Was there some touch of humanity, some inward promptings of conscience that perhaps had been long lying dead? Was there some sentiment of humanity about the man when he wrote that? True, absolutely true. "This question of my getting timber limits, or any other concession, is all pure nonsense, as time will prove to you." There would be a shaking up of the dry bones that will surprise the old parties, both of them. I, if I told you what I thought of some men on both sides to-day, it would surprise you, perhaps, and many people are the same way."

Both parties. Is that letter an honest letter? Is that letter the thoughts of an honest man? Is that the letter of the patriot, or is that part of the scheme, part of the arrangement, and, if so, in what way can that letter aid or assist in the development of the scheme?

The Chancellor: He gives an explanation of that, though.

Mr. Johnston: The same explanation as the others, "I wrote it to quiet the parties."

The Chancellor: To tide over the stress of the convention that was being held up there, to conciliate the editor. I think he said something like that.

Mr. Johnston: But that letter, as I am pointing out in this connection, is this, that at that time he was not taking the position that he was taking with Bone and Martin, and with Conmee and the others. He was receding from the position, when his whole object was to strengthen his position with the Government, and lead them to believe he was an ardent supporter. That let-

ter was sent to a Liberal. That letter was not intended for publication. It was marked private and confidential. That letter went to Mr. Bellwood, and that letter condemned the Ross Government as well as the Whitney Opposition. Apparently throughout the whole of his correspondence, if we have once been able to touch the true metal, it rings in that letter, a letter written in the early part of February, exactly defining his position.

Your Lordships will see that from the very beginning down to the last effusion we have from him, on the 10th February, when the Bellwoods letter was written, we have the same consistent story, "Manitoulin my politics, Ross Government unfortunately returned to power, I thought Whitney was going to be elected, he has lost the chance, my interests, and the interests of my constituency call upon me to give a fair, independent liberal support to the Government in power as distinguished from Ross or Whitney."

I now refer to the letter of the 24th of October, 1902, exhibit 43, and that was the letter I was referring to a few moments ago, as to that date, or rather an exhibit. That is a denial which Mr. Gamey published in *The Algoma Conservator*.

The Chancellor: That is the editor speaking for him?

Mr. Johnston: Yes, my Lord, and he does not deny it. He says this is right.

The Chancellor: That is a Conservative paper?

Mr. Johnston: Yes, my Lord. It is called the *Conservator*.

The Chancellor: The other is *The Expositor*?

Mr. Johnston: Yes, my Lord. Let us see what that states.

The Chancellor: He does not quite admit that, does he?

Mr. Johnston: Yes, my Lord.

The Chancellor: Does he admit it exactly?

Mr. Johnston: I can turn it up and show. It was a question of the date, and we can get the paper, whether he saw it after it was published or not. Now, just see for a moment what that letter says, and see how utterly opposed it is to Mr. Gamey's present contention. A foolish rumor was started here last week which appears to have had its origin in Toronto, and was to the effect that R. R. Gamey, M.P.P., had sold out for a consideration to the Ross Government. Mr. Gamey called at the office on Tuesday and asked us to give the rumor an explicit denial, and at the same time stated that the absurdity of the rumor should be a sufficient denial in itself, for if we must judge the political situation by the Oxford election trial, it

must be apparent to anyone that it can only be a matter of a few months until the Conservatives would be in power. The odds were in their favor."

Now, my Lords, what story does that statement tell us? It contradicts Mr. Gamey absolutely, because he says he was covering up his tracks, that he was pretending to be a supporter of the Government, while at heart he was favoring the Conservative policy, and the Opposition. He was doing all this for the purpose of unearthing a state of corruption, which he believed existed in the Administration of Provincial affairs. If that is so, then I ask, why state publicly in a newspaper that he believed that in a few months the Conservatives would be returned to power? Why refer to the Oxford election trial which was one, the details of which I am not here to justify, or to palliate in the slightest degree, I am not concerned with that, but we know the odium attached or sought to be attached to the details or some of the details that were elicited at the Oxford election trial.

The Chief Justice: Mr. Gamey did not quite adopt the argument or assume the responsibility for it, if you refer to page 449. He does not repudiate it, but he gives an explanation about it, whether it is satisfactory or not.

Mr. Johnston: I shall be very glad, indeed, to put in the explanation, because I do not want anything on the notes to go down as being said by myself in any way.

The Chief Justice: Page 449, the centre of the page.

Mr. Johnston: Your Lordship will see I read the whole article to him, and I said to him, "Is that right? A: I suppose it is."

"Q.—That was published with your consent, knowledge and approval? A.—I did not say that it was—no."

"Q.—Do you repudiate it? A.—No." This article. I had read the whole of it to him.

Mr. Blake: He says, "No, let me explain that."

Mr. Johnston: "What did you call at the office of *The Conservator* for? A.—Simply because I call at the office very often when I am in town—very often."

"Q.—That is the reason you give for calling this time? A.—Possibly the reason. He may have said when I called there, what about these rumors. I may have said there is nothing in them, Mr. Price, why should a man go over now? I did not tell him to publish that in the paper."

"Q.—I am not saying you did? A.—He was a man I would likely say to there was not anything in the rumor, because he was a Conservative."

"Q.—You saw this in the paper? A.—I may have seen it."

"Q.—You take the paper? A.—Yes. I am not always at home. I am away for weeks. It is likely I saw that. I would not swear."

"Q.—You went home about the 25th or 26th October? A.—Yes."

"Q.—So that you would be home shortly after the paper was published? A.—Very likely."

"Q.—You were or you were not. The paper was published on the 24th. Were you home shortly after the publication of the paper? A.—I was home about the 28th."

"Q.—And the paper takes a day or so to go to your place? A.—Yes, sir."

"Q.—So that it would reach you at any rate by the 26th or 25th probably? A.—It would reach me some time within a few days."

The Chancellor: That is rather a qualified acceptance of it.

Mr. Johnston: I should think so.

The Chancellor: That was put in, was it not, to pacify the people up there, to disabuse their minds of the rumor that he had received money, that he might not be degraded in their eyes? It had a local circulation.

Mr. Johnston: If it was published in the newspaper there, it would get into all the papers in the Province.

The Chancellor: That is the reason he said he did not sanction its publication, or something of that kind, although he spoke of that, that he meant it to have only local effect: but this editor, anxious to get the latest news, put it in.

Mr. Johnston: The man did not invent that out of his own mind.

The Chancellor: That would account, would it not—I have been trying to get at a solution of some of these actions—that would account for his divers conduct in different places, would it not? It would take color according to the place he was in. That was meant for Manitoulin. If he was still pursuing this policy of the plot, he had several parts to play.

Mr. Johnston: Why should he take that position at the Walker House?

The Chancellor: There are a great many puzzling positions.

Mr. Johnston: Once we get a consistent position, once we get his position narrowed down to this, viz., that he was intending to give a liberal independent support to the Government in power, we do not require to explain anything.

The Chancellor: Then you say that is the explanation of the whole thing, if you assume that that was his real, earnest position: you say that that would give a clue to the whole thing—a satisfactory clue? That Manitoulin was his politics, and he was going to stick to it through thick and thin, whoever was in power? You say that explains the whole thing?

Mr. Johnston: Yes, my Lord, and is the only explanation that is consistent with the various utterances at various times and places.

The Chancellor: Still, he was going into this plot, according to his statements.

Mr. Johnston: Yes, my Lord, but his own statement is utterly opposed to the writings that we have, and the conversations I have given your Lordships. The same consistent course, the same reasons, the same motives, the same thing from time to time in different places, without any connection whatever with the plot or scheme, all consistent with the fact that Manitoulin was his politics, and he was going to give the Government in power an independent support. That being taken, no further or other explanation is required.

Now, if that is so, if I am right in that, then the protest and the patronage, so far as they are concerned, are of no value whatever, because he was entitled to the patronage on the one hand, and he was justified in saying, I am now a supporter of your Government, and you should not protest my election.

Having brought the matter up to the 10th day of September, I have shown that beyond that date Mr. Gamey's position, instead of becoming more strenuous, and more vigorous, and more pretending to support the Government, became more or less divergent, and that he was taking still more independent course after having, as he says, received a bribe than he did prior to and within at any rate a few days of the alleged occurrence. If what I have submitted to your Lordships be the correct view of this evidence, then the letter of the 10th September is as equally consistent with the position that I have been urging was the true position of Mr. Gamey, as the letter or the article of the 24th October—the letter to Bellwood, The Globe interview, or any other documentary evidence that we have, all of which documentary evidence at any rate is indisputable.

Then speaking of the Aylesworth letter. In order to give point to Mr. Gamey's story, and before Mr. Gamey can succeed in this story against the Government, he must prove that the Aylesworth letter is a misleading, untrue deceptive letter. He must prove that that is the first evidence of deceit, that the Aylesworth letter is a lie, because upon that foundation the member for Manitoulin has built his superstructure. And he is so convinced of the truth of that, and the force of that, that he has to go in the box and swear that that letter was prepared by Mr. Stratton in his presence, and was returned to Stratton by him, and Sullivan, as evidence of the

unholy compact that he says they entered into.

If he fails to prove that the letter of the 10th September upon his testimony is not a false letter, if he fails to prove that that letter did not emanate from Mr. Stratton as part of the compact, if he fails to prove that that letter was not returned to Mr. Stratton as evidence of a crime, his story utterly and absolutely fails.

I might use the ordinary illustration, that if a man in the witness box lies about an important matter, the court is suspicious about the rest of his testimony. I am not putting it upon such a harsh rule as that, I am putting it upon the ground of the construction of this man's story.

Now, your Lordships will bear in mind, no doubt, that if that letter of the 10th September is an innocent letter, not emanating from Mr. Stratton, as evidence of a criminal compact, and if a wrong motive is attempted to be given by Mr. Gamey, with full knowledge of the facts, to that letter, then he wholly discredits himself, and his evidence cannot for a moment be relied upon, because it is a matter about which no man could be mistaken.

It is well known that there are circumstances in themselves, it is well-known that there are writings that have been made and published, and sent, that letters have been written, known to my learned friend perhaps more extensively than to myself, known to your Lordships on the bench, known to every counsel who practices *in prius*, that there are innocent, honest, guileless letters, written from time to time, and under various circumstances. Afterwards, when the feel of the man, when the touch of the man actuated by wrong motives comes to be applied to them, he sees quile where no guile was intended, and by attributing a supposed motive, he renders that which was perfectly innocent, or attempts to render it, evidence of wrong doing and crime. That letter is the foundation of Mr. Gamey's whole building. That letter is the first connection with the Government. That letter is the only evidence in writing of any kind, shape or description, affecting Mr. Stratton or the Government in regard to any understanding. It is the last, as it was the first, that passed between Mr. Gamey and Mr. Stratton, or the Government, upon that particular point. It was necessary for that letter to emanate from Stratton, not with a view of protecting the man's protest, but as evidence of the crime to be committed, evidence that Mr. Stratton was willing to pay this man \$3,000 if he signed that letter. It was necessary to show that that letter had not only to emanate from

Mr. Stratton, but to be his initiative. Necessary to show that that letter was returned to Mr. Stratton as the evidence of the unrighteous compact.

I venture to submit to your Lordships that upon the evidence that has been given here, and which I will deal with now, that the position taken by Mr. Gamey in that respect has been proved to be absolutely false; and, that unless he can show that Mr. Stratton, Mr. Aylesworth, Mr. Boland, Mr. Myers, are telling what is absolute perjury, he can make nothing of that letter except innocence and propriety, in order to make it corrupt he has to have all these witnesses practically guilty of perjury, because as I said before, it is a matter about which there can be no mistake.

That letter of course has a bearing upon the question of patronage alone. He puts his position in this way. I am practically a supporter of your Government, and all that I would ask, as the representative of the riding which I have the honor to represent is, that my recommendations receive reasonable and fair consideration at your hands, and that I will be considered and treated as if I had been elected to support your Government. There is the only instance, the only case in writing, in which Mr. Gamey stipulates for a single thing, and he stipulates for that which I have pointed out to your Lordships, is not a result of a bargain or arrangement, or support, innocent although it all may be, but goes to his as a matter of right, to which he was entitled if he became a supporter of the Government, either corruptly or not corruptly, so long as the Government were not cognizant of the fact. In other words, whatever Mr. Gamey's motives may have been in supporting the Government, unless those motives were brought into existence by some act of the Government, the giving of patronage to Mr. Gamey was an honest and fair and legitimate act. That is all that he has asked for, as the representative of the riding, and he gives his reasons in the letter of the 10th of September, the Aylesworth letter, why he has come to that conclusion, being a continuation of the reasons which had been agitating his mind during the summer of 1902.

The question of the letter I propose to deal with in a few moments in connection with the other circumstances leading up to the main issue, but this brings me, in the view I take of this letter, to the question of the patronage of the riding, because as I have pointed out, that is all that Mr. Gamey is seeking.

The Chancellor—Are you going to deal with this aspect of the case. I suppose you will, but a very strong

position is this, that Mr. Aylesworth saw at once the character of this man, the object of this man in signing this letter, that he was a purchasable commodity, and would not deal with him. What then induced this man to give up the letter without getting what he asked for? That is what was put yesterday very strongly.

Mr. Johnston—I propose to deal with that at the proper time.

The Chancellor—Very good.

Mr. Johnston—Now, let us see just for a moment what he got by reason of that letter. He says that all I ask is the patronage.

The Chancellor—"To have my recommendation considered" he puts it.

Mr. Johnston—That I suppose is the equivalent.

The Chancellor—Yes, patronage may be used in that way, so long as it is understood what is meant. He recommends, and they accept if they think fit. Usually they do, if it is a suitable person I suppose.

Mr. Johnston—Now, in dealing with this, it is just as well to ascertain, and have it put just as your Lordship puts it, what position the member is in with regard to the question of patronage. The Government will appoint their own nominees to office. The first preference, all things no doubt being equal, would be given to the persons endorsed by the member. The endorsement by a Conservative member might have very great weight with the Executive in determining between rival claimants, but in any event, Mr. Gamey, in taking his position, took the true position, namely, when you come to make appointments for my riding, I hope you will give the same weight to my suggestions, my recommendations, as you would have given if I had been originally elected a member of your party.

Now, it is well to know exactly what he could get from Mr. Stratton. One would naturally think if there was a bargain of that kind, where he could get large sums of money that cost a good deal to procure sometimes, that he could have got that which cost the Government nothing, namely, appointments. He says he got that which was more difficult to get, money. He did not get that which could have been given to him as a matter of political patronage, without costing the party or the Government one dollar. What he could have got from Mr. Stratton's department, and all that he could have got from that department were the license inspector, the license commissioners, the issuer of marriage licenses and the lock-up-keeper.

The Chancellor—I thought it was said that the license commissioners were reserved for the Cabinet?

Mr. Johnston—No, my Lord, that was the referendum officer. Now, those four appointments were the four appointments that he was asking for, license inspector, who is a paid official; license commissioner, purely honorary; issuer of marriage licenses, paid by fees; lock-up-keeper, paid by salary.

Here was a man who had bought him, according to the statement of my learned friend, bought him by the corrupt use of patronage, and so the Royal Commission declares as one of the charges to be investigated before your Lordships, and, although he made strenuous efforts to get these appointments, he got not a single appointment made in Mr. Stratton's control.

Not one single nominee of his received the appointment, and he got no promise that any single one would be appointed. That is the attitude of Mr. Stratton, the man who did the buying, according to Mr. Gamey. He would not even appoint an issuer of marriage licenses to suit Mr. Gamey, the man that he was buying through patronage. My learned friend says you bought us through the exercise of patronage. Mr. Stratton, according to the evidence, gave him no patronage whatever, and no promise of patronage; would not even appoint a lock-up-keeper.

Then, his other application was for Flesher, a Justice of the Peace, which goes to the Attorney-General's Department. Before Mr. Gamey sent that to the Attorney-General's Department, or before it reached the department at all, there had been a petition signed by lumbermen, and a boom company and others, setting forth the necessity for the appointment of a Justice of the Peace in that district. Mr. Gamey's letter of the 29th September merely forwarded the petition. Mr. Stratton's letter merely did that which my learned friend now says is evidence of a terrible conspiracy, because it was passed on to the Attorney-General. That had to be passed on to the Attorney-General's Department, because it properly belonged to his jurisdiction. It is not shown that Mr. Stratton exerted himself beyond the usual line of forwarding correspondence and calling the attention of the Attorney-General to it, and asking him to give it his consideration. Now he says: "Enclosed find petition of lumber company on Aird Island to have Thomas Flesher, customs collector at that port, appointed a J. P., as the present J. P. is leaving. I know the necessity of this appointment, and I am acquainted with Mr. Thomas Flesher, and know that he will make a good J. P."

The letter is exhibit 53, dated 2nd October (part of exhibit 53). That letter has relation to Mr. Flesher: "I en-

close you a petition from the Huron Lumber Company, asking that Mr. Thomas Flesher, Collector of Customs at Aird Island, be appointed a Justice of the Peace in the room and stead of John Andrew."

The Chancellor—That petition was in September, was it not?

Mr. Johnston—20th September. "It is recommended and approved of by Mr. Gamey, the member for the district. Will you be good enough to have the matter attended to at your earliest convenience."

Now, that was the whole correspondence, as far as Mr. Stratton was concerned. The appointment was made, so far as Mr. Stratton, one of the parties to this improper compact, is concerned—made upon that material; the petition, Mr. Gamey's letter enclosing Mr. Stratton's letter forwarding it to the Attorney-General, and from that time on there is no evidence that Mr. Stratton had part or lot in the matter. There is no pretence that that was not a proper appointment, and we look for guilt and evidence of guilt in regard to appointments when we find that there is some motive for making the appointment other than qualification of a proper character.

The Chancellor—And public use.

Mr. Johnston—Yes, my Lord. Swanson is asked to be appointed by Mr. Gamey, and does not get it. Mr. Swanson had been recommended by Mr. Farewell, the former Liberal member, and Mr. Gamey is again refused.

The Chancellor—I thought Swanson got it in the long run?

Mr. Johnston—No, my Lord. He got no appointment whatever, but it stood over until matters came up before the House, and the Attorney-General had been making inquiries.

The Chancellor—I thought he had received the appointment. Flesher was the only man who was appointed. Swanson was not appointed, although there was the recommendation, but not acted upon. The Attorney-General corresponds with Mr. Irving.

The Chancellor—That was the case where one man answered that he was the best man for the place. I thought he was then appointed.

Mr. Johnston—The recommendation was made, but not approved of by the Lieutenant-Governor.

The Chancellor—That may be it. He was recommended by the Attorney-General. I supposed he was appointed. He was not appointed, however?

Mr. Johnston—The other appointment is the Returning Officer of the Referendum. That was a Cabinet appointment. That was one of the classes of cases from which the appointments were made. Sheriffs and Registrars. Mr. Jackson was a Liberal. Mr. Jackson

apparently was no friend or supporter of Mr. Gamey, because he had no voice in the election.

The Chancellor—They were both Government officers.

Mr. Johnston—And here there is a reason for appointing Jackson, because Abrey had been the Returning Officer at the election.

The Chancellor: Jackson came down to argue his own case.

Mr. Johnston: Jackson came here, and naturally the reasonable inference may be drawn, as a result of his interview with the Government, Mr. Jackson gets the appointment.

Now, I have pointed out to your Lordships, that upon the question of patronage, there could be no such deal as that contended for by my learned friend and Mr. Gamey, because he got none. He asks, on the 13th day of January, 1903, at a time when he says he had promised to give *The Globe* interview, with that peculiar characteristic that distinguishes the patriot in politics from all other classes of human beings, with that delicacy which one can understand, he asks for the appointment of his brother to the Crown Lands. He asked with the same sensitiveness and regard for his party feelings, that the brother should be shipped away up to the wilds of Algonoma, or James Bay, in order that nobody would know anything about it.

The Chancellor: He says that was merely to draw out the Government, that he did not want his brother to get the appointment, that he merely wanted to see what they would do.

Mr. Johnston: People do not ask for things they do not want. If there had been any drawing out to be done, if there had been a corrupt bargain, if he stood as a man with Government money in his pocket, in evidence of the crime, he could have had his brother and his father and his mother, and for that matter his mother-in-law appointed to any office that could be open.

The Chancellor: There is no evidence of those people being in existence?

Mr. Johnston: No, my Lord, but if they had been in existence he could have got the whole family appointed, but the thing he asks for, which would be perfectly reasonable in itself, which would not be a corrupt act, while it may be a misfortune to be the brother of R. R. Gamey, it should not be used against him in political preferment. A man should not be denied the right to preferment, and to office, because his brother or his father or his uncle happens to be a member of Parliament. It may be that the brother may have enough load to carry without the burden of an office, at the same time it was the kind of thing that would have been done in a moment, if there had

been corrupt understanding between Mr. Gamey and Mr. Stratton.

Roads and road grants. Another trap. Another plot. And he does not get a dollar. The man who had the Government by the throat, the man who could expose a Minister of the Crown, the man who had in his pocket \$500 of tainted money, the man who had at that time all the evidence excepting the piano factory interview, all the evidence which he had on the 11th of March to implicate the Government, or any member of it, that man cannot get the promise of a dollar for roads, but has an evasive letter, a putting off letter from Mr. Latchford, asking him to make his application smaller. No variation, from a single exception in the year 1902-3 from what had taken place in 1890 and 1891, or any other year since Confederation. No handling with gloves the man that was a dangerous element. The man that Mr. Stratton must have felt, if his story be true, was a bomb, and a piece of dynamite, in the midst of the party. No handling that man gently, carefully, and cautiously. No request granted by Stratton. No going to the Crown Lands to see what he could do for him there, no going to the Public Works on the other hand, and urging his claims there, no going to the Attorney-General and saying to the Attorney-General I must have this man appointed. Treats him with utter unconcern. And, during the six long weary weeks of suspicion, and plot and counter-plot, and diabolical schemes appearing in the mind of this saintly gentleman from Manitoulin—during these months I say Mr. Stratton does not take the trouble to answer a single letter of his, excepting one, and he ignores the man entirely, as if he was a purely political opponent, and yet we have people who come here and argue, and witnesses (Mr. Gamey himself)—who come here and say to your Lordships, and to the press, that was all a scheme, I had Stratton just where I wanted him, I had the evidence, and accumulated it, and had so strong a case I felt justified in making the statement on the floor of the House, and pledged not only my word, my reputation to it, but I came here in the witness box and pledged my oath as a further safeguard to its truth.

One cannot conceive of a man bought, a man not trusted by Mr. Stratton, a man who was to Mr. Stratton an utter stranger personally, a man in whom Mr. Stratton could not reasonably confidently say, I can repose my confidence, and yet, like the action of highwaymen, sudden, careless of consequences, regardless of everything else, goes to that man and says, here, I will give you \$3,000 for your vote and support, and for six months afterwards ignores Mr. Gamey and re-

fuses to answer his letters, refuses to keep in confidence, in touch with him, practically says to this man, I owe you nothing, I am under no obligations to you, do your worst.

That is the position which I take in regard to the question of patronage, and I submit to your Lordships that if ever there was a case in which negative evidence is of the greatest value, it is this case of patronage.

If he had got it, I would be at once compelled to submit and to admit, that your Lordships would be justified in holding that there is some evidence of a bargain. If he had been written to by Mr. Stratton, and a state of confidence kept up, and a state of sympathy and holding himself in line, if all that had been done by Mr. Stratton, it might have been said then with some degree of force, there, at any rate, is some evidence of corrupt motive and corrupt bargain, at any rate, it is not inconsistent with it; but here we have the value of negative evidence, because it is wholly inconsistent with the case which Mr. Gamey seeks to make.

These are facts which are not disputed, and the most singular part of the whole case perhaps is the fact that Mr. Stratton never once wrote to this man, except on the 2nd day of October, 1902.

The Chancellor: That is about the Referendum?

Mr. Johnston: Yes, my Lord. That letter is perhaps as non-committal as a letter could be. (Exhibit 8.) The first two paragraphs refer to the appointment of Flesher. The next paragraph refers to Mr. Boyd, asking the Minister of Public Works to speak to Mr. Boyd in the direction indicated in your letter. In other words, that Mr. Gamey should be consulted as to certain localities in which grants might be made.

Then the question of railway passes forms at least one-half of that letter. "I do not know that it would be possible for members to obtain railway passes just now; it has not been customary to issue passes before the opening of the session. If you were to communicate with the General-Manager of the C. P. R. or G. T. R., Montreal, they might meet your wishes in that direction."

Now, your Lordships will note, no doubt, that there is the first communication from Mr. Stratton to Mr. Gamey, and, with the exception of the application that was put in of the same date relating to the Returning Officer, it is the only communication that Mr. Stratton ever had with this gentleman.

Mr. Stratton could, no doubt, have got railway passes for Mr. Gamey. We know how these things are got. Members of Parliament. They are got

through certain influence, or by reason of holding certain positions, or by reason of many other circumstances that may be in the interests of the railway, or may not.

The Chancellor—It was not in evidence that Mr. Gamey got them through Jones. He was applying through Jones.

Mr. Johnston—He did not get them through Jones.

The Chancellor—He had a railway pass here. It was not shown how that came.

Mr. Johnston—I think the date of it was about the first of the session. It was issued the first of the year, I should say.

The Chancellor—It was not put in, and we do not know.

Mr. Johnston—Now, here is a letter from Mr. Gamey to Mr. Stratton. He wants to know about the railway passes; he wants to know about Boyd, and about Flesher. Mr. Stratton answers him, and eliminating money, the answer is perfectly honest, straightforward and innocent. Taking in the question of money, that a bribe had been given on the 10th or 11th of the previous month, and the letter of October 2nd is wholly inconsistent, because no man dealing with a bought member would ever have written in that casual, indifferent, more or less, sort of manner in which Mr. Stratton chose to write to Mr. Gamey, the man, above all others, whom it was his interest to conciliate, the man, above all others, in whose interest he should have taken the greatest welfare. Even the railway passes, a thing that would have cost him nothing, he does not get.

The Chancellor—We had better adjourn now until 2 p.m..

(Adjournment 1 p.m. until 2 p.m.)

AFTERNOON SESSION.

Mr. Johnston, resuming :—

Having presented my views with reference to the question of patronage, I come now to deal with a matter concerning which my learned friend had a good deal to say, namely, the matter of the protest.

Before doing so, I desire to give your Lordships a reference to the evidence of Mr. Gamey, volume 1, page 253, line 15: "A good many Liberals voted for you, I am told? A.—I got a good many votes." "You got a good many so-called Liberals? I got quite a few votes." "You stated in your letters you know that a number of Liberals voted for you? A.—So they did, so far as I know. Q.—Or else you were lying in your letters? A.—I think they did."

Dealing with the protest, one has to ascertain, first of all, just what the position of the parties was in regard to the filing of election petitions, and the relation in which they stood towards the particular protest in question.

But, before touching upon that, I desire to clear up any misapprehension that might exist, either in the minds of your Lordships, or in the mind of my learned friend, as to the Aylesworth letter and the circumstances connected with it.

Now, this letter, as I have pointed out, was in accord with the previous statements made by Mr. Gamey, statements made not under stress of circumstances, not under any obligation beyond that which he felt he ought to assume, and quite in accord with the position which he was taking, not only with his own friends, but with recognized members of the Liberal party, and to some extent, leaders of the Liberal party, of their respective localities, but also with regard to utter strangers to Mr. Gamey. And I submit that that letter is not only so in accord with Mr. Gamey's previous position, and the present position, but is entirely inconsistent with the guilt which my learned friend endeavors to cast about it.

On the 9th day of September, it is manifest from Mr. Stratton's evidence, and from Mr. Aylesworth's evidence, quite apart from Mr. Sullivan's, Mr. Boland and Mr. Myers, that Mr. Gamey had an interview with the Minister, because the evidence is uncontradicted, that when the matter was talked of in Mr. Stratton's department, Mr. Stratton suggested to Mr. Gamey, when he mentioned about his protest, to see Mr. Grant. That was objected to by Mr. Gamey. Then said Mr. Stratton, see Mr. Aylesworth; I will make an appointment with him to see you, and the time is fixed by Mr. Aylesworth, independently of any of the parties concerned in this transaction by his evidence, which shows that on the 9th day of September Mr. Stratton made the appointment with Mr. Aylesworth casually, meeting him in the corridor of the Parliament buildings, and on that occasion the letter was first mentioned.

Now, that could not have been on the 10th, because Mr. Aylesworth is positive that it was the day before the letter was delivered to him, and there was no mention of Mr. Aylesworth's name until Mr. Grant's name had been proposed and rejected.

Mr. Aylesworth says that he thinks he suggested a letter. Mr. Stratton says that that is the fact. There is no contradiction of that evidence. And, therefore, the letter did not come from Mr. Stratton as an evidence of a compact, or as part of a bargain, but came from Mr. Aylesworth, from a totally

different motive, namely, Mr. Aylesworth's position as counsel for the Liberal Association of Ontario, in dealing with the protest against Mr. Gamey. Mr. Aylesworth says that he was told by Mr. Stratton that Mr. Gamey talked of supporting the Government. Such an eminent counsel as Mr. Aylesworth is, with his great knowledge of election matters, and election trials, it would at once occur to him to say, well, what evidence have you got that he will support you. Am I, as counsel for the petitioner, to abandon this protest upon mere statements that Mr. Gamey thinks of supporting the Government? I should be at once to blame, and would at once be blamed by my clients. You are not my clients, the petitioner is a client of mine, the Liberal Association of Ontario is my client. Mr. Aylesworth says he thinks as a natural precaution, not to the Government, not to the payment of money, not to any bribe, or anything approaching a bribe, but in connection with his relation to the protest, he suggested getting a letter. Mr. Stratton then says to Mr. Aylesworth, you had better draw up a letter, the letter you want, not that the Government wanted, but the letter that Mr. Aylesworth wanted. Mr. Aylesworth apparently somewhat approved of that, according to his own evidence, and then said, you know the position better than I do, you had better draw the letter up yourself, and Mr. Stratton said very well. Then the letter was drawn on the 10th September, the following day.

Now, when we bear in mind the fact, as I have pointed out, that that is the foundation of the whole story, and that that is the only written evidence which can be brought here, signed, excepting The Globe interview, in any way connecting Mr. Gamey with the Government, it is well to consider very carefully just what the position of that letter is, and what it was at the time it was drawn up.

When that letter is taken down the following day to Mr. Aylesworth, he goes to his office in pursuance of the appointment which had been made the day before, and which, as I have pointed out, could not have been made unless Mr. Gamey saw Mr. Stratton at the Parliament Buildings. Grant was turned to one side. Aylesworth was selected, and the appointment made accordingly.

The letter would, in the ordinary course of events, if Mr. Gamey's story be true, have been delivered to Mr. Stratton when the agreement was fully carried out, if such an agreement existed, and Mr. Gamey feels the importance of that by swearing that he and Frank Sullivan delivered that let-

ter to Mr. Stratton before the payment of the money. On that point we have the clearest kind of evidence, showing that Mr. Gamey is telling what is not true, as a matter of weight of evidence, for Mr. Aylesworth says that he thinks Mr. Gamey took the letter away. We have Mr. Sullivan who swears that Gamey took the letter and put it in his pocket, and he never saw it again. We have the evidence of Mr. Stratton who says that he never saw the letter until the 23rd of 24th of October. We have the evidence of Miss Jeffries, who was then acting as the Premier's private secretary during the absence of Mr. Percival for two or three weeks, that she got that letter, and she remembers the letter being received in the ordinary course of business through the post, and the reason that she remembers it is that it struck her as being singular that a typewritten letter should have the address, and the date, and the place in handwriting, instead of in the ordinary typewritten form.

These people are all telling what is absolutely untrue if Gamey is telling the truth. If their evidence is to be accepted as true, then it destroys one very serious element which Mr. Gamey had to endeavor to establish in the box, namely, I got my part of the agreement fulfilled when I delivered that letter back into Mr. Stratton's hands. Otherwise there was no assurance on the part of Mr. Stratton that the letter which he had prepared was the letter which had been signed. There was no evidence before Mr. Stratton that the contract, according to Mr. Gamey's theory, had not been entirely changed.

Now, that letter is kept by the Government, and that letter is produced in court by the Premier on his production. We are asked to believe, if Mr. Gamey's story be correct, that not only did the Government allow a letter of that kind, which was evidence of crime, to remain in existence, but they kept it for six months or seven months, and then produced that letter as evidence of crime against themselves.

Then, we have the interview, and just here, I shall deal with Mr. Aylesworth's version, and I shall deal also with the point suggested by your Lordship, the Chancellor, as to why Mr. Aylesworth made the remark that he did, which apparently was the one remark on which my learned friend suspended or endeavored to suspend several arguments.

Let us see what Mr. Aylesworth says in volume 2, at page 677, line 8. This is where he says he met him on Tuesday the 9th September, accidentally in the corridor, and his remark, after

some general talk was, "Gamey is going to support us." He spoke about a petition against Gamey, saying Gamey was very anxious about it. "I said to him I remember, that I did not suppose the petition would likely be pressed very strongly if Gamey was going to support them. I remember in the course of the conversation saying to him, how do you know the fellow will, or what guarantee have you that he will, or something of that sort. And he said well, that is just it, or what guarantee can we have, some such observation."

At that time there was no scheme matured in the mind of Mr. Stratton to buy anybody, the very essential part of the bargain, namely, the insuring of the support of Mr. Gamey, for which he is said to have paid money, had not been thought of, or considered at all by Mr. Stratton. The suggestion comes from Mr. Aylesworth, "I think I suggested writing a letter, certainly it was suggested. My strong impression is that I suggested it." Then he said, "Well, will you write me such a letter, draw me up such a letter, and I said, you know what you want, you had better do it yourself, and we separated with that." The next thing was he said he had forgotten a little, "Would you see Mr. Gamey if he came to you—would you get such a letter from him. I said why certainly if he comes to me. Well he said he will probably go to you to-morrow about his petition, and if he does, he said, get such a letter. I said very well." The next day Mr. Stratton brought me a typewritten letter, and handed it to me saying this would do."

Now, all that is entirely foreign to any compact of any kind between Mr. Gamey and the Minister, done with a different motive, for a different purpose, and under circumstances which are quite proper, politically speaking, and done with the approval and sanction of Mr. Aylesworth.

Then, the conversation took place to which I will give references shortly, but at the close, after this man had been trying to borrow money from Mr. Aylesworth, and from what took place with reference to the holding of the letter, Mr. Aylesworth says, speaking in the box, that he was suspicious of Mr. Gamey, and made use of the expression, to whatever weight it may be entitled, because after all it was only the impression of Mr. Aylesworth at the time, "this man is for sale." Assuming that to be Mr. Aylesworth's conclusion, that proves nothing whatever against Mr. Stratton, or the Government, because any of us might have thought that from the way he was acting, Mr. Conmee might have

thought, Mr. Martin might have thought, any of these men might have reasonably come to the conclusion this man is looking out for No. 1, that number one being R. R. Gamey.

Now, he says at the bottom of page 686, and page 687, which is the reference I give your Lordships as explaining Mr. Aylesworth's view, and just how the confusion arose. "Gamey sat between him and the window in the strong light, opposite me, and I remember I was looking at him all the time, because the whole thing impressed itself upon me, a member of Parliament behaving as he was doing, when, according to The Empire newspaper, he was attending the convention of Mr. Whitney's supporters that very day."

Now, Mr. Aylesworth was confusing what he saw the next day with what had actually taken place, because the convention did not take place until half-past two or three o'clock on that afternoon of the 10th, and it was in Mr. Aylesworth's mind, on doubt looking back now, a very suspicious circumstance, just as we borrow truth or falsity from the relation of the mind back to a prior circumstance, when something has intervened in the meantime.

Then he says, "It was in my mind, perhaps I am confusing what I thought on that occasion, and thought immediately afterwards. It was in my mind that it was in the newspapers of that morning." It was on the 10th his attention is called to it. "Then I am confusing what I thought during the interview with what I thought in thinking about it in the next few days." Now, that is Mr. Aylesworth's explanation, and an explanation which is perfectly legitimate. So that whether or not Mr. Aylesworth's impression was a true or an erroneous one, what had operated upon his mind was the conjunction of the two circumstances, the man acting in that way, about borrowing money from a stranger, and the dropping of the petition, the signing of that letter, and the meeting of the Conservative caucus at which he saw Mr. Gamey was present. It did not take place until the following day. Then he says he thought at that time, referring to the occasion, not referring to the immediate moment—

The Chancellor: Did not the Conservative caucus take place that very same day, but Mr. Aylesworth did not know of it until the next day? The caucus was three or four o'clock that day.

Mr. Johnston: Between three and four that day.

The Chancellor: I think all parties agree on that, that the Aylesworth interview was the 10th, and the caucus was the 10th, but the caucus was after

the interview. Mr. Gamey admits that.

Mr. Johnston: So that Mr. Aylesworth is doing what was a very natural thing, and what is very often one of the imperfections of memory, he is relating back a circumstance which subsequently occurred, and he is speaking now as a matter of impression formed, not at the particular moment, but formed immediately, or about the time of the occasion, so that Mr. Aylesworth's evidence is manifestly clear upon that point, and clear to this extent, because he states very positively that he must be confusing the occasion.

Now, with regard to that interview, we will see just how much truth there is in Mr. Gamey's story.

Mr. Gamey says that when he went in Mr. Aylesworth asked him if he wanted him to act for him in his petition. Mr. Aylesworth, page 679, says, that is not so. He says Mr. Gamey went in there and asked him to act. "I told him I could not do so, if he was, as I understood him to have been, elected in Opposition to the Government. I explained to him my retainer, and what obligation it put upon me, and on my saying I could only act for supporters of the Government, he said, well, I am going to support the Government. I said I suppose that puts a different phase on the matter." Then he is specially asked with reference to certain other statements made by Mr. Gamey. At page 684 he says that what Mr. Gamey wanted was a loan, and that the word stock as used referred in his mind to a stock of goods, because he made the remark at the time that he would have very great difficulty in getting a loan on a stock of goods in Manitoulin, a loan on such security as that. He says, he never conveyed in the least degree to my mind any shares in a stock company. That is what Mr. Gamey has been endeavoring to show, that it was a stock company, covering up by that name a nefarious transaction. Mr. Aylesworth says that that did not take place.

Then Mr. Gamey says an objection was made to his keeping the letter. Mr. Aylesworth says that is not true, that there was no objection made whatever.

Then, as I said, he is asked specifically certain statements. Mr. Gamey says Mr. Aylesworth said, you keep the letter, Mr. Frank Sullivan said no, there is some question of stock consideration to be dealt with before we give up that letter. Mr. Aylesworth says that is not correct.

Then at page 692, he says again, that after you had said you would keep it, there was some question of stock consideration before giving up the letter. "A.—That was not the way it

took place?" Then he says that Mr. Gamey said in his statement in the Legislature that Aylesworth had said he had nothing to do with that part of it, that is, with the stock transaction, which was the culpable portion of the deal apparently. Mr. Aylesworth says that conveys an utterly erroneous impression, an utterly untrue impression, "That part of our office business," was "the moneylending branch of the business." "He certainly did not explain to me anything which conveyed to my mind the slightest idea of shares in a stock company."

Then he is asked at page 694, "Was there anything said about holding the letter until the stock question was settled? A.—No." Mr. Gamey says Frank Sullivan refused to do so, that is, to leave the letter with Mr. Aylesworth. Mr. Aylesworth says that is not true. He says that Frank Sullivan had little or no conversation with them on that occasion. Frank Sullivan says that what Mr. Aylesworth says is perfectly correct with reference to that. This is at the very inception of the matter.

Then I refer your Lordships to Mr. Stratton's account, at volume 6, page 2423 and 2425. I give your Lordships the references to Sullivan's testimony, and I only ask you to accept Mr. Sullivan's story in this connection, because it is corroborated by three witnesses, Aylesworth, Stratton and Miss Jeffreys. Sullivan is in volume 3, pages 1178, 1181, 1184 and 1185, and at 1635 and 1636, volume 4.

Miss Jeffreys is in volume 7, at page 2728.

Now that letter manifestly was a tentative document in that sense. The letter was drawn up, not addressed to anyone. It was given as a guide to Mr. Aylesworth. It was completed in Mr. Aylesworth's office, by Mr. Gamey. It was sent, as Miss Jeffreys says, to the Premier. It was kept with some other letters, and she gives us the details, and she says that she is not mistaken, and cannot be mistaken. Well, then, Mr. Gamey is again contradicted by Mr. Myers, and Mr. Myers and Mr. Boland's story corroborate Mr. Aylesworth's recollection of it, and, indeed, the facts about which there can be no dispute, because Mr. Aylesworth is able fortunately to fix the time so definitely that there can be no mistake. Mr. Boland says that on Wednesday morning, the 10th September, he was in Mr. Stratton's office. He fixes that by producing and filing a letter dated the 9th day of September. He says, I have my books here, and I will show you the entries in these books if you desire to see them. They were not called for. No one disputed apparently Mr. Boland's recollection of the mat-

ter as to date. He says that the letter was dictated in his presence to Mr. Myers, who took it out, brought it back, a slight amendment was made to it, it was taken back, the amendment was put in, and that he left Mr. Stratton shortly afterwards to go to the hall to see Mr. Aylesworth.

Are all these people telling what is false, because if they are, then it may be possible Mr. Gamey is telling the truth. If Mr. Gamey is telling the truth, these people are all telling deliberate falsehoods.

Now, that letter, as I pointed out, does not deal at all with the question of protest. The great anxiety of Mr. Gamey was the protest apparently. And, yet, he does not stipulate in that letter, if I support your Government, will you withdraw the protest. His discussion in that letter is directed to the question of patronage, and it could not be an arrangement with Mr. Stratton regarding the protest, because Mr. Stratton's position was this: Mr. Stratton attended only three meetings in the early part of June concerning the question of protests, and his position was not with regard to the constituencies that were to be protested, but, rather, with regard to those that were to be put upon the safe ground of no protest, and the meetings that he attended were meetings that were attended by representative men from the Opposition. Mr. Nesbitt and one or two others. At these meetings, some twenty or thirty on each side were struck out from the list of the constituencies which had returned members of the Legislature. In other words, something like fifty were determined upon by these gentlemen, that should not be protested, and when Mr. Stratton's connection with that matter, when Mr. Stratton's intervention in that matter was ended his connection with the protests entirely ceased. And one can understand that. These gentlemen could not stop a protest, but what they could do, by an amicable and mutual understanding, was to not protest Mr. Whitney, Mr. Ross, Mr. Foy, Mr. Stratton, and so on. The others that we do not decide upon must take the ordinary consequences, and must be left in the hands of the Liberal Association and in the hands of the private petitioner.

The third meeting was early in June, long before Mr. Gamey became a factor in Provincial politics. Mr. Grant was acting for the Liberal Association, not for the Government, and that must manifestly be so, because, in most of these cases, the petitions are filed by the local solicitor, and Mr. Grant apparently had charge as the agent, or principal, if you choose to call him so, for the solicitors throughout the country who were conducting the protests

against the Conservative members. Mr. Grant's position is defined in volume 6, at page 2410, and after that third meeting, which took place early in June, there is not the slightest shred of evidence to connect Mr. Stratton with the protests, or with anything else in connection therewith. No evidence has been adduced here to show that Mr. Stratton intervened in regard to a single protest, no evidence here that Mr. Grant ever reported to Mr. Stratton. On the contrary, the evidence is abundantly clear that Mr. Stratton's connection was entirely severed, and that the matter was left in the hands of the Liberal Association, and Mr. Grant and the local petitioners.

Now, leaving out of the question all the other protests, and confining myself exclusively to the protest for Manitoulin, let us see just what was done. The protest was entered by Mr. Fraser, the defeated candidate. The deposit was put up by James Conmee. There was a reason, no doubt, for that. James Conmee represented one of the western constituencies, one of the new group of newly formed constituencies. These men were acting apparently in self-protection and self-defence. They may protest my election. I will protest Manitoulin. They may protest West Algoma. I will protest Eastern Algoma, as the case might be. Mr. Stratton's hand is not felt, is not seen, is not heard of in connection with the Manitoulin protest from beginning to end. After that meeting of the 10th September, Mr. Aylesworth's hand is not seen or felt in connection with the Manitoulin protest, but, the condition of things having changed, the matter having passed into other hands, and under different conditions, the only men who have to deal with that matter are the representatives of the respective parties, Mr. Grant and Mr. Bristol.

Although the records were ransacked from cellar to garret, although every effort was made to connect Mr. Grant with the Government in some way or another, not a particle of evidence has been adduced to show that the dealing with the Manitoulin protest had any relation whatever to Mr. Stratton. On the contrary, what do we find? Some time about the 19th or 26th of September, and after Mr. Grant had received information from Mr. Stanton, whom he had engaged to see what evidence there might be against Mr. Gamey, and having come to the conclusion there was not sufficient evidence to warrant him in going on, so he pledged his oath, he has an interview with Mr. Bristol. Now, both of these gentlemen are, so far as we know, very honorable members of our profession. No attack is made upon Mr. Grant or upon Mr. Bristol in regard to their management

of the protests, excepting that my learned friend seems to think that that which has been done in my office, and perhaps my learned friend's own office, is now to be made the subject of horror, because it suits the Gamey purpose so to make out. We have to take things as we find them, and if it is recognized, without any corrupt motive existing, as being a proper method of dealing with matters, then there is no material wrong in regard to it, except this, that if the petitioner objects, then it becomes a serious question, but the law provides that if the petitioner objects, no power or no lawyer can interfere.

The Chief Justice—You are referring now to what is commonly known as the "saw-off"?

Mr. Johnston—Yes, my Lord. I do not for a moment desire to put myself upon a higher plane than my neighbors, and I do not want to assume any virtue that is not common to humanity.

The Chancellor—They want to have things improved.

Mr. Johnston—I do not know that there is any way of improving it, for this reason, there is always this safeguard. If one party think they have a sure case against the constituency, that is not the constituency that is being sawed off, so that the evil works its own good.

The Chief Justice—Suppose a political party happens to know that there is a sure case against them?

Mr. Johnston—And the other party does not. Of course, that would change the matter entirely. But the party which my learned friend to some extent represents in regard to the prosecution, because we cannot divest it of the phase of being one party against another, one party moving and another party resisting in this case—

Mr. Blake—Those are your suspicions.

Mr. Johnston—I have grave suspicions.

Mr. Blake—I thought you were trying to weed them out

Mr. Johnston—I have grave suspicions. I say, with these parties, knowing, and I think I will give them credit on both sides for honesty, to this extent—knowing that they are not in a position to prove their case, are often glad, for financial reasons, and other reasons, to drop the protest upon receiving the same concession from the other side. It would be a monstrous thing if all the petitions that are filed upon a formal stereotyped petition should go to trial, because if they did, every four or five years in the Dominion they would have to create a new set of Judges for the express purpose of trying all these petitions.

Then, what took place? And, that is very important. Mr. Fraser is rep-

resented by Mr. Murray, a local solicitor at Gore Bay. Mr. Connée put up the money for the deposit, and the case goes on. At page 1062 of volume 3, we have Mr. Grant's testimony, and if this is wrong, it was open to my learned friend to call Mr. Bristol. No word of Mr. Bristol. No contradiction of Mr. Grant. The whole thing is as honestly done as politics can be done now-a-days, and Mr. Grant's story goes uncontradicted, (pages 1062 and 1063.) "Well, we started to make a list on either side and the list was made out and we both were sparring a little bit to get something else that each side wanted in, and while the list was written out the agreement to abide by that list was not reached at the first interview. Would that be on or before the 26th? A.—If it was at all it was on the 26th, it would not be sooner, because that was the next Friday when we had the next meeting."

"Q.—Then what was the list? Give me generally the list. Those that he was willing to drop and those that you were willing to drop on that consideration? A.—Well, the list started in this way. Mr. Bristol asked if I could drop West Hamilton.

"Mr. Blake—Was the memorandum in writing which you made?

"Witness—Between us—no sir.

"Mr. Riddell—These things were upon honor, of course? A.—And I said well, what will go against that, and he said how will South Bruce do you. I said all right, put that down on the list. Then he explained to me that he had promised Mr. Carscallen that he would go along with Mr. Hendrie.

"Q.—That is if Hendrie was let out he would be let out? A.—Yes, sir, and so that made East Hamilton the next one on the list. Well, I had made a promise regarding East Hamilton to one of my clients, so I had to put down South Norfolk opposite East Hamilton. Then I had to look after John Dickenson in South Wentworth.

"Q.—Then you suggested South Wentworth? A.—I told him I had helped him out, if the two Hamilton cases went out, so I put that down as the next one on that side of the page."

"Witness—Then I said what are you (Mr. Bristol) going to put against South Wentworth. He (Bristol) looked over the list and said well, why not put in Manitoulin. Mr. Gamey is a friend of mine, or a client of mine, and I would like to get him out. Mr. Bristol said that. So I said all right, put down Manitoulin, and we went on that way through the list."

The Chancellor—Mr. Gamey said he had a mining deal on with Mr. Bristol at that time, so that they were friends.

Mr. Johnston—And manifestly, the position of solicitor and client existing between them, and Mr. Bristol is not called to even modify Mr. Grant's statement.

The Chancellor—Look at the statement in the House by Mr. Gamey on this point.

"I went to the room and Frank and the lawyer were there, I will not mention the lawyer's name to-day, but he is prominent in Liberal ranks. The lawyer said he understood Frank and I had spoken of a stock company by which I could make \$3,000 cash in six weeks and \$2,500 towards spring, I said we had, he said it could be arranged he thought, but no mention was made in his presence of supporting the Government, and no question of trial was spoken of, we only had a short talk and he went out and I have never heard of him in any way in the deal since."

There is no complaint made in that of Mr. Grant with reference to what he did. He was not heard of in the deal since, and the deal included all these things, according to the evidence.

Mr. Johnston—It was intended to include them at any rate.

Then, he is asked particularly about the Aylesworth letter. His answer is, I never heard of it, I knew nothing of it, or Mr. Aylesworth either, in connection with this matter.

The Chancellor—As I read this statement laid before the House, which is the basis of the whole thing, there is really no complaint made about the dismissal of the protest. The complaint is of the money, and the patronage. But, in the evidence it was brought in, and of course it has to be dealt with.

Mr. Johnston—It has to be dealt with.

(Page 1063.) "Now, I understand you had no communication with any member of the Government about it at all? A.—No, I had not.

"Q.—Any instructions from any member of the Government? A.—No.

"Q.—Or from Mr. Smith? A.—No, none at all."

Now, Mr. Blake in his argument yesterday, of which I have the extended notes, says this. (p. 324.) "On the next page we have what Mr. Gamey said. He said to Mr. Aylesworth, 'He supposed I knew there was an election petition against him. I explained to him about the retainer, and if you are going to support the Government you won't have much need of counsel defending you in this petition.' 'I don't suppose' and a little smile between them, 'it is very likely it will be pressed against you.' That is what you want, and I here, as representing the Government, will tell you the probabilities or the absurdity of a Government accepting you as a supporter,

and pressing against you an election petition. It shows also, my Lords, how completely this matter was in the hands of the Government, as your Lordships are well aware that petition was absolutely dismissed without a word passing between the petitioner, Mr. Fraser, and the persons that were pretending to act for him in the matter. It was a Government matter, and dealt with as a Government matter."

Now, I say my learned friend is entirely mistaken in his citation of the evidence. That is to say, as a Government supporter, I represent the Government, we want this seat, and there is no use in your saying anything more about it, and Mr. Aylesworth very rightly follows it up. Is that fair to Mr. Aylesworth? Is that a fair comment upon the evidence, or is that similar to the other methods that have been adopted to substantiate this prosecution?

Your Lordships will find this is consecutively paged in the addresses of counsel (pages 3224 and 3225). A more unfair and unreasonable way of putting evidence it would be very hard to conceive, because the evidence of Mr. Aylesworth, Mr. Grant and everybody else, is entirely opposed to any such construction being put upon it.

Then, the patronage is gone, because he never got it, the protest is the only thing that my learned friend had upon which he could stand his argument, and in order to do that it has been stated in the argument that certain things took place which did not in fact take place. Not intentionally. I am not accusing my learned friend of that for a moment. But, done by someone perhaps for him, in collecting the evidence, and giving an entirely erroneous impression of it.

That being disposed of, I come now to the copy of the 27th day of October—the copy of that letter, and I desire to say a few words upon that. (Exhibit No. 13). I desire to say a few words about that before I pass on to another branch of this discussion.

The Chancellor: You are coming to the point I spoke of a moment ago, about why he gave up that letter without getting compensation, or do you think you have covered the ground?

Mr. Johnston: I think I have covered it, my Lord.

The Chancellor: Then your theory is what, about that letter? I refer to the letter of the 10th. What is your contention? He was at Mr. Aylesworth's office, and, as you say, the letter was taken away by these two, or one of them. He attended the Conservative caucus that afternoon. When do you say the letter came out of the hands of Mr. Gamey?

Mr. Johnston: That day, my Lord. It was mailed and reached the build-

ings in due course, because if it had not it would have been noticed that it was of a very much earlier date. There was nothing to call to the attention of the parties at the Premier's office that the letter had not reached them in the ordinary course.

The Chancellor: The stenographer there said it came early in September. That is the nearest she could come. There is no mark on the letter of when it was received. Then, when on your theory, did he get this money that he banked? He banked certain moneys that day.

Mr. Johnston: That money may have been got wherever he did get it, either on the 10th or 11th September.

The Chancellor: Well, the entries that are missing in the book, the leaves that are missing in the book of the Crossin factory, are said to cover the 10th and 11th September.

Mr. Johnston: From the 1st July to the 13th February.

The Chancellor: That book might have disclosed from whom these moneys were received?

Mr. Johnston: Yes, my Lord.

The Chancellor: Your theory, then, is this letter passed out of Mr. Gamey's hands without any compensation from anybody that you know of?

Mr. Johnston: Yes, my Lord.

The Chancellor: The theory was that he held the letter until the next day after this caucus, and then went to Mr. Stratton's office and received the payment.

Mr. Johnston: But I am showing your Lordships upon the evidence that that is not true.

The Chancellor: You say the evidence is that he was not there on the 11th?

Mr. Johnston: And I say more than that, that the evidence of Miss Jeffreys, the evidence of the preparation of the letter, Boland and Myers and Stratton, and all that—I need not repeat that—all show that the statement is quite wrong in regard to that transaction.

Now, the copy of the 10th September letter, which is dated October 27th, being exhibit 13, is a matter to which I would like to call your Lordships' attention for a few moments.

If there was no reason given for the production of this letter, bearing a date subsequent to the 10th September, your Lordship might say, why this letter, and I think Mr. Stratton would be fairly called upon to answer a question of that kind, but, we have the very best reason that could possibly be given. We have the fact that on the 10th day of September, the same day as the letter in which, if my learned friend's language may be used, be bartered and sold himself in the manner of a beast in the market, that it

would not look well that he should be coquetting with his former friends on the very day he had at any rate expressed a desire to support the Government. One would think that that reason would occur to a much less sensitive man than Mr. Gamey. At any rate, it did occur to him, according to Mr. Stratton's version. There was no object in changing the date of the letter, so far as Mr. Stratton was concerned, because the evidence has proved, beyond all doubt, that the reason given by Gamey in the box, namely, that it had relation to the dismissal of the petition, is an absolutely false reason, false to the knowledge of the man who made it. If these different witnesses, whom I have named, are telling the truth, then the dismissal of the petition came without reference to Mr. Stratton, and without any of his handiwork, and, therefore, the giving of a letter of a later date could in no way relate to the question of times regarding the election petition. But see how cogent the other reason is. A man leaving his party, to some extent, at any rate, exercising an independent right to support the Government, desires to clear the way for himself when explanations have to be given. He knows that on the 10th he was at the caucus, on the 10th it became public property, and he says, in order to protect my own sense of decency, I think it would be better to post-date that letter, and have it come from Gore Bay, or have it come at a later date than the 10th September. Why Gore Bay? Why Gamey at all? He had seen Mr. Stratton on the 23rd of October, they could have dated the letter there, and then they could have left the letter with Mr. Stratton, or returned it to the Premier, and, if the reason given by Mr. Gamey be correct, the letter of the 10th September would have been destroyed.

Now, what does this letter of the 27th October tell us? It tells us stronger than any argument of mine could make it, the simple innocent interlineations show far more strongly than any words, that Mr. Gamey's whole object was to give an independent support to any Government in power. The letter is an exact copy of the 10th September, excepting in two instances, the very hinge upon which the door turns, the pivot upon which the whole action of Mr. Gamey depends, "If you have a reasonable majority when the House meets." Are the words added. Again, "I have decided to give you my support during the present Parliament if you have a reasonable majority." Marked strictly private and confidential. There we have the key-note to Mr. Gamey's position. Exactly what he had said on the platform, exactly what he said

during the summer, exactly what he said throughout his whole career from the time he became member for Manitoulin, up until the statement in the House. "If you have a reasonable majority I will support you." If you have not, I will support the other side, because they will be in power. If we wanted stronger evidence than that we could not possibly expect to get it, even from the mouths of a multitude of witnesses.

Then he says, I had this signed by my son, a young lad of sixteen, not resembling his father's signature, and he says, I stopped so low in the pursuit of my favorite scheme, I so lost my respectability, and my sense of right and wrong, that I asked my son to sign a letter which was intended for the Premier of the Province, against whom not one word has been said, and against whom, I venture to say, not one word can be said. Write this for what purpose? To try and entrap the Premier of the Province into an answer. An answer for what? In order that he may, or that the astuteness of counsel may be able to torture any reply that was given into an admission of guilt. What was there in this letter that could possibly call for any reply from the Premier that would entrap him or commit him or the Government in any possible particular? A letter which was written according to the very facts, and circumstances of the case, truthfully, because if the Government had not a reasonable majority when the House met he was not going to support them, and there was no Government to support. The Government was on the other side, and Mr. Gamey was putting in that condition, which was his condition before beginning, and which the members of the Government would certainly know would be the position of any man looking for favor for his constituency, namely, supporting the Government, if they have a reasonable majority when the House meets. If I asked or called for stronger evidence of innocence, I do not know where I could place my hands upon a single document that so establishes the care, the honesty, the truthfulness of the gentlemen who represent the Crown in this Province. I could not call for any stronger evidence of the honesty and the care and the watchfulness on behalf of his constituents, then that letter sent by Mr. Gamey; and, when I say that, if I looked for a man deeper in the slough of corruption, deeper in the mire of deceit and lying and treachery, I could not ask for any stronger evidence, if Mr. Gamey's story be true. He says that when that letter was sent he expected a reply. I asked him again, what reply could he expect to a letter of that kind. What reply could be given that

would indicate in any way connection with the giving of a bribe, and just here let me submit to your Lordships a general statement. Where is there in a single document, where is there in a single letter, where is there in a single communication from Mr. Gamey to any Minister of the Crown in which the slightest suggestion of corrupt or improper means having been used, is stated? A man seeking for evidence according to his story to-day, a man looking for some proof to convict the Government of a very high crime, a man laboring according to his story, month after month, and hatching out a plot by which he was going to unseat the Government, writing, and writing, and writing, and throughout the whole of his correspondence I ask the question, where is there a single line, where is there a single syllable upon which he can put his finger and say that suggested a bribe.

I come now, my Lords, to deal with the question of The Globe interview. Before reaching, however, the question of The Globe interview, let us bear in mind this important fact. The Government, prior to that, according to Mr. Gamey's testimony, had a majority of one. They had in January, 1903—somewhere about 7th or 8th of January, three bye-elections. Those going adversely to the Government meant defeat. Mr. Gamey's object was to ensure defeat, according to his story. Why was not this payment of the \$3,000, and the letters, the corrupt acts, disclosed before the 7th January, if they were corrupt? Because, if Mr. Gamey's statements had been made, charging the Government, adverting this correspondence to which he attached the meaning that he does, and he can make it no stronger to-day, than upon the 6th January, in all human probability, it meant defeat to the Government. But no.

The Chancellor: He said they had arranged to keep it quiet until the House met.

Mr. Johnston: And did not keep it quiet.

The Chancellor: Well, they kept it within the hands of a few.

Mr. Johnston—In the hands of a few, of course, means a multitude, because people were talking everywhere of his being bought as early as the 24th.

The Chancellor—But that is the reason he gives.

Mr. Johnston—Quite so, my Lord. If that was his object, to defeat the Government, and expose their corruption, he allowed three bye-elections to take place, which gave the Government a substantial majority. Then, if the Government had desired to use Mr. Gamey's support as a factor in those bye-elections, and I desire to take both sides of it, what could they have done?

They could have published his letter of the 10th September, or the 27th October. They could have made it known officially that Mr. Gamey had come over to support the Government, and thereby help them in the bye-election. Why did they not do it? A man they could not trust, and yet he is a man they are paying sums of money to, and making all kinds of promises, according to his story, and placing themselves entirely at his mercy.

Then, let us take up the question of The Globe interview. On the 13th January Mr. Gamey comes to Toronto and has an interview with Mr. Stratton. About that there is no dispute. And present at that interview is Dr. Chamberlain. Is Dr. Chamberlain another perjurer, to take a flower from my learned friend's conservatory? Dr. Chamberlain swears that on that occasion Mr. Stratton spoke to Mr. Gamey, and said: "We will consult our friends with reference to these appointments when the House meets." Why tell that to Mr. Gamey, my Lords, a friend of the Government? Well, Mr. Stratton says, you have a very peculiar way of showing it, and then he deals with his action in North Perth. Mr. Stratton says to him, if you want to put yourself right with the Government, if you want to put yourself thoroughly right with your constituents, it lies upon you to make a public declaration in order that there may be no misunderstanding. Is that the language of a man to the chattel he has bought? Is that the language of a man to a member who has him at his mercy? That is the language of Mr. Stratton to a man who is not trustworthy, and whom he never believed to be trustworthy. Mr. Stratton and Dr. Chamberlain both state that to be the fact. Mr. Gamey does not substantially differ, except that he says that a talk took place between them alone on that occasion. In that he is contradicted by Myers, Chamberlain and Stratton.

Now, The Globe interview will help us to see, perhaps, some light upon this subject. The Globe interview is exactly along the lines of Mr. Gamey's actions and conversations for the six or seven months previous. No difference. No hand and foot binding to any party, no leaving the Conservative party for good, no supporter of the Government through thick or thin, but, if you have the confidence of the people, if you have a majority in the House, in view of my peculiar circumstances, and the peculiar demands of my riding, I will give you an independent support. Pay a man \$3,000 to have him a free lance in the House? Pay a man \$1,000 to get from him a declaration which was

of less value than the letter of the 10th September? Pay a man a thousand dollars who had attended a Conservative caucus, who had spoken for the Opposition in North Perth, a man who was urging for certain appointments, and who was not getting them? A man who was not trusted? Pay that man a thousand dollars for giving an interview with The Globe, which meant anything or nothing, as the member saw fit to construe it?

Now, it is the fact that this interview was not prepared by Mr. Stratton, in the sense in which we desire to understand the word preparation, and I think it is important in that view to keep in mind that the man who prepared the interview is not the hand that does the wrong. It is the mind behind the pen. Mr. Stratton says that on that occasion Mr. Gamey offered and desired to give some interview regarding his position for publication, that he thereupon took certain notes of that, those were written out by one of his newspaper men, Mr. Yokome, who sometimes assists him in special matters when he is busy. The ideas were not Mr. Stratton's ideas, but were the ideas of R. R. Gamey. And the reason why The Globe interview was not then published was because Mr. Gamey said, I want to confer with some of my friends in my riding before I sign it, before I give it. He takes away the document. The document as prepared from Mr. Gamey's notes on the 13th is an absolute support of the Government, as if he had been elected a Liberal, and giving the reason that I have adverted to upon more than one occasion during the argument. The interview comes back entirely shorn of its strength, comes back, for political purposes, a poor, puny weakling that could not stand alone without support, a document, as I said before, that might be signed by any member of the Opposition without injury to his political conscience, a document the principles of which are acted upon again and again by Mr. Whitney and his followers in the House. Because they do not by any means vote against every Government measure, nor do the Government vote against every measure suggested by Mr. Whitney. A document that was not worth one thousand cents, to say nothing of one thousand dollars. A document got from a man whom, if he is to be believed, was bought, and would not stay bought; a man who is playing fast and loose; a man who is ready with the "lip reason" and the heart deceit. The whole character of the document is changed when he brings it back, after having seen his friends, or, rather, when he has consulted his friends, and comes back and

gets the document, he makes these changes. Now, why did he make the changes? Why was he qualifying and modifying, and adding and subtracting? Because he had seen his friends at the island in the meantime. He had consulted with them as to how far he should go. He had determined upon a course of action with his friends, and the only support which he had ever agreed to give the Government, and the only support which his friends in Manitoulin would allow him to give was the support contained in exhibit 27, as amended by Mr. Gamey.

In the third paragraph he states that it was stated that he would support the Ontario Government if it had sufficient support to carry on the work. Here, again, we see, "Manitoulin is my politics," because he changes that, that he will support any Government. Was that a delivery of the goods for the payment of a thousand dollars? Was that what Mr. Stratton wanted? If Mr. Gamey's story be true, Mr. Stratton wanted Mr. Gamey's support on a vote of want of confidence. Without that his support was of no value whatever to the Government.

In paragraph 5 he talks about helping the Government, and he adds the words, "With an independent support." That is a position which does not indicate any degree of help. It leaves Mr. Gamey free to act as he sees fit.

He goes on still further, and puts in the words "An independent support," instead of "My support." He puts in, in place of "The Government development policy," "Any good development policy." He qualifies the question of a vote of want of confidence, the very thing that he was being bought for, and so emasculates that that it stands for nothing by adding the words, "In matters that I am satisfied with." Then he writes, again using the words, "Independently supporting the Government." "Induce them to introduce changes." "The members of the Legislature have erred through lack of knowledge; I have travelled the country; I can materially assist any Government that is anxious to do the best for us, and I am convinced that this Government have the best interests of the country at heart. Nonsense to say that any body of intelligent men are wilfully desirous of continuing, or enacting legislation that is detrimental to as important a part of this Province as the newer portions are." Again, "Manitoulin my politics." Again, only "An independent support in matters I am satisfied with." Again, "The support of any Government in power." Exactly in line and in accord with his previous declarations. And for that blank piece of paper, for that document that

has no earthly value from a political or business standpoint, Mr. Gamey has the hardihood to come here and say he was paid \$1,000.

Then, there is this singular thing about this transaction. When these notes were taken from him on the 13th, and not initialled or signed, or approved of in any way, and when Mr. Gamey told Mr. Stratton that he would have to consult his friends about this matter before he signed any paper, or gave any interview, Mr. Stratton had the right to infer that what he was telling was the truth; and so inferring that he was telling the truth, that he was honest in his desire to see his friends, did not press him to sign the document, did not press him to give the interview of the 13th. Why, because he was willing that Mr. Gamey should go and consult his friends. Why consult his friends, if it was a case of bargain and sale? Why hesitate to hand over the goods for which he was getting the money?

And, in addition to that, on the 13th day of January, no mention whatever is made of money, according to Mr. Gamey's testimony. No mention is made on the 10th or 11th September of money. The only word used there being "consideration," which we find in its natural place when we are told that what was said to him was, you will get the same consideration as any other supporter of the Government. No money mentioned in Mr. Stratton's office, no money mentioned except, Mr. Gamey says, and it is denied by Frank Sullivan, in the corridor the day upon which the document was signed Frank Sullivan says when you sign that interview you will get \$1,000, or we will get \$1,000. Not a word about money in the office, no bargaining, no dealing, no trafficking in this man's honor, if he had any, no talk between him and Frank Sullivan until the very moment of the execution. No knowledge, no understanding that he would get \$1,000 for signing that interview. No intimation that he was to sign the interview at all until it came up in a totally different manner.

Then, I ask your Lordships to say, if this was a plot, why hesitate to sign, if this was a scheme why change it materially, why take time to think, why give the man that which he had not bargained for? The document as originally prepared was what Mr. Stratton thought Mr. Gamey's ideas were. The document as amended contained Mr. Gamey's own ideas, without reference to Mr. Stratton. Then, why change the whole character of this document upon the crucial point of it in the absence of Mr. Stratton, and in the presence of a stranger, if it was a dishonest document? Because the crucial point

was, I want to see the Government kept in power by a fairly strong support, and will stand by them on all questions which may involve a vote of want of confidence. That is what, according to Gamey, he was being bought for. That is what he was getting his price for, and yet, after he gets his document, after he thinks over it for two or three hours, takes it away and re-writes it, practically, after it leaves the hands of Mr. Stratton, and in the presence of the reporter he adds, "in matters that I am satisfied with." That, as I said before, might be signed by a Conservative.

Now, we find therefore, that the document, as representing Mr. Gamey's views, represents as nearly as we can get at it the position of an independent member of the House. It not only represents it in that way, but represents it by the independent act of Mr. Gamey in contradistinction to the act of Mr. Stratton. And, it deals with and sets up a condition of things for which no money could possibly have been paid by any man on the outside of the walls of an asylum.

Then, his letter to Mr. Whitney he says is part of the scheme, and part of the deal. That letter is consistent exactly with all the rest of his documents, consistent with an honest intention to do the best he could for his constituency. That letter is Exhibit 18, page 23, of the Exhibits. "I have decided that the Government are going to continue the affairs for another term." The same old key struck. The same note sounded. The same application of "Manitoulin is my politics." "I will give any Government in power my independent support," and at the request of many of my constituents I have decided to take an independent stand in the House. That was not what Mr. Stratton was buying this man for, according to his own story. The weak, tottering Government, standing upon the brink of a precipice, liable to topple over to destruction at any moment, dependent upon the charity of a man from Manitoulin, and he takes their money, and he gives them back a stone instead of bread.

Now, can we be asked as reasonable human beings to say for one moment that that letter, written to Mr. Whitney, was not written exactly in accord with his past declarations, and with the position that he was taking, and with the position that he was anxious to take, because if there was a change of Government it left it open to him to support the Opposition, if they were in power.

Now, I will deal with the next document, which is the telegram of the 27th, sent by Sullivan to Gamey, but

was not acted upon. I admit, if that telegram was a corrupt telegram, or a telegram for a sinister purpose, whether it reached Mr. Gamey or not would be a matter of no consequence. (This will be found at page 20 of the Exhibit book.)

Then I will refer to the evidence as to the sending of the telegram, page 2605.

Without waiting for the reference, let me say this. Mr. Sullivan is called, and he says, what I should imagine by this time is manifestly clear, that this man and himself were engaged in certain deals, and certain prospective transactions out of which they expected to make a certain amount of money, rightly or wrongly. I am not concerned with that, because until the Government is connected with this transaction, and until Mr. Stratton is shown to have been a party to this going on between Sullivan and Gamey, the relations between these two men do not in any way affect the position of the client whom I represent. Sullivan says that he had a man who was desirous of getting a certain privilege, and had so arranged, that he should be here at a certain time—Kegawan Lake. (Page 1221, volume 7.) This privilege seemed to be of some importance, and it does appear that some rake-off, as it has been called, had been obtained upon previous occasions, and these two men thought there was money in it for them in that way.

Now, the telegram is sent by Frank Sullivan, sent openly, sent without any reservation, or any concealment whatever, and is capable of production, and is produced. Sullivan knew that. Stratton knew that. Gamey knew that. And yet we were asked to believe that leading up to the payment of a sum of money by a Minister of the Crown to a member of the House, these men set to work to put themselves on record and enable the transaction to be proved.

Now, my learned friend, in dealing with this telegram, again conveyed a wrong impression of the evidence. He put it in this way. He said Gamey reached town on the night or evening of the 28th and that there was an appointment made for him to be at Mr. Stratton's office on the 29th, thereby endeavoring to convey the impression that the matter was arranged between Mr. Stratton and Frank Sullivan. Now, that is not the evidence. The evidence of the books put in show that my learned friend has been wrongly advised and wrongly instructed, because Mr. Gamey reached here before breakfast on the morning of the 28th, and the appointment for the next day was

made by telephone, and your Lordships will remember that some dispute arose as to whether it was the voice of Esau or the voice of Jacob at the other end, one saying one thing and the other another, but all agreeing upon the fact that a telephone message was sent up, either by Gamey or Sullivan, and that Gamey was in town on the morning of the 28th, and that Mr. Stratton was unable to keep the appointment, or to make any rather, on the 28th, because he had the annual meeting of the Trust Company; and, that therefore the meeting was arranged for the 29th.

Now, was it fair that that telegram should have been put to that purpose, endeavoring to show that the telegram was an emanation from Mr. Stratton, that they did not need an appointment for the 29th, that Sullivan arranged that by means of the telegram, and that Mr. Gamey only got here on the evening of the 28th, therefore the telegram is Mr. Stratton's telegram in fact, and Mr. Sullivan's telegram only in name. I say that that statement of the evidence is wholly incorrect. And, again I exonerate my learned friend from any intention to do what was wrong, or to wilfully misrepresent the evidence. I do not know how far, in view of what the evidence does disclose, I can say or repeat that statement with regard to anyone who furnished him with any such information.

The Chancellor—Well, it was put in that way in Mr. Gamey's statement to the House. "I saw both of the Sullivan's that day, and Frank told me he had wired me on the 27th to come down. I got that telegram on my return. It is as follows. He told me that Stratton wanted to see me, and that he would arrange for the time of the interview on Thursday, he did so, and phoned me to come to Stratton's office at 2.15 p.m."

Mr. Johnston—That is his statement here. But what I say is that the evidence does not show that Mr. Gamey got here on the evening of the 28th, and, therefore, the appointment must have been made through that telegram. The Walker House books show that he got here on the morning of the 28th before breakfast, and that the appointment was made for the following day. Mr. Stratton's evidence on that point is at page 2605, volume 7. "I had the annual meeting of the Trust Company, which was held on the 28th, and when he phoned me I could not see him that day, I was going down town."

Now, that disposes of the written testimony, and I come now to the question of the bribes of \$3,000 and \$1,000 respectively.

Here, again, let me say that the charge involved in this statement by Mr. Gamey is a criminal charge, a

charge which must be proved beyond reasonable doubt, and I am not claiming the benefit of the doubt for any member of the Government whom I represent. If they are guilty they should be so found, and punished accordingly; if they are not guilty, and not proved to be so, then we think there ought to be a strong and emphatic finding upon that particular point, because if they are innocent men, any equivocal finding might be as dangerous in the hands of other people as a finding of guilt.

Now, on the subject of \$3,000 and \$1,000, with the exception of the banks, which proves nothing in itself, Mr. Gamey stands alone, uncorroborated.

In dealing with the question as to whether or not money was actually paid to Mr. Gamey, we have always this important factor to consider, "What was the motive?" Few crimes are without motive. This is not the case of an offence being committed on the impulse of the moment. This is a deliberate, wilful, well conceived, planned offence, if it took place. When men commit crime there are certain reasons, and certain surrounding circumstances to which we are always entitled to look, and to weigh carefully, before pronouncing guilt. Gamey was an utter stranger to Mr. Stratton. Gamey was a man that no Minister of the Crown is shown to have had the slightest knowledge of. He was a man, so far as Mr. Stratton knew at that time, from hearsay, and without any definite knowledge, not to be trusted to any great extent. And yet, on practically the first occasion of their meeting, he gets from Mr. Stratton the sum of \$3,000, according to his statement. Frank Sullivan and him together, and he takes that money, \$1,500 he says, of the briber's money, the price of guilt, the fruit of crime, and before the hand of Mr. Stratton is well away from the bills, Mr. Gamey pays his promissory notes with it.

At that particular moment, on the 10th day of September, the buying of Mr. Gamey would have been a mad act, because the Government had not at that time a working majority, even if they bought Gamey. At most, it was contended that the Government majority was one, with several protests pending, which may have resulted in disqualification, which may have resulted in an overthrow of the Government. On the 10th September, a Government having to elect a Speaker, and buying Mr. Gamey, still gave them only a majority of one. The Government could not have carried on the affairs of this Province by a majority of one. Then, if we look at this fact, that the Government may reasonably have the right to look to, that the bye-elections would very likely turn out favorably to the

Government, at that particular moment there were no constituencies open, and they did not know but what the constituencies that might be opened would be their own, and, therefore, they would not be able to increase their majority. But assume for the moment that the bye-elections would go favorable to the Government, if there were any bye-elections, then there was no necessity to buy Mr. Gamey at that particular moment, because the Government would have waited until the result of the bye-elections was known. It was no benefit to the Government to have him support them, having in view the bye-elections, because that fact was not used as an element in the campaign—a most marvellous thing—if he was bought and intended to stay bought. If he was converted, and was honestly converted, if he was acting independently, and intended to act independently, it does not matter, the Government did not utilize the power which that would have given them, if they had seen fit to make it known, and have used it in the bye-elections.

Another matter to be considered in that connection is the fact that Mr. Stratton was not in any need of the office of Provincial Secretary. He is, according to his statement in the box, a man who is not dependent, as some Ministers sometimes are, upon the emoluments of their office. He is a man of means, a man who is independent of politics, a man who did not need to buy a man to keep him in his seat, because, I have no doubt, as is well known in many instances, it would pay Mr. Stratton infinitely better to be out of politics than in politics. Gamey was not a needy man at that time looking for money, because Gamey's evidence is, beyond all contradiction, I could raise \$1,500 in twelve hours if I wanted to, I had plenty of assets and plenty of credit; no object to me; no benefit to me; I was not going with my hat in my hand seeking the doling out of charity from Mr. Stratton or anybody else. Then, where was the motive for buying this man Gamey?

Then, look at the other circumstances. Gamey's motive for supporting the Government was infinitely stronger than the monetary one. The confidence, the affection and the support of his constituents, doing the best he could for his island. That was a strong motive, if he was looking forward to future political life and preferences.

Then, look at the other circumstances connected with the payment of the money. There has been no connection between Jones, on the one hand, and Frank Sullivan, on the other, with the Government. These let-

ters that have been produced are and could only have been produced under a charge of conspiracy, could have been produced on the charge which is only left now to your Lordships to hear and determine, namely, the charge of bribery and corrupt acts. The evidence of the Jones letters and the Sullivan letters, could not have been admitted, because first of all, they would have had to establish an agency, or some bond between Mr. Stratton and these men, authorizing them to write such correspondence, and have such interviews. Under "conspiracy" it was got in. But, it gives it no weight whatever in regard to the legal bearing on the facts that are now before your Lordships.

Then look at this fact also. Jones had nothing to do with the Sullivans, was not acquainted with the Sullivans, excepting to know one of them by sight. Jones was acting upon his own responsibility, dealing with Gamey, and there you get a true inkling of the true character of Mr. Gamey, the member from Manitoulin. You get it from his uncle, you get it from a man who knew him, you get it from a man who has had deals with him, and you find that the first man that Jones goes to engage in this class of business is his nephew, Mr. R. R. Gamey. He knew him well, and he knew the mill to go to to get his grist.

Sullivan's connection with Gamey manifestly originated from their desire to get into deals, and to use Gamey for that purpose, and what I want to point out is, that there is no common action, no common hand guiding and directing the affairs of Jones and Sullivan with reference to Mr. Gamey. The only way in which it could be done would be by Mr. Stratton being the guiding and directing hand, telling Mr. Jones what to do, telling Mr. Sullivan what to do, and yet, upon the evidence, that part of the case entirely and utterly fails. They ask your Lordships to draw the inference, because Frank Sullivan chooses to write letters which he gets in the box and says are absolutely untrue, and done for a purpose, to make this man believe he had a great hold upon the Government of Ontario. One only requires to state the fact to supply its own answer. The conspiracy charge has utterly failed against the Government. There is no evidence here that the Premier or any of his colleagues knew for a moment of what is alleged to have been going on.

My learned friend talks about the Ministers not coming here and purging themselves. Purging themselves of what? Of the aspersions cast upon their character by my learned friend? Of the insinuations made

against them by Mr. Gamey recklessly in the witness box? All inferences which a guilty and wrong mind chooses to draw from otherwise innocent circumstances. Should they be called upon to answer that? One might as well call the Premier in the box to answer to the howling of some cur that yelped at him as he went past the gate, as to call upon the Premier of this Province to answer the charges that are utterly foundationless, and without the slightest particle of evidence. And, my learned friend knows that fact as well as I do. But, they subpoenaed the Ministers, they asked them to be here, the Ministers have been ready and waiting and willing, if they wanted them, to be put in the box. There was no difficulty about getting them. They could have called them and could have asked them whatever questions suggested themselves to the mind of my learned friend.

I am afraid, my Lords, I cannot finish to-night. My learned friend has an appointment which he desires to keep. I shall make my remarks as briefly as possible, in winding up, but it will be difficult perhaps for me to close to-night. I will require the indulgence of your Lordships for about an hour longer; not more; perhaps less, if I can condense it.

The Chancellor: We had hoped to have gone on and finished to-night.

Mr. Johnston: There is such a mass of evidence. Perhaps I have unduly repeated.

The Chancellor: Oh, no.

The Chief Justice: Oh, no, Mr. Johnston.

Mr. Johnston: I shall condense more than I have done, if your Lordships think I should do so. What do you say, Mr. Blake?

Mr. Blake: I am perfectly willing. It is a great labor to speak for five hours, my Lords. The court room is close. One could go on forever almost, except for that, but it is really more than one can almost bear.

Mr. Johnston: To say nothing of the labor of listening.

Mr. Blake: I would not like to say that, but I accept your statement.

Mr. Johnston: I am just helping you out a little. I shall go on if your Lordships think proper.

The Chancellor: We had supposed this would give ample opportunity of setting forth fully on both sides the salient points of the case. We did not anticipate that any reply would be made after the addresses of both counsel. We thought that would end the matter. I see, Mr. Blake, you have been taking copious notes, as if you were expecting to have a reply. How is that, Mr. Blake?

Mr. Blake: I thought it was usual, my Lords. I did not know that there

was going to be anything but the usual practice. Of course, I am in the hands of the Commissioners. Whatever your Lordships say will be done, so far as I can do it.

Mr. Johnston: I am not introducing any new matter, purposely.

Mr. Blake: There are a number of matters no doubt that are easily capable of explanation.

The Chancellor: Then, if you expect that, we will not disappoint you in that regard.

Mr. Blake: I shall also try to make it as short as I can.

The Chancellor: Then we will adjourn now until 10 a.m. to-morrow.

(Adjournment 4.10 p.m. until 10 a.m. to-morrow, May 23rd, 1903.)

TWENTY-SEVENTH DAY.

May 23rd, 1903, 10 a.m.

Mr. Johnston, resuming.—

At the hour of adjournment yesterday, I left off with the absence of motives on the part of Mr. Stratton, or the Government, in bribing or attempting to bribe Mr. Gamey, and I have just one word to add in that connection, and that is, that so far as the evidence goes, the approach that was made was not made on the part of the Government. The approach to obtain Mr. Gamey's support was apparently on the evidence, a voluntary act on his part, and not induced in any way by the Government, unless the prosecution is able to satisfy your Lordships that Sullivan was an agent, that Jones was an agent, employed to see Mr. Jones for that purpose, regarding which there is not the slightest particle of evidence, and all the evidence is to the contrary effect.

Having dealt with that phase, and in order that I may not take up more time than is absolutely necessary for the purpose of preventing the case of the Government to your Lordships, I pass to another motive, namely, the motive for the story concocted by Gamey.

It would appear from his own showing that his life had become burdensome. It would appear that the man elected by a majority of over 300, had lost the pleasure and the sympathy to some extent of some of the more rabid partisans of his constituency. He had to occupy that position which every man has to occupy who leaves his political party, whether for good reason, or for bad. Assume the reason to have been an honest one, he was not trusted by his new friends, he was berated more or less by his old supporters, at least by some of them, and he was in

that transition stage when life, as he says himself, not in so many words, had become unbearable.

The Chancellor—Whom do you refer to by his "new friends"?

Mr. Johnston—I am speaking now of the Liberal party, and I am speaking entirely from a political standpoint, or rather from Mr. Gamey's standpoint. He had to do something. He had to satisfy his constituents, not that he had deserted his party, but to satisfy them in some way or another. He says himself that he was hounded. And, in order to do that, he takes the position for many months, for many weeks at any rate that he was doing this in the interests of Manitoulin, that he was doing it in pursuance of his election promises, and that he thought as the Ross Government was returned to power it was the best thing for him and his friends there that he should support them. But he found he was not getting the sympathy apparently of Mr. Stratton and his colleagues, he was practically getting nothing. He had been demanding for some five or six months patronage which had been refused him, and the key-note of the position is found in Mr. Kinney's evidence at pages 900 and 902 of volume 3. At line 10 he says—

The Chancellor—This is the interview in the piano factory, is it?

Mr. Johnston—Yes.

"They both joined in stating that they wanted to have the thing right if there was any future trouble." (Page 900.)

"When Sullivan mentioned this fact, that it was not Myers who had brought the letter down, Gamey said I am glad you mentioned that Frank, I will take it down, we want to have things right. Sullivan joined in and said yes, we want to have it right.

"Q.—What about future trouble you mentioned? A.—That is what I understood.

"Q.—What? A.—Well, in talking of their mining deal they gave me the understanding that if things did not go their way on the one side, that they would fix it so that it would come any way."

"Q.—They would fix their stories so that there would be no trouble, is that what you understood? A.—No, I did not say they did. That is merely my expression.

"Q.—Is that your impression? I want to get at something definite."

Then at page 902, line 8, and this is where the crucial point comes in:

"Q.—And you stated all you know, that if they did not get their mining deals, they would get it from the other side. Do you remember their stating that? A.—I said that was my impression?"

Now, we have Mr. Gamey in this position, supporting the Government, or pretending to support the Government, getting nothing. It was necessary that their deals should be carried out, because if Mr. Gamey's story is true, and I shall deal with that in another connection more particularly, but if his story is true in his answer to your Lordship, the Chancellor, he was to repay the \$1,200 that he borrowed from Frank out of the mining and timber and other deals when they were cleaned up. So that the sole object of these men, and I am not disassociating Gamey and Sullivan in that connection, was to get all they could from whatever Government was in power, if they could not hold up the Ross Government then something must be done to get rid of the Ross Government, and put the others in power. And, then we have the significance of the remark, "And I will be made Minister of Mines."

The Chancellor—Your theory is that in this Crossin interview the motive was to arrange a plan to coerce the Ross Government, or oust them?

Mr. Johnston—Certainly, my Lord. Beyond any doubt, between the two of them, and I make no distinction.

Now, why should he want to be made Minister of Mines, unless for some sinister purpose. He knew he could not be the Minister of Mines under the Ross Government. It was a contingency to which these two men were looking. Arrange our story so that will tell, arrange our story so that it will hang together, make it right, we must not have our stories cross, we must have things so that they will fit in together, and if this Government will not do what we want, we will explode a story upon them which will oust the Government from power, and place the Opposition in power. I shall be made Minister of Mines, and then you and I, Mr. Frank Sullivan, will have it all our own way in respect of the deals, timber, mineral, fishing and every other deal which is open to them. That was the object of these two men; not Gamey alone.

Then we have the further fact, as another strong motive, contained in Mr. Boyd's letter, written at a time when there was no object to misrepresent the actual condition of things. I refer, your Lordships, to the letter written to Mr. Latchford.

The Chancellor: He speaks of Gamey's character. Is that the one?

Mr. Johnston: Yes, casually speaks of him as being a vain, ambitious man.

The Chancellor: That is not exactly the language, I think.

The Chief Justice: Page 109.

Mr. Johnston : There is a letter which bears out the statement I am making, page 109 of the exhibits.

The Chancellor : What is the expression there ?

Mr. Johnston : Is extremely zealous and ambitious for power or patronage. There is a letter from a man to his chief, a letter written without the slightest knowledge of the facts, a man who is called here and gave his testimony in one would say a most satisfactory manner. A man who perhaps, from his examination by my learned friend, may, in the event of a change in Government, have certainly imperilled his position as a civil servant, yet he thought it was his duty, and I am not finding fault with him for a moment for doing that, to warn his chief, the Honorable Mr. Latchford, against Mr. Gamey. Your Lordships will observe at that time he was a friend of Boyd's, so friendly that they appeared to be more or less intimate, called each other by their Christian names, and so wrote to each other. And, there we have the motive, there we have the moving spring of Mr. Gamey's ambition, Mr. Gamey's story, extremely zealous and ambitious for power and patronage.

Then, need I call to my aid in support of this more than the man's conduct during this whole proceeding ? Notoriety is the only morsel that is sweet under his tongue. Even the terrors of Buffalo, that seem to have alarmed my learned friend, with reference to poor old Mr. Wilson, had no terrors for Mr. Gamey.

The Chancellor : Attractions I thought, not terrors.

Mr. Johnston : Even the attractions. His whole conduct throughout has been that of a man posing to become notorious, posing to put himself in the position to hold up one party or to be in a position to demand recognition from the other. That has been Mr. Gamey's whole course.

Then, that the story was concocted, seems to bear upon its face ample evidence. Frank Sullivan says that they had an interview at the Parliament buildings on the 9th day of March. That is not denied, but admitted by Mr. Gamey. That they discussed certain parts of their story is admitted by both witnesses. That they met subsequently at Crossin's factory, perhaps Frank Sullivan, with the object of getting money, perhaps Frank Sullivan, with the object of placing himself in a position to get deals and transactions put through, and thereby benefit personally by the transaction, Gamey, with the same common motive, the same common object as Frank Sullivan, but stronger, with more cunning, with a more astute idea of how he could make himself safe in this

transaction, and tie up Frank Sullivan.

Tie him up for what ? Tie him up in order that Mr. Gamey's story might be corroborated, and the object of telling that story accomplished. Not turn out the Ross Government especially, but to be made Minister of Mines, a fact which Mr. Gamey saw the danger of, a fact which he, in spite of three or four witnesses, was prepared to give his statement upon oath, that he never mentioned "Minister of Mines" to anybody, because Mr. Gamey was clever enough and cunning enough to know that was the moving spring of his whole action, and he denied it in the box, although the two Prices, and Frank Sullivan have all sworn, everyone of them, that that was one of the matters of discussion, and that Gamey proposed he should be Minister of Mines.

The Chancellor : That is in the new Government only ?

Mr. Johnston : Yes, my Lord, if they could not hold up the present Government, and they had reached the stage when they could not hold up the present Government, when the present Government was refusing to do anything for Mr. Gamey. Frank Sullivan is not contradicted. Mr. Gamey is afraid to go back in the box, afraid to be put in the box by my learned friend to give his evidence to contradict the oaths of these various witnesses, and yet this is the man upon whom your Lordships are asked to find, or to report, as the case may be, that his evidence is worthy of credence, and that upon his statement, contradicted as it is in every particular, a Government should be driven from power. We have this zealous, ambitious man, fond of power and fond of patronage, left practically alone, left unsupported, helpless against the Ross Government, and with no fruit in his hands, to go to the Conservative party and endeavor to hold them up for the office of Minister of Mines, an office that has been talked of being created for some years, an office that would place a man like Gamey or Sullivan in a position to amass a fortune in a few years, an office that means to the man who improperly administers it, unlimited money and command of money ; with mining applicants, mining concerns, mining corporations, money flowing into the hands of these men, the Minister of Mines, and his deputy.

Now, just for a moment let us see where Mr. Gamey is contradicted. Mr. Gamey has pledged his oath again and again, and your Lordships will remember that I pressed him again and again to say whether he had ever said to Sullivan or to anybody else at any time, or at any place that he would be Minister of Mines, or that he was looking for that position, and

he absolutely denied it. In volume 2, page 728, we have the evidence of W. H. Price, and the evidence of a man not seen by us, and not called by us, but a man who is selected by Mr. Gamey as a man to be trusted, a man put in the box as a man worthy of credence.

The Chancellor: There are two of those hidden witnesses who talk of the "Minister of Mines" being discussed. Is it not a curious thing that both Gamey and the other man deny it was spoken of?

Mr. Johnston: The other man does not deny it. He says he did not hear it.

The Chancellor—Do not Gamey, and Sullivan both say "Minister of Mines" was not spoken of in the factory? It was spoken of the night before at the building. One would think it must have been spoken of in that interview, or those two young men could not have invented it, or if they invented it, it was all the worse for them.

Mr. Johnston—They could not very well invent it. They would not know anything about it unless they heard it from some source.

The Chancellor—They either spoke of it there or they invented it.

Mr. Johnston—Yes. He says, we have got them where we want them. That is Sullivan. Look at Sullivan's attitude. He says, they cannot afford to go back on us now. That is page 728, my Lords, line 3. That was the position taken by Frank Sullivan. At line 26 Gamey said, "You see, Frank, if I was made Minister of Mines on the Tory side you could give me a lot of information. Frank said I could, I could tell you a lot of things."

Then Percy Price, at page 842, same volume, says, at line 6, and this is significant, because it shows the undercurrent that was working in Gamey's mind all through that period. This young man Price says, "They also discussed as to who was to be appointed license commissioners. Gamey said he did not care who was appointed license commissioners. Sullivan said he had better hand in the names. Gamey said he did not care about that."

Now, that cannot be true, if Gamey's contention be correct, because Gamey pretended to be anxious about the license commissioners, and wanted them appointed.

Then, further, down on the same page, they are talking about the man from the west, your Lordships will remember, about the thousand dollars.

The Chancellor—That was to put in some deal?

Mr. Johnston—Yes, my Lord, and Sullivan said he did not think a thousand dollars would be much. "We do not want to make a fool of ourselves like that; whatever we want, we want

it to be good and large." (Page 842.) "We have got the Government where we want them now, and we can, if we squeal on them, he says, it will put them right out of business." That is Sullivan.

These two men meeting together to perfect and concoct a story which would put the Government out of business. Why? The answer is in the next line. Gamey said, yes, "and if I become the Minister of Mines we could arrange things all right, he says, you could get evidence for me."

The Chancellor—That is about the mines?

Mr. Johnston—No, my Lord; that was to unsettle. They were going to have a new Cabinet, with a Minister of Mines. "You said a little while ago that Sullivan said and you switched on to something else, Mr. Sullivan said they need you as much now as ever? A.—Yes." "Well, Sullivan said that they could easily bring them to time." Sullivan said that, and, if there was a question about it, he would get this scare-line gentleman from The World, who would put the Government out of business.

Now, if this was an honest story, and if there was no motive other than the motive of exposing corruption, if it existed, why would this be done? The meeting at the factory, and I will deal with that in a moment, and will deal with it most briefly, because it does not appear to me to have any great bearing upon the issue presented, now that the evidence is in, and the shape in which it is in, but what Gamey wanted was evidence, not against the Government, but in support of whatever story he had told, or was going to set up. Frank Sullivan says, "At the buildings he told me that was the story he had to tell some of his constituents." And he told Frank Sullivan at the buildings, "If you stick by me we will make this story hang together, we will turn out the present Government, we will put the Tories in, and I will be Minister of Mines, and you and I, Frank Sullivan, will be provided for for life, and we will take good care we are so provided for." That story at the Parliament buildings is not contradicted.

Then, he gets these men there, and they tell their story. Now, just see how it works out in practice. Gamey was so sure he had Frank Sullivan tied up, that he instructs my learned friend to put Frank Sullivan in the box. My learned friend puts him in the box, and from the beginning of his evidence to the end he gives Gamey the lie. Why? Because the thing was founded upon falsehood. Because there was not a ring of the true metal from the beginning to the end. Because they were a pair of men who went there for a ne-

farious purpose, to hold up whatever Government might be in power. "Manitoulin no longer my politics." "Service to my country in the department no longer my duty," and, with a most marvellous application, they said to each other, we will apply that beautiful old maxim to ourselves, "Charity begins at home."

Now, when we are dealing with this question of whether this is a concocted story or not, and if I were appealing to twelve of my fellow-men, I should ask those twelve men to say, what are the probabilities, and as your Lordships are sitting hearing solely questions of fact, I may equally appeal to your Lordships upon the same ground, because humanity will insist upon stories being reasonably probable, and the highest test that counsel can present to a jury, dealing solely with the facts is the question, "What are the probabilities." Now, I will make the statement as brief as possible, because I am aware that in making a statement, or making an argument of this kind, I do not require to elaborate before your Lordships, as one would have to elaborate perhaps before the ordinary mind, therefore I need only state them rather propositionally to your Lordships than otherwise, without much comment. Apply the rule of probability to this story, and see how the story connects itself, and see how it stands the test.

This payment of the money, this change in the political condition of Mr. Gamey, if change there was, certainly the payment of the \$3,000, was the most important event in the whole of the man's life. Important from a public standpoint, because he had only lately been elected to public life. Important from a personal standpoint, because it affected more or less his future, and reflected more or less upon his past, if it is true. Important from a moral condition, because if he accepted the bribe he was doing that which, as far as a public man is concerned, is the sin without forgiveness, because no man who hands the bribe, no man who receives the bribe, can ever after hold up his head amongst his fellow-men and say, I am entitled to your support and I am entitled to your confidence. It was a grave subject. The most important in his life. The only time in his life that anything of that kind he says had been said to him. The only time that any such arrangement had been talked of, and yet he comes here and tells your Lordships that the agreement which was the basis of the whole of this transaction was made casually upon the sidewalk of the leading street

in the city of Toronto outside the Walker House.

He comes here and gives certain days and dates of the week in his statement composed in the solitude of Manitoulin Island, when there was no lawyer to examine him or cross-examine him, and he fixes the time upon which he received the bribe from Mr. Stratton, according to his story, and he comes into the box and forgets the day upon which he got the money. Six months ago the man placed himself in the position, if true, of being either on the one hand a man capable of any amount of treachery, or on the other hand of stooping to do work for his own personal gain and benefit, because at this day no man accuses, no man frames a criminal indictment against Mr. Gamey, that he did all this out of pure patriotism. Mr. Gamey comes in the box, although he has the Aylesworth letter of the 10th, although he has the caucus of the 10th, although he has the returning home on the 12th, and what does he say in the witness box in volume 1, page 219? His answer at line 3, page 219 is:

"And the day after he attended a Conservative caucus he deliberately pays you \$3,000. Is that your story? He either paid it to me that day of the caucus or the next day. I will not swear positively."

Then at page 220 he is asked the question, and here although I was pressing upon the witness, and although it might appear that I was taking up unusual time in endeavoring to ascertain the fact, it became and has become of importance that the day should be fixed. At the top of page 220:

"Do you want the court to believe that you got \$3,000 from a Minister of the Crown within six months from this date, seven months at any rate, and you cannot swear to the day on which you got it? A.—That is right.

"Q.—Is that what you want to swear to, yes or not? A.—I won't swear which day it was.

"Q.—I am not asking you that; answer my question? A.—I told you I won't swear which day it was."

Then at page 232 he is conscious of the position; (line 5.):

"Q.—Did you keep any figure in your mind of the date? A.—Yes, sir.

"Q.—It was an important event? A.—Yes, sir.

"Q.—The most important you had ever had in your life? A.—An important event.

"Q.—And you don't know excepting in this way that you speak of—you don't know any more than you have told us? A.—I do not."

Then it became important, from the position that I was looking to for the defence, to ascertain whether or not

these days were consecutive, and at page 228 I asked him again :

"Q.—When nobody was disturbing you in the witness box. Is that true?

A.—Well, I think the date is wrong.

"Q.—Is that true? A.—I think the 11th is the day.

"Q.—Is that statement true or false?

A.—Well, it is true in this regard, that I say about those dates."

Then he is asked at page 227: "Q.—And you saw him on two days one after the other consecutively? A. Yes.

"Q.—No doubt about? A.—No doubt about that."

Now, we have him in this position, that he cannot swear to the day, he cannot swear to the date upon which he got the money, and will not swear to it, but he does swear that the two days were consecutive.

Then, looking at the original statement, one is struck with the particularity with which this man gives the account: "About September the 9th and I was shown into Stratton's office. He showed me the letter I would have to sign." Now that letter was not written.

"The consideration was to have been paid that day, but was not ready. They went to a lawyer's office that day. Then we had an appointment for the next forenoon. We went up to his office about 10 o'clock on Wednesday, September 10th and he was not ready. They went back at 12 or 12.30 and he says he got the money, and then he says, in consecutive order, I left for home on Thursday night, September 11th.

Now, we have his statement in regard to that. And, I say that the man who is telling a story, a man who is embarking upon such an important matter as the overthrow of the Government, and a man who is prepared to scheme along for six or seven months, to lay traps, to think of getting a little boy to sign a letter for an improper purpose; when that man comes here and states to your Lordships, I do not know the day on which I got that money; will not swear; I say that that is a test of probability that would break stronger evidence coming from a purer source, perhaps, than the evidence of Mr. Gamey.

Then, take another test of probability. The man, from the beginning, or nearly from the beginning, is desirous of seeing what evidence he can get against the Government. That is the burden of his story. The one document that he has, the one document that is evidence incontrovertible, of the crime between him and Frank Sullivan, the sole piece of evidence alone, according to his story, which binds

Frank Sullivan, hand and foot, with iron chains, is the first document that he destroys, the document of 26th August. The document that evidences the whole transaction, \$5,000, \$3,000, between the 3rd and 5th September, and the balance at the close of the session, that is destroyed for as flimsy a reason as any man ever gave in the witness box or out of it, because he did not want to "disturb the confidence." There was no question of confidence at that time. There was no relationship, of want of confidence. It was merely suggested by Frank Sullivan: We should destroy it, let us destroy it. There was no occasion for the bought note that Mr. Gamey had in his possession, viz., that he was to get the \$3,000 and the \$2,000—there was no occasion, I say, for that note ever to have been in existence because if Gamey's story be true; the only thing that Sullivan wanted was a letter from him saying that he would give support to the Government, in order that he might show it to the Minister, and, having shown it to the Minister, the purpose was served. So that Gamey does not furnish us with a solitary reason why that document that he held, signed by Frank Sullivan, should ever have been given, unless it was a bona fide document, evidencing the nefarious transaction which these two men were entering into. And, as I said before, and I cannot emphasize it too strongly, that the only incriminating evidence, from the beginning of this case to the last, is, without reason, destroyed by the man who is seeking to build up his case.

Then, another matter showing that the story is a concocted one. A man setting about to get together evidence to oust the Government from power keeps no record of his doings. The very thing that would occur to a man to do, "evidence of crime," but when it comes to the concocting part of the story he does make the record in the piano factory by entering the name "Chase" in his book. Why enter "Chase" in the book at the piano factory, and not make a single entry in the book of all these nefarious dealings, if it was a true story? If he could remember all the other circumstances without the aid of a memorandum, he could have remembered Chase's name; but the reason for making the record was, what? We are making up a story; we are concocting a scheme, and it is necessary; we must not get our stories crossed; we must agree, and, therefore, for that purpose, I made the first, last and only note in the whole transaction. Is not that the most cogent evidence that

the story was concocted? What would we do ourselves if we were scheming to get evidence to oust the Government from power, dealing with matters extending over six or seven months? We would have kept a record of the transaction; we would have had some evidence, and the fact that we would do so is evidenced by the single fact that when Gamey wants to get up his story against the Government, that is the time he makes the note of Chase in the book.

Then another thing is this: This man does not know where he met Frank Sullivan upon the eve of the most important event of his life; does not know whether he met him at the buildings, or at the Walker House, or where; but, according to his story, they simply "flowed" together in some wonderful, sympathetic manner, and there they get the price of honor. Another test of probability: Did he get the money after the caucus or before? Let us test it on the question of probability. If he got it before, that man was attending a meeting of his party with \$1,500 of stolen money in his pocket, and \$1,200 of Frank Sullivan's money, part of the same criminal asset, in his pocket, at the Conservative caucus on the 10th day of September. If he got it on the 11th, he is asking your Lordships to find that a Minister of the Crown, with an entire stranger, dealing with a man he did not know, and whom he did not trust very much, saw that he had been attending a caucus after he had professed to support the Government; saw in Mr. Gamey's conduct the first act of treachery to the new allegiance, and, seeing that, without any remark, without any comment, without any question or qualification, he deliberately hands him \$3,000 in money.

We must judge these things by the application of the ordinary principles of human life, and human dealings, and I venture to say that there could not be found twelve men in the County of York, nay, in the Province of Ontario, and I give them all the same political character, twelve Conservatives—there are not twelve Conservatives who would sit in a jury box and say that that story was a true story. Take another test of probability. Here was a man playing a large game, not so much for his own benefit, as for the benefit of his party. The man most concerned in that was Mr. Whitney, the leader of the Opposition. He does not content himself with not keeping any of the records of his transaction, he does not content himself with making up a story which bears on its face the highest type of improbability, but he deliberately re-

fused, deliberately abstained from telling the leader that he was trusting, the man above all others in public life to whose benefit this transaction would most materially inure.

The Chancellor: Mr. Whitney might probably have stopped him, if he had told him.

Mr. Johnston: It is a risk one would not like to take, my Lord. I do not know how it might be.

Mr. Blake: You are suspicious.

Mr. Johnston: I say that if he was doing this from a political standpoint, and it must have been from a political standpoint more or less, if he had consulted Mr. Whitney, as it would likely have been his course to consult him—

The Chancellor: If you are dealing with probabilities, the probabilities do not make much in your favor on that. I do not think you need take much stock in his not telling Mr. Whitney. He had a reason for not telling him.

Mr. Johnston: He does not give it.

The Chancellor: Oh, well. He told the local man in Manitoulin, he thought that was enough, supposing there was an actual scheme going on by him. He told Mr. McGregor, who assisted him.

Mr. Johnston: Yes, my Lord. If that stood alone, your Lordship's remark would have very great weight. Your Lordship has omitted to notice this fact, that on the 29th January he did tell Mr. Whitney.

The Chancellor: He wrote the letter.

Mr. Johnston: What I mean is, he should have told Mr. Whitney his position, if the position that he takes now is the true one. I will look up the statement in the House. (Exhibit 35). Let us see how far this statement bears upon the question. This statement is written under the circumstances with which your Lordships are familiar, and at page 8 we find a different sheet, different paper, different ink.

The Chancellor: That is the one containing the entry of the \$3,000, is it?

Mr. Johnston: Yes, my Lord. Why was this written? Why was the page 6 taken out and another one substituted for it? Because, notwithstanding Mr. Gamey's testimony, this is too clear to admit of any contradiction, namely, that page 8 was written at a different time to the others, and page 14 was also written at a different time.

The Chancellor: That is the last page, is it not?

Mr. Johnston: No, my Lord. Because they leave off before coming to the end of the page, in order to be in sequence with the following page.

Then we have this singular fact, that page 14 relates to The Globe in-

interview, and page 19, which is the last page of this document, is written on the same paper as pages 8 and 14, and 19 was necessarily written after the Crossin piano meeting, because that is the subject with which it deals.

The Chancellor : What do you deduce from that ?

Mr. Johnston : I deduce from that that the story with reference to the money matter, the story with reference to the relationship between Frank Sullivan and himself, and the story which Mr. Gamey was then making up, required so much amendment and so much change, that they had to change three pages of the written statement in order to make the story agree, and make it consistent with what they thought they could hold together upon.

Another matter which strikes one as being very singular is this: When the approach was made about the money, this scheme could not have flashed upon Mr. Gamey's mind in a moment, nor is it pretended that he had thought prior to his meeting Frank Sullivan in Toronto about any such scheme, or plot, and yet when he is offered the money, according to his own story, he does not resent it for a moment.

The Chancellor : The \$3,000, you mean ?

Mr. Johnston : Or any proposition. Take the proposition and take the man Mr. Gamey is. These men are getting together for the purpose of holding up the Government in regard to deals, transactions, and they formulate a scheme for the purpose. That would not perhaps strike either Gamey or Frank Sullivan as being anything wrong, but when it is suggested that a bold deliberate payment of a large sum of \$5,000 is to be paid to a man, one would think naturally and probably that he would begin by resenting it, but no, according to his own story, he said nothing, he simply agreed to take it.

Now, how could that possibly arise unless the man had prior to that time made up in his own mind a scheme to expose the Government and the Government corruption ? He could not have done that, because prior to that time no mention had been made of money. The whole matter had been based upon McGregor Island. Then, if his story is correct, one may ask as a probable result, and which I dealt with yesterday, and I shall only put it simply in the form of a sentence, why was not the bribe referred to in some way or another in some of his letters, if he was looking for evidence, and looking for a trap, and if there was a bribe ?

Then, why, one may ask, as another probable factor in dealing with the truth or falsity of this man's story, and this becomes all important, I

think—why was it that the only point they differed about, either at the buildings or at Crossin's, was the gist of the whole transaction, the part which could not be forgotten, the culminating scene, the payment of the \$3,000 ? They agreed upon everything else. Agreed why ? Because there was nothing to differ upon, because they were in for "deals," but when it comes to the question upon which the fate of a Government may turn, when it comes to a question which is really the basis of the whole superstructure, the payment of a bribe, that is the only question upon which they differ, and upon which they feel it necessary to agree. Why agree ? Why differ ? There could be no mistake surely in regard to that, but the mere fact that they are differing, and the mere fact that they are telling a story which we have shown in the witness box is absolutely false as to details, is surely the strongest evidence that the story was a concocted one on the part of these two men, for their own purposes.

The Chancellor : This \$3,000 came opportunely into Mr. Gamey's hands ?

Mr. Johnston : Yes, my Lord. But your Lordships will see I am not surely called upon to account for why \$3,000 should be paid to Mr. Gamey by Mr. Stratton, if it was paid by somebody else. I am called upon here to say that Mr. Stratton is not the man that paid it.

The Chancellor : Oh, quite. We understand that.

Mr. Johnston : That may have been paid by a dozen different men.

The Chancellor : Oh, yes.

Mr. Johnston : And if Mr. Gamey could fix his dates, and swear to his dates, and if there had been any mutilation of bank deposits, of company's books, your Lordships might not be in the position to-day of wondering where perhaps the \$3,000 did come from.

Another very singular thing which strikes one about this story is, that not one word was said about Frank Sullivan's share.

The Chancellor : At the factory ? No doubt they did not speak of amounts, or shares, but they pointed to this "parcel" as being the thing.

Mr. Johnston—And they talked about money, and when the balance of it would be paid, when the rest of the money would be paid. There was no object in making up any story as to who got the half or who did not get the half. But, if this was a true story, they would have gone on and said, well, you know, Frank, I only got \$1,500 of this, and you know that I borrowed \$1,200 of your share; material facts concealed, not mentioned, and facts which would have been mentioned beyond all probability if they had been actual facts at that time.

Then, in this connection, let us deal with another phase of the case. We are asked to believe that, for bribery purposes, large bills were used, \$100 bills by a man dealing in large commercial transactions, a man who would know, as we all know, the risk of paying out large bills of that kind, the liability of having them traced. That appealed to out learned friends in a moment. They have ransacked every bank, every loan company, every trust company, every account that they could possibly get at, and they have ransacked the departmental books at the buildings.

The Chancellor—And yet they cannot be traced?

Mr. Johnston—And yet they cannot be traced. Why? The answer, I think, is simple. Give me the name of the man who paid the money, and you will find no difficulty in tracing the \$100 bills.

The Chancellor—No doubt.

Mr. Johnston—Not an unknown man. Given the general statement that on a certain day I got 30 one hundred dollar bills, and you cannot trace them. But name the man, say specifically that John Smith paid me on a certain date 30 one hundred dollar bills, and, in all human probability, I undertake to say that within a very few days the bills would be traced to their rightful source. Locate the man, get a specific objective point to work from, and you get your money. It is different when you make a general statement. It may have been drawn in Buffalo, or in Hamilton, or it may have been paid by anybody.

The Chancellor—Of course, for the purposes of your defensive position, it is enough to show that the money did not come from Mr. Stratton's hands.

Mr. Johnston—Oh, yes, my Lord.

The Chancellor—But then we would like to go further if it is possible—we cannot, I suppose, on this evidence—and ascertain whether or not that is a true statement.

Mr. Johnston—We can only give you the evidence of the Minister, and we can only give you, as I am endeavoring to do, all the corroborative facts to lead up to support his statement as being the true statement, as far as he is concerned.

The Chancellor—Has the \$1,200 been paid to the court, Mr. Grant?

Mr. Grant—No, my Lords.

Mr. Johnston—Now, another matter that one may refer to. I think fairly, just before I close with that part of the case, is this: The payment, according to Mr. Gamey, was made no secret of between him and Mr. Stratton—the payment of the \$3,000. He tells the story of a Minister of the Crown taking

a package out of his coat pocket, showing it to him, directing him to go to the other end of the building, and he will get his money in the smoking-room, trusting it in the hands of Frank Sullivan, making the matter an open matter, sending him to a public place, one of the most public places in the building at that hour of the day, between 12 and 1 o'clock, to get his money, when in the corridor, in the little ante-room between the main room and Mr. Stratton's, or in Mr. Stratton's own room, the money could just as well have been handed over. One asks, why this Myers, why this Chase connection? Why the smoking-room? If it had been intended that it was not to be known that the money came from Mr. Stratton, one could understand it, but there was no secrecy, there was no occasion for that. That is a story which one must find great difficulty in accepting.

Then, I think it is important that during the whole of this negotiation, in the statement in the House, in the witness box, no sum of \$1,200 is mentioned. He had no more right to the \$1,200 than he had to the \$1,500. It was part of the same fund of corruption.

The Chancellor—There is no doubt, if his story is correct, that that is so. He gives a reason in this statement why he did not mention it to the House. You remember that.

Mr. Johnston—Quite so, my Lord. No instructions to counsel in telling or trying to account for this money.

The Chancellor—No, it is not in this statement. It is in the statement he made in the witness box, and he does not advert to it at all.

Mr. Johnston—And there it was equally important that that fact should have become known. Why did he tell you in the witness box of the sum of \$1,200 borrowed from Sullivan? Why did he tell that? Because, without some such invention as that, he could not account for the \$900 in the Ontario Bank, without admitting the truth of where he got the \$900, and if he admitted the truth of where he got the \$900 it would lead to the truth of where he got the \$1,500—the same bills.

The Chancellor—That is where the relevancy came in. It seemed to me that was important, although counsel on the other side thought it was relevant. There is a very strong relevancy at that point, made by Mr. Gamey's own statement.

Mr. Johnston—Now, then, as to the \$1,000 on the 29th January, the same remarks apply, as I have been making with reference to the \$3,000, with one or two exceptions. If the witness is untrue in regard to the \$3,000, then his story as to the \$1,000, contradicted as it is, could not be accepted. When he

got the thousand dollars, according to his story, which was part of the deal, the money coming back from part of the deal, did Frank Sullivan say to him, now, Gamey, you owe me \$1,200, you pay me that \$500 on account, because Gamey's own story is that the \$1,200 had to be repaid when the deals were cleaned up. Not one word. No demand made by Frank Sullivan, according to Gamey's story. Nothing, excepting that he divided the money, gives him \$500, keeps \$500, and each one goes about his business.

Then, there is a peculiarity about that \$1,000. He does not profess that that is given in pursuance of the original \$500, but he says that was given for an interview to which I have already adverted, and which I have pointed out to your Lordships yesterday, was not worth one thousand cents.

The Chancellor—It did not matter very much whether it was given to follow up the \$5,000 he started out with, or some other reason.

Mr. Johnston—Excepting this, my Lord, that until the very moment, almost, that that interview was to be signed, there is no evidence before your Lordships that any money was to be paid for it.

The Chancellor—Well, Sullivan told him he would get \$1,000.

Mr. Johnston—Immediately before it was signed.

The Chancellor—Yes.

Mr. Johnston—He came out and told him in the corridor, but that had been agreed upon on the 13th day of January, without any consideration.

The Chancellor—Yes.

Mr. Johnston—Now, one or two matters, in addition to what I have already said, with regard to the \$3,000, will apply to the thousand dollars more, perhaps, than any thing else.

Why tell Mr. Gamey the denomination of the bills?

The Chancellor—So that he could check Frank.

Mr. Johnston—It made no difference to him if he got \$500. He told him he had given him a thousand dollars, and told him the denomination of the bills. They go out and count this money out, according to Mr. Gamey, on the front steps of the western elevation of the Parliament Buildings, a place that we called a surveyor to speak of, to show that any person passing would see what was going on, and could not reasonably be seen himself, under the electric light, under the observation of anyone happening to pass by between six and half-past six o'clock, at a time when hundreds and thousands of people go up through the park on their way home.

Then he says, in addition, to that, that he carried around the \$500 in his pocket for six weeks. I have not looked at the bills to see.

The Chancellor—Until they were produced in the House.

Mr. Johnston—For about six weeks. He carries these bills around as what? As evidence of the offence. The bills that he got as a share of the \$3,000 amounted, according to his story, to twenty in number, or eighteen, I am not sure which. The bills he got for the \$500 amounted to twelve. The difference in size of the parcel was, therefore, not very material. When he parted with the \$1,500, and paid his promissory notes with it, according to his story, he was parting with the same class of evidence as he would have done if he parted with the \$500. He kept the \$500 as evidence. At the time he parted with the \$1,500 he did not know that he was going to get \$500 more.

Then, is it the fact that the \$500 were, as a matter of fact, carried from the 29th January until the 10th day of March?

We have heard no earnest, zealous efforts to trace the \$500 of a later date, part of a thousand dollars, largely composed of fifties, bills as important in the bank as one hundreds, so far as tracing is concerned. No witness has been put in the box to show that the \$500 were traceable to Mr. Stratton. Every effort has been made to discover 15 one hundred dollar bills, about which there was no dispute, so far as their actual existence is concerned. Where did the \$500 come from? He made up his \$1,500 by a marked check within a few days of the opening of this Commission. He was dealing in a stock transaction with Mr. Smyth. He had the opportunity of getting \$500 there. The production of that proves nothing, unless it is traced to the Minister. No effort made by my learned friends to trace that. Is it the fact, therefore, and I have a right to infer that it is the fact, that the \$500 that he produces in Court is money that he got in the beginning of April to represent the money which he professes to have carried around in a most extraordinary manner—the beginning of March, I should say—money which he carried around in a most extraordinary manner for the six weeks previous.

Then, there is one other matter in connection with the thousand dollars that I desire to point out as being within the argument regarding probabilities. McGregor was a confederate to this extent, that he was in sympathy with Mr. Gamey, and, according to Mr. Gamey, was cognizant of certain

facts. McGregor is brought down to Toronto especially to be a witness to what is going on. Mr. Gamey—and I want to be quite exact about that—does not deny the statement that I put to him in cross-examination, if my memory does not fail me, had McGregor with him for the purpose of aiding.

The Chancellor—He said that.

The Chief Justice—I think McGregor helped him to correct The Globe interview, when it was changed.

Mr. Johnston—He read it over.

The Chancellor—I think he says Mc-Gamey was there.

Mr. Johnston—That he was there with him when he was correcting it.

Then, he says that McGregor went up to the Buildings with him, and saw him go into Mr. Stratton's office.

It is worthy of note that Mr. Gamey swears that Frank Sullivan and he went in together. It is equally worthy of note that my learned friend did not, and dare not, call McGregor, although he was here for weeks waiting to be called, and was, apparently, sent home for some reason or another best known to my learned friends. McGregor was the one man to corroborate Gamey, that he and Sullivan went in together, because that fact is denied by the witnesses in connection with Mr. Stratton's office. And yet McGregor is not called. Why? Was it because McGregor is an honest man, and would not swerve from the truth, even for strong political reasons? But there is an equally significant fact in this. When this man Gamey got the \$500 on the 29th day of January, he treasured that, and cherished it as an evidence of crime on the part of Mr. Stratton. He spent the evening with Mr. McGregor. He walked with him from the Walker House to the Opera House. He had abundant opportunity of producing that evidence, and saying, McGregor, I have got another \$500. The man who had come down to aid him, to help him to build up the story, to help him to oust the Government from power, that man, his bosom friend and companion, the chief executive officer at Gore Bay of the Liberal Conservative Association, the man who had been advising Gamey is not gratified by a sight of the money. Why show it to Crossin?

The Chancellor—He did not show it to Crossin I think; it was the \$1,500.

Mr. Johnston: Why show money to Crossin? That is what I meant to say. Crossin was not a man in the plot with him. He was not in any sense a confederate or sympathizer, but the man who was with him, who was advising him, and the man whose position gave the only rea-

son to Mr. Gamey for saying one word about it, is the man that he withholds the money from.

Now on these two points let me just say to your Lordships, and give the names of the witnesses only, because it is getting now too far on in this investigation for me to take up more time than is absolutely necessary—let me just say to your Lordships, that on these two points, payment of the money, so far as legal evidence is concerned, Gamey stands alone uncorroborated in a single particle of his story so far as regards Mr. Stratton. The mere possession of the money, the evidence of the banker's receipt, proves nothing against Mr. Stratton. It proves that at that time Gamey had the money, a fact which no one disputes, but on these two material issues, the \$3,000 and the \$1,000, he is contradicted by Frank Sullivan, he is contradicted by the Hon. Mr. Stratton, he is contradicted by Mr. Myers, he is contradicted by Chase, he is contradicted by Costello, he is contradicted by Boland, and last, though not least, he is contradicted by Crossin upon a point which sets at rest, if Crossin is telling the truth, all questions of that \$900, because Crossin swears that that \$900 was deposited before lunch on the 11th day of September, and if so, it could not have been got from Mr. Stratton at the hour when this man says he got it. Mr. Howarth when put in the box and asked by your Lordship, the Chancellor, as to whether or not his books would warrant him in contradicting a man who says that it was deposited before lunch, says no I could not contradict that. And, it is important, because Crossin says, I remember the transaction. There were two different transactions. One was in the morning before luncheon, the other, a large sum was in the afternoon about half-past 2 o'clock when we were going down town to some other place. If Crossin is right, then the \$900, which Mr. Gamey says is part of the Stratton money never could have come from Stratton under any circumstances.

In addition to that, let me say that the question of time becomes all important. And, in order that your Lordships may have the exact time, I have tabulated the matter, and will now state it to the court.

We are not here, as my learned friend suggests, and as some of the newspapers presented it—

The Chancellor—Do not bring in the newspaper argument.

Mr. Johnston—I am not doing that. I merely want to make it clear my Lord, that we are not here as the public may represent it, because after all the press to some extent reflects pub-

lic opinion, the public is the client represented as my learned friend states by himself. I do not want to discuss the newspaper argument for a moment. I hope we have enough to do on both sides, and your Lordships certainly have had sufficient to do, without listening to newspaper comments or discussions.

But, it is not put forward at all in the shape of an alibi, and I am not here for the purpose of proving an alibi. I am here for the purpose of showing by independent testimony, that is not contradicted excepting by Mr. Gamey, and then he is not positive with regard to time, to show by that evidence that Gamey's story is wholly untrue as regards the payment of the money.

Your Lordships will see that it is important in this view of the case, that Gamey was there two consecutive days. Now, it is immaterial whether it was the 9th or 10th, or the 10th and 11th. He starts with the 9th and 10th. Then he veers round to the 10th and 11th, and finally will not swear positively which day, but on thing he is clear of, that the days were consecutive.

Now, the first day he says he was there from 10.20 or 10.30 to 11.15 or 11.30, in other words about an hour. The second day he says he was up at ten o'clock, he saw Mr. Stratton at 11.30 and he left at 12, having got the money, came down and had his lunch. Now, on the 9th I have shown to your Lordships that that could not be so, by reason of the Aylesworth letter. On the 10th, if that be the day when he was there first, Boland fixes the time by reason of certain other transactions, says that he got there about 11 o'clock or two or three minutes afterwards. If so, he was there when Gamey was there, because Gamey did not leave until half past eleven. He saw Mr. Stratton right away, and he then learned that Gamey had been there the day before, and on that day, in Mr. Boland's presence, a letter is dictated, drawn up and corrected by Mr. Myers, and that he, Boland, left at 12.25. Stratton went to the hall, and the cab book shows he was away until 1.25. Now, that disproves of the 10th. We are not proving the absence of Mr. Stratton. We are proving the he was there. We are proving no alibi.

Then on the 11th Mr. Boland says he went up there a few minutes after ten o'clock, and he remembers the occasion by reason of an appointment with Father Crignon, the Honorable Mr. Latchford, and some others. That he saw Mr. Stratton. Your Lordships, will find that on page 2,371, his account of it, volume 6. He remained there some ten or fifteen minutes. No one was there. They walked down to-

gether, and he left him at the Trust Company's office practically until 1 o'clock, excepting two occasions when Mr. Boland had to go to his office, and he fixes the occasion by meeting Mr. Erdman of Buffalo, and the reason why he knows it was that day was because the entries in his books tell him that, and because he went to lunch with Father Crignon and the Commissioner of Public Works at 1 o'clock. We have in corroboration of that fact Mr. Buckingham, who saw him about 11 o'clock, or a few minutes afterwards. (Page 3124.) He identifies that by reason of a cheque which he got from Mr. O'Hara, and I produce the cheque. And, he says, instead of these gentlemen going out of the Trust Company, they went through a back door, which connects with the Loan Company's board room. Mr. Boland and Mr. Stratton swear positively they were there from 11 o'clock, left the buildings and got down there about 11 o'clock, and were there from 11 until 1. Mr. Stratton remained a short time afterwards, signing some cheques.

The Chancellor—That is on the 11th?

Mr. Johnston—Yes, my Lord, on the 11th. Then, we have the evidence of Mr. Costello, who fixes the time by reason of the caucus. He knew Mr. Gamey, because he got the card from him upon the one day, and he swears distinctly, and gives his reason for it at pages 2203-8-9 and 11, and at 2119, of volume 6.

Then, we have the evidence, as I have pointed out, of Mr. Myers, and we have what I have told your Lordships with reference to the Aylesworth letter, that that must have been on the 9th, and that Mr. Stratton must have seen Gamey on the 9th at that time.

Against that they call a cabman named Green as to the 11th. I did intend to have called some witnesses against that statement. Unfortunately, one lady was in New York, and another in Winnipeg. On considering the matter, and looking at his evidence, it occurred to me that to ask for a postponement for the production of witnesses would have been perfectly unreasonable and absurd. Here is a man, confessedly a drinking man, a man who had been arrested for drunkenness, a man who had lost his position, a man found by some strange, circuitous coincidence, driving with the solicitors of the other side the night before he gave his evidence, not that I am imputing anything wrong, but I am imputing to the witness either a desire to make himself notorious in the case by being called, or that some other person acted upon his mind in some way or another by which the poor man, rightly or wrongly, confuses dates. The best test of the incorrectness of Mr. Green's evi-

dence is this fact, that his oath is contradicted by the written record, by the record made at the time. He went home and entered in his book, or had entered, that these people had been at McConkey's, and that they were shopping, two places that Mr. Stratton at that hour of the day was most unlikely to go. Places where ladies would likely go. When he is asked with reference to his memory in these matters he is absolutely contradicted by the entry in his own book, because he swore they were not at McConkey's at all. Then he swears it was a week after the Exhibition he drove Mr. Stratton. That, of course, could not be the 11th. Then he says he got these people at Mr. Strathy's, 71 Queen's Park, not from Stratton's residence, but the residence of Mr. Strathy of the bank. In addition to that, he says, I do not remember whether I drove Mr. Stratton back or not.

If your Lordships can take the evidence of a man of that character, a man of that peculiar memory, a man who is contradicted, and contradicts himself—if your Lordship can take the evidence of a man like that, as against all the evidence of men whose names I have given to your Lordship, and who speak with certainty, then, of course, it would be useless to attempt to contradict any witness in any case.

Then R. J. Armstrong is called, and your Lordships will find his evidence at 2923 and 2925, volume 7, on the point at which I start. He says that he was down at McCormick's a few minutes before 8 o'clock. He says that he was an hour at McCormick's, he was an hour or two afterwards wandering up and down, which he qualifies subsequently by saying he said an hour, he met Mr. Gamey, as shown at page 2928, and spent a few minutes with him; he was 15 or 20 minutes in Eaton's store. We know from common knowledge that to go from Eaton's store to the Exhibition would take at least half an hour, and he waited five or ten minutes for Mr. Gamey at the gates, making in all, according to his own account, over three hours from the time he got to McCormick's in the morning, a few minutes before 8 o'clock, and he swears in the face of that, that he looked at his watch, and, swearing by that, he knows it was about 10 o'clock when he met Mr. Gamey at the Exhibition.

Can your Lordships accept testimony of that kind as against the evidence which we have given, because there is a significant fact to be considered with regard to that, and it is this: If he met Gamey five or ten minutes after he got to the Exhibition grounds, having an appointment with Mr. Gamey, why didn't he wait for him at this end, or

why did not Gamey go with him, because Gamey must have started after him within five or ten minutes. The man who could afford the time wandering up and down in the wet, because we have shown it was a wet morning—the man who could stand twenty minutes in Eaton's—

The Chancellor—Wet up until 9 o'clock; very heavy rain.

Mr. Johnston—Then it was drizzling and wet, and then it came on heavier later on. "Uncomfortable," the man said to be out. I think that was the expression he used. Why couldn't he have waited for Gamey at his end as well as the Exhibition end?

The Chancellor—Well, he did not, he said.

Mr. Johnston—He did not. Why? Because there was an hour's difference between the time according to his story and the time that Gamey went out.

The Chancellor—An hour would make all the difference. Gamey had some appointment. Now, that was on the 9th. He does not say Gamey had some appointment.

Mr. Johnston—Yes, my Lord, I think he does.

The Chancellor—It may be so. We will look at all the evidence, of course.

Mr. Johnston: It is not material. If he had no appointment, why should not Gamey have gone out with him at the time, unless he had something to do. Of course, I am putting these questions to your Lordships as to the truth or correctness of this man's story. Then, the documents which he presents do not help the case one way or the other, because they are not in any way connected with the transaction.

The Chancellor: They enable him to fix the date, that is all. There was something on that day.

Mr. Johnston: But it does not enable him to fix the time.

The Chancellor: Oh, no. Just here let me ask you. I want information about this. I am not very clear myself. I refer to the statement Mr. Gamey made in the House. Of course the most of it has been covered by evidence one way or the other. I do not myself recollect very clearly whether or not the evidence covered this part of his statement, just before the last. It begins at pages 74 and 75, say at the third line: (Book of Exhibits.) "In the meantime I heard of negotiations on the part of the Government anticipating my resignation." Commencing with that part, all down that page, about different things, MacIntosh and the island, and McMillan, and all this kind of thing, down to "On March 6th I received a letter from Frank Sullivan." The evidence does take up that, but is there any evidence on these intermediate points?

Mr. Johnston : Not the slightest.

The Chancellor : It was not considered important. That was my recollection. I do not remember any evidence being given. I want to see if counsel on both sides will agree upon that.

Mr. Blake : I will give that to your Lordship in a moment.

Mr. Johnston : There is no evidence that that was done.

The Chancellor : It is not an important thing, but I wanted, in covering the whole field of inquiry, when we have to report to the House, just to know whether any evidence at all has been given on that. I cannot recall any evidence that has been given, but yet there might be something that crops up somewhere. Counsel, having their attention called to that, will inform us.

The Chief Justice : From, "In the meantime I heard" down to, "On March 6th I received a letter from Frank Sullivan."

The Chancellor : Yes. It is all covered down to "giving the names of the License Board." But, this intermediate part, about talking about resignation, and the despicable conduct, and about McMillans, and about all sorts of messages sent by 'phone to some person. I do not know whether he speaks about all that or not. Perhaps that is another place.

Mr. Johnston : That was in the Grant interview, my Lord, where he 'phoned to somebody out in the country.

The Chancellor : No, there was another part besides that where he spoke about sending a 'phone to some clerk, that some one could probably tell who it was.

Mr. Johnston—That is in the piano factory matter.

The Chancellor—No, that is not it.

The Chief Justice—It is very early in the statement. Just after the D. A. Jones letter.

Mr. Johnston—"He told me one day that he telephoned to a person in the city to wire some one to put Smyth on his guard, but I do not know who he 'phoned to."

The Chancellor—That is what I mean.

The Chief Justice—"I believe he 'phoned some prominent Conservative in the city."

The Chancellor—Where is that in this statement ?

The Chief Justice—Just after the D. A. Jones letter. About twelve lines up there.

The Chancellor—Is it after the interview with Captain Sullivan ?

Mr. Johnston—It is just after the Jones letter.

The Chancellor—Can you get the printed Exhibit in the Book of Ex-

hibits and show it to me ? It begins at page 61.

Mr. Johnston—Pages 73 and 74.

The Chancellor—That is where I thought it was. I could not see it.

Mr. McPherson—Lines 4 and 5.

The Chief Justice—Here it is, page 67, line 6.

The Chancellor—Yes, that is another part. Was there any evidence on that ?

Mr. Johnston—No, my Lord.

The Chancellor—67, line 7. "Jones while in the city spoke of some one being sent up to see Smyth and Frank Sullivan, also spoke of some one being sent up for the same purpose and he was anxious to prevent any one else dealing with Smyth but himself." I understand that to be Frank Sullivan in that connection. "And he told me one day he had telephoned to a person in the city to wire some one to put Smyth on his guard, but I do not know who he 'phoned to and do not know whether Smyth was telegraphed or not, possibly some one in the city can recollect the 'phone message," and so forth, down to the words "put him on his guard and he did not come." There was no evidence as I remember given on that.

Mr. Johnston—No, my Lord.

The Chancellor—You both agree upon that.

Mr. Blake—No, my Lord. Mr. Gamey referred to that in his evidence, your Lordships will find it in the piano factory interview. I will give your Lordships those references. My learned friend is looking them up.

The Chancellor—Then on page 74, "In the meantime I heard of negotiations on the part of the Government anticipating my resignation," and so on, down to the end of that paragraph. Was there any evidence on that ?

Mr. Blake—Yes, my Lord, the piano factory interview. I will give your Lordships those references in a moment.

The Chancellor—Then was there any evidence as to Mr. Might's position, as to what he was ? He was going to state some disclosure made by Mr. Gamey. Mr. Gamey says he told him of this matter. Was anything shown, as to whether Might occupied an official position ?

Mr. Johnston—Oh, no. He was just a friend of his in the city.

The Chancellor—Very good.

Mr. Johnston—Now, I have, therefore, dealt with these matters, giving your Lordships the time, and I do not propose to say much, if anything, with reference to the Jones letters or the Sullivan letters, because until there is some evidence connecting these men with the Government, and authorizing them to write letters of that kind,

there is no obligation upon our part to reply. There is one matter only that I desire to point out, and it is this: That when Frank Sullivan is put in the box, by my learned friend, and is asked the question as to how he came to write the X.Y.Z. letter, and the enclosure, he says that he had got a letter, which he subsequently discovered was similar in character and tone to the letter which Mr. Gamey sent to Mr. Stratton, beginning, "Well, there is certainly a row on." Then, as to the information, and my learned friend endeavored to make something out of Frank Sullivan in regard to that—with reference to the information which Frank Sullivan had at that particular time, we find an explanation of that in the X.Y.Z. letter itself of February 11th, containing the enclosure, as to what he should do at the meeting, and that letter, exhibit No. 29, reads: "I understand they are holding a meeting at Gore Bay on Monday the 16th instant, at which you will be asked to state your position." The insinuation made is that that information was derived by Frank Sullivan from the letter which was addressed to Mr. Stratton, commencing, "Well, there is certainly a row on." But the letter of February 11th, written by Frank Sullivan, X.Y.Z., clearly sets forth the source of his information. "McGregor and Riley were talking the night before last at the Walker House, and they decided they would have your promise to resign if the convention decided so." So that he had the conversation of McGregor and Riley from Gore Bay, and he says also, in addition to that, that he had a letter, which is shown at page 1,315 of volume 3, in Sullivan's evidence. And at page 1,316 he says that there was an understanding with Mr. Gamey that he (Sullivan) should write Gamey, and keep him posted as to what is doing. Then he says: "That information, I suppose, was obtained from that letter? A.—No, sir, positive. I see the letter gives it, but I had a letter from Mr. Gamey, and I also had an understanding with Mr. Gamey." That is, he was to give him the information.

Now, that being so, I do not propose to deal with the question any further, but to add this, that Sullivan's letters are admittedly untrue, and, in addition to their being admittedly untrue by Sullivan himself, they are proved to be absolute falsehoods. Every witness that we have called as to Sullivan's power, or intimacy in regard to the Minister, has shown that no such power and no such intimacy existed; that during the whole course of this time Sullivan was only in the Minister's office twice, while the Minister was there, excepting when he

was in once or twice in the main office, looking after some work about the building. Sullivan puts it perhaps properly when he says this was all blow, boast on my part in order to show Gamey the power that I had, and in order to enable me to work Gamey more successfully than I could otherwise have done; and that is manifest, because if Sullivan was a mere clerk in the department, and could not convince Gamey in some way or another that he was really the Minister, that Mr. Stratton was only a figurehead, moved about as Frank Sullivan directed, Mr. Frank Sullivan's influence with Mr. Gamey would amount to very little; but he kept repeating it, and insisting upon it, and dealing with Mr. Gamey along those lines, and Mr. Gamey himself, believing that, apparently did certain things that he would not otherwise have done, but, in addition to that, there is this fact that Gamey himself, although he was at the Minister's again and again, excepting upon the occasions on which he tells us that twice Sullivan went with him, never had Sullivan's companionship or power.

Then, I desire to point out to your Lordships exactly what deals were discussed, leaving the matter of comment entirely with the Court, if comment is necessary. Gamey had known Captain Sullivan for 15 years; he knew Frank for 5 years. He will not deny, at pages 167 and 168 of volume 1, that he might have had several deals with Frank Sullivan during the past four or five years. He was the only man he knew in any department in Toronto. Gamey was looking for deals through Bristol as well as from Sullivan. They began with McGregor Island. Fishing and mining deals were discussed. He stayed from the 7th to the 12th August, with apparently no business excepting to talk deals with Frank Sullivan. There was a pulp wood deal, of which we were able fortunately to produce some evidence. There was the Webbwood mining deal. There was the Clemow deal. There was the Kagawanda deal. There was the Clapperton and Bedford Island deals, and there was the western man with the thousand dollars, which was turned over because the amount was not sufficient for these enterprising financiers.

Then, there was the Bristol deal, about the beginning of November. It was on in the beginning of September. (Page 2,976, volume 8.) It was on with Mr. Gamey. And in order to carry an option which had only about a week to run, he writes to Mr. Stratton on the 4th November, asking for a loan of \$2,000. The man he could hold up for money wants to get a loan, and says he had a deal on, the option ex

piring in about a week, and he is anxious to see if he will lend him the money, a letter which Mr. Stratton, the man who was then in Gamey's power, does not even deign to answer. Crossin told him that money was got from a deal. This man was a man of many deals.

Then, Captain Sullivan is said to have gone to Gore Bay for the sole purpose of seeing Gamey. Captain Sullivan is a man, apparently, from the evidence, of many deals. Jones, Sullivan, Frank Sullivan, all looking to Gamey as the man of deals, and the man to help them to carry through their schemes; Gamey lending a willing ear, Gamey willing to enter into these negotiations, as shown by his evidence at page 2,980, volume 8. And that I want to read.

The Chancellor—That is his last statement in the Court.

Mr. Johnston—I want to read it word for word, as it is given. I want just for the moment to call attention to the extreme significance of that statement. Page 2,980, I will read that without further comment:—

“When was the money to be paid back to Sullivan? A.—It was to be paid back to Sullivan whenever we completed the deal and arrangement—the timber, mineral and everything that was talked about; we were to have this timber and everything—when that was cleaned up he was to get his \$1,200 back.”

For 12 or 13 hours this man stood in the witness box swearing deliberately again and again that these deals and these transactions were mere bluffs.

One word with reference to the Crossin Piano interview. The conversation there is not pretended to have been given in sequence. The connection between the different parts is not shown. The story that Mr. Gamey told in the House, that he had this taken down by shorthand writers, the only inference that can be drawn from that statement is shown to be absolutely untrue, the statement that is produced as a memorandum which was drawn up by one of these young men some time later, and that statement is not in accordance with the statement that they make in the box. In that case they differed. One says \$100,000 was not mentioned; another says it was. Gamey denies absolutely the words “Minister of Mines.” Two or three of these witnesses swear that was said. “Must get the stories to agree.” “In case of further trouble.” Corroborates Frank Sullivan, that that was what they were there for, in a most important part, which Gamey had taken the trouble to correct, and which is shown to be absolutely untrue so far as Chase and Myers are concerned. The three Norths discussed at the

piano factory not true, because Sullivan was not in the election at all, and he says he knew nothing about it. The one hundred thousand dollar deal talked about, utterly without foundation. The power over the Minister, utterly false. The man to see McMillan, utterly untrue. Chase and Myers, contradicted by these men. No word of truth, “Ministers all knew.” No evidence that any Minister knew a single thing of the transaction. Evidence, on the contrary that the Ministers did not know, as shown by Frank Sullivan and by Mr. Stratton. Sullivan there every day, and writing letters to Mr. Stratton, absolutely untrue. The principal statement, about the method in which the money was delivered in the smoking-room, absolutely untrue. The whole story as told at the piano factory, instead of making against the defence, is a story that shows the utter falseness of the fabric which Mr. Gamey is a master hand in building. And there was no mistake, my Lords. No mistake whatever about the man whose hand took the money to the smoking-room, according to Mr. Gamey, because in that very factory, witness after witness has sworn to this fact, that Mr. Gamey stated that when Myers, that fellow Myers, took the money from Stratton he did not like the look of his face, showing that he was not mistaken in the man, showing that he knew who the man was, and whose hand it was that delivered that.

Then, let me say one word with reference to Mr. Gamey's own position, and most relevant. Every fact shall be taken most strongly against the despoiler. The man, whose books of record contain the entries of his financial transactions, after great difficulty, are produced. Day after day Mr. Crossin is called. He comes sometimes without the books, and sometimes with the wrong ones. Finally he is put in the box. At that particular time, on the Saturday, or on the Friday, it is known that the episode at the Ontario Bank has taken place, and Mr. Gamey has retired to the rest cure at Buffalo. Then comes the crucial moment. Then comes the evidence, standing up in front of that man, that he only got \$1,500 from Frank Sullivan, and has to account for \$900 and \$300 more, according to his story at Gore Bay. Then he is confronted with facts that cannot lie, that cannot be perverted, excepting at the hands of the spoiler. Then it is that he goes down to the Ontario Bank and takes from the teller a deposit slip containing the entry of nine \$100 bills, and signed by the initial of the teller. He takes it to a desk, and he prepares. I shall not use a stronger word at the time——

The Chancellor—Makes another.

Mr. Johnston—Prepares another statement. He passes that back, not as an innocent mistake, but as the original deposit slip, and the importance of that is that that deposit slip which he prepared, he thinks, gets over the fact that those bills that he deposited on that day were \$100 bills of the same denomination as the \$1,500. He leaves the bank, he is followed up, he searches in his pockets, he says, I must have lost it, comes back to the bank, has an interview there goes back again, and in the afternoon, when the matter comes out, finding the position he is in, goes to the bank with a crumpled deposit slip, crumpled for the purpose of showing that it was an old slip, newly made out, again with the initial of somebody to it, not the genuine initial; again a deposit slip which is not the real slip, and passes that in, with a lie upon his lips, and says, I have found the original, there it is. Not only so, but with falsehood in his heart, because he knew the purpose for which that was done.

Then, in order to cover up his evidence in that respect, he goes to Mr. Crossin's office. He has to account for \$1,500 and \$900 and \$300, according to his story, of which we have no record but \$1,500 and \$900. He has to account for that as against Mr. Stratton.

On the one hand we have that position of affairs. On the other hand we have the books of a company, with the keys only in the possession of Mr. Crossin and Mr. Gamey, the only man who has access to the office, excepting Mr. Crossin, is Mr. Gamey, and we have Mr. Gamey, according to Crossin's testimony, being there alone upon the Friday and the Saturday, and being there alone for a considerable time, and when the books are produced we find them mutilated, and the leaves covering the financial transactions of Mr. Gamey from the 1st of July to the 13th February, 1903, are gone, in company with the man's credibility, forever lost. That is Mr. Gamey's position, and that is the kind of man upon which my learned friend is basing his case in the interests of the public.

Find me the deposit slip of the \$900, and the deposit receipt of the \$1,500, and find me the missing leaves from the life of Mr. Gamey, and I have a short step to take to ascertain where the money came from.

One word more, my Lords, and I hope I have not been too emphatic in dealing with this, but I feel that where the life and reputation of a Government are at stake, upon the evidence of a man of this kind, that I have the right to use emphatic language in dealing with a question of that sort.

Let me deal, last of all, with the evidence of Mr. Hammond, the one bright

ray of consolation that has reached the camp of the prosecution. The one twinkling little star that has guided them to say something very bitter and very severe against the Minister of the Crown. And, let me say here, that if Mr. Hammond's statements be true, and I am not saying he is telling an untruth, but if it be true, in suggestion, true in impression, then Mr. Hammond is as great a moral delinquent as the Hon. J. R. Stratton. Why? And, in saying this, my Lords, far be it from me to cast any imputation upon Mr. Hammond, or upon his honesty. Mr. Hammond's proposition is this, as put by my learned friend, and which I respectfully submit is not the position which Mr. Hammond placed himself in by his evidence. Mr. Hammond's position is this, as put through the glass of the prosecution. Mr. Stratton said to me, cannot you forget some of these things, said with a sinister motive, said with an improper purpose, said with a wrong intention to induce a man to do wrong, and yet that is the very thing that Mr. Hammond assents to, and says, "I might if I was not asked about them." In other words, an immoral suggestion made to Mr. Hammond, and Mr. Hammond accepts the immoral innuendo, and says, I might if I was not asked about them. If the proposal was a dishonest proposal, the answer given by Mr. Hammond is a dishonest answer. If there was corruption in the proposal, there is corruption in the acceptance of it, because Mr. Hammond should not and ought not to forget things material to the issue, whether he was asked or whether he was not.

Now let us see for one moment what Mr. Hammond says. At page 3105 of book 8 he says: "We walked along the corridor together and he asked me if I could not forget some of the things. I think I said I might forget things I was not asked about." If it was an honest question, the answer was honest. If it was a matter of his forgetting or remembering, as a matter of fact, then the answer was a perfectly honest answer. If there was an insinuation in the question, there was moral turpitude in the answer. "Did he say anything else than that? I think he repeated the remark which I gave you previously 'cannot you forget something of that, or something like that.'"

Here we had a statement written out, according to Mr. Hammond's own story, dealing amongst other things with the Carnegie Library, dealing with extraneous matters. We have a matter in which Mr. Hammond had set out apparently at great detail a number of things. A man might reasonably say, these matters are not relevant to the issue, cannot you forget

a lot of these things, matters that took place perhaps between the Minister and Mr. Hammond, matters perhaps told in confidence, at that time, and at that particular moment, it was a matter of record, that The Globe newspaper and the Government were then in a state of considerable friction.—The records of The Globe shows it—on the Niagara Power Company; matters which Mr. Stratton may reasonably have spoken to Mr. Hammond about, and which would not be relevant to this issue, and which would be perhaps to some extent a betrayal of confidence if they were produced in open court. That is evidenced by the fact that Mr. Hammond was not asked to forget one particular sentence, one particular fact, although, if the proposal was an unfair one. Mr. Hammond was willing to fall in with it, and say, if I am not asked about them, I can forget them. And, yet not one single solitary circumstance, not one solitary fact is asked by Mr. Stratton that Mr. Hammond should forget, or should color in the slightest degree. And, in the same way with the changing of the interview. The sentence “with which I am satisfied.” He said, couldn’t you strike that out, that is not the interview at all, and then he says, and here we have my learned friend telling us by the half hour, as to the terrible conduct of Mr. Stratton, and yet my learned friend omits to tell your Lordships that what Mr. Stratton said was this, we will call Gamey back, he has gone down the corridor, we will get him to come back and correct this, and then Mr. Stratton said, Oh, never mind, he has gone, let it go, and that position of affairs which is shown by the evidence is the position by which my learned friend is endeavoring to fasten guilt upon the Minister, with reference to his doings. Hammond’s memory itself is defective. He might have said, will not you forget a lot of these things, you have written a lot of stuff. Mr. Hammond thinks it was “couldn’t you forget,” but his memory is so defective that he says he did not ask Mr. Gamey any questions at all, the first time he was put in the box. When Mr. Hammond is returned to the box, and I confront him with The Globe newspaper, he has to admit he asked Mr. Gamey many questions, and the interview which he prepared is more than twice as long as the part which is under discussion. The point with reference to the calling back of Mr. Hammond your Lordship will find in volume 2 at page 644 and page 645.

Now my Lords, I have dealt with the evidence, so far as I possibly could, and to the best of my ability.

I have endeavored, as far as possible, to keep away from making my address

at any rate the text of a political campaign speech. I have, I hope, addressed the court, and the court only. And, in this connection do I refer to these matters because there are matters of history, as showing that that which is done, which was pretended to have been done by Mr. Gamey, and in which my learned friend sees so much guilt, and so much corruption on the part of the present Government, is a matter of Canadian history that has been done again and again, and let me say and hope, honestly done. The matters I refer to are matters of history, showing that a man may leave his party, and yet no evidence of corruption, although charges of corruption are continually made.

The Honorable John Sandfield Macdonald left his party, always counted as a Liberal, until he formed his Cabinet on Confederation. The Honorable E. B. Wood was the Treasurer in the John Sandfield Cabinet. He voted against his Government upon the Honorable Edward Blake’s amendment to the address which defeated the Sandfield Government. He was then a Conservative, supporting John Sandfield Macdonald, and no less an eminent man, against whose character and reputation not even a breath of suspicion can be found, a man who has lived all his life a blameless record, that man says to Mr. Wood, at the critical moment, “Speak now,” and the record is found in the waste paper basket. Then it was alleged, and alleged again and again that there was strong evidence of corruption on the part of the Honorable Edward Blake, and the Honorable E. B. Wood. A monstrous thing to say. The Honorable Stephen Richards entered political life as a Reformer, and is so described in the Parliamentary Companion. He joined John Sandfield Macdonald’s Government in 1867 as opposed to the Liberal Opposition of the Honorable Mr. Blake, and the late Honorable Mr. Mackenzie.

Mr. Beatty of Parry Sound was elceted as a Conservative in 1894, classed so by both the Conservative and Reform papers, voted with the Opposition at first, as the records of the House will show, and subsequently changed, voting with the Government.

The late and lamented D’Alton McCarthy, for many years a leading Conservative, became independent and voted in sympathy very often with the Liberal party.

The Honorable R. W. Scott, the same record.

Sir William P. Howland, at first a Liberal, then in John Sandfield Macdonald’s Cabinet, changed with the Government, and became Postmaster-General in the Government of Sir John Macdonald.

Sir Richard Cartwright, for years and years a Conservative, became an honored member of the Cabinet of Canada in a Liberal Administration.

The Honorable Joseph Howe, another example.

The Honorable D'Arcy Magee, another example.

Examples that I might name, and would name perhaps if it would not be considered too personal, in private life, eminent public citizens, men who have the right to be independent, men who have the right to change their politics, if they so desire; and, upon almost every solitary occasion, in the Honorable E. B. Wood case, in the case of Mr. Beatty, in the case of Sir Richard Cartwright, and in one or two of the others, there was the continuous allegation that those men had been influenced by some corrupt or improper motive, motive of gain, of power, of patronage, of high preferment, and place. And yet, it would be idle to say that, because a man chooses to leave his party, and become a member of the Opposition, one might just as well say that the late Mr. Gladstone, because he happened to change his politics at a time when there was an opening for a young and zealous and able Liberal, that he did it for an improper purpose. And, in addition to the right which a man has, there were circumstances which I have pointed out to your Lordships, strong reasons, strong circumstances, why Mr. Gamey, if I may be pardoned for connecting Mr. Gamey with the eminent names I have mentioned—reasons which Mr. Gamey might have given for any change in his political creed.

Now, my Lords, it would be idle for me to prolong this discussion, having said all that I have to say upon the facts. I desire to say one word, and one word only, with reference to the grave position of a finding in this case. When we approach a grave crisis, even Judges hesitate to pronounce the word; grave by reason of the consequences. The judge who tries the case of a civil dispute between neighbors does the very best that he can, and has no fear, no feeling as to consequences, because the consequences after all are very small, very insignificant, in most cases, but where the consequences are inevitable, and irrevocable, where once the thing has been done, there can be no recall, where once the word has been pronounced, and the doom is sealed, that nothing can remedy, Judges hesitate, Judges falter in weighing evidence, in order that no wrong may be irretrievably done. May I hope that the consequence of whatever findings your Lordships may think proper to give, shall be, if supported by the evidence, and if your Lordships should so think, such finding as will maintain the high

honor and character of this Province, the high honor and character of the men who have been entrusted, not only with its present, but its future destiny in moulding and shaping the policy of the finest Province of our Dominion. May I hope that that finding, if warranted by the evidence, will be sufficiently clear, that whatever tarnish has been put upon the good name of Ontario by a man of the character and of the conduct of Mr. Gamey from Manitoulin, shall at once be brushed aside, and that Ontario shall remain, as she always has done, the foremost, the strongest, the best and the purest people within the broad Dominion. And, may that finding declare that no Minister of the Crown has betrayed his trust, may it declare that no man can gain notoriety by any such conduct as that adopted by Mr. Gamey, may it declare that there is no room in this country for falsehood and treachery.

And, as a consequence of that finding, if your Lordships can and do find, it is a pleasure to know and will be a satisfaction to know, that the Premier of this Province, the old man eloquent, a man who has no legacy to leave his children, or his children's children, excepting the good name of himself and his colleagues, a man who has grown poor in the service of his country, that that man shall not go down hiding his face in sorrow to the grave.

The Chancellor—Now, Mr. Blake, we will hear you.

ARGUMENT IN REPLY.

By Hon. S. H. Blake, K.C.

Mr. Blake—The conclusion at which the Commissioners will arrive will show how far the prayer of my learned friend has been answered.

I may say a word, my Lords, in regard to one or two opening matters before I deal with others of greater moment.

My learned friend dealt with certain remarks by me, as I dealt with certain remarks by him. Your Lordships' findings will give the conclusions, as to whether either, or both, were justified in those statements, which my learned friend seemed at one time apologetically to make; I do not think they needed an apology; if they correctly stated the circumstances, then it is a matter in which it seems to me it would be wrong not to use the most plain and distinct language.

My learned friend referred in opening, and in closing, to some years of integrity and of upright conduct. Your Lordships will conclude whether Mr. Gamey did not come to a conclusion that the parties referred to could not legitimately claim title to upright conduct, and therefore was determined to test the matter; and what is before

the Court to-day is, whether Mr. Gamey was correct in the conclusion that these gentlemen could not claim the integrity and the uprightness which they sought to claim. Unfortunately it is much in the air, and one can scarcely take up a paper without finding that those in whom the public had great confidence in the years past have been found to be persons utterly wanting in honesty and integrity, and the vacant chair here, and the prison house there, have borne testimony to the conclusion that investigations have shown.

Now, my Lords, passing on, therefore, from that matter, which is now before your Lordships, the very essence of this investigation, can they rightly claim that which they set up, I proceed to deal, as shortly as I can, with the matters which have been presented, which seem to me to be of moment, and I will try, so far as possible, to put these together, and not weary your Lordships in what I may say in reply.

I do not quarrel in the least with what my learned friend has stated from Mr. Todd's work. He spoke of a usage to give the preference, and a usage to give the preferment. I am not quarrelling with that, but if it be preferential trade, then it is something which blots out the trade, so far as the people discriminated against are concerned. If I say I give a preference in my dealings to so-and-so, that is, I deal with that one, and I do not deal with the other. I, therefore, do not in the slightest degree quarrel with what Mr. Todd has given.

In connection, my Lords, with that which has been given by Mr. Stratton as his explanation of what he has done, I refer to volume 7, pages 2,634 and 2,634a. He explains what the exercise of patronage is. The appointment of the public officers. That is patronage. There is no written authority. But then he says, in my experience, if a member or a supporter of the Government sends in a certain recommendation to fill a certain position, supposing it is not sent in by a member of the Government, or a member of Parliament; suppose a man makes an application, it is not dealt with, it would be necessary to have the endorsement of the supporters, and so on. So, my Lords, that is the measure of the preference. Therefore, unless you be a Government supporter, anything that you may say, I absolutely discriminate against, and it would be necessary for you to be a Government supporter in order that you should get any of the patronage. That is what is a necessary foundation to a portion of the claim that is presented here.

Then, my Lords, I say a word upon the question of the Commission, and its scope, because of what my learned friend stated, and that was that there was some vote, and something stated, and something done, which is outside of the statute, and should give force to the position which he takes.

Answering the statement which my learned friend made, no doubt in the best of good faith, I am very glad to reciprocate, my Lords, with him what he has said of me, that the statements that were made may be incorrect, but not wilfully so, and with him precisely in the same way, I know that the statements that would be made here would not be made unless he thought they were correct. Now, my Lords, the statement that was given to me as to what took place then, was that the Attorney-General said that it was not necessary to pass a resolution or a motion, or that there should be an amendment, as the Act stood there, and the Commissioners would be bound to act under the statute. The statute was plain. And, whatever came then in discussion; what is the meaning of it? What is the effect of it? The answer is plain, and it is for the Commissioners, under that Act, entirely untrammelled, to take such a course as they think that statute warrants; and we are here, therefore, my Lords, to-day, without anything to qualify or modify. Chapter 19, to which I referred, and as to which I say no more than this. That where it became necessary to give larger powers, as in the Parnell case, then a special act was passed, and by virtue of a special act there were things done which could not have been done under the general statute. So, my Lords, I do not repeat what I have stated. I do not go over the act, but I simply say to your Lordships that, under that statute, which is all that guides, under that statute which cannot be enlarged by the Executive, under that statute which gives the power, your Lordships have only the right to take that evidence, and to return that evidence, making such remarks upon it as your Lordships may think proper, in order that the true judicial finding upon it may be left to that which, indeed, no matter what your Lordships may say about it, will be beyond the general public, that body which is to pass upon the evidence, your Lordships' judgment, everything being presented to them.

It did not seem to me that it would be reasonable, as the House is the ultimate forum, that there should, in the meantime, be anything said upon the transaction further than may be necessary to present to the House the re-

sult of the twenty-seven days of the taking of evidence.

Now, my Lords, I do dwell for two or three moments upon what seems to me to be really the crux, or the turning point, or one of the vital or main features in this investigation, and I do so because I think that my learned friend, either through my not being able to present it clearly, or that he has not apprehended it, has passed entirely over what I intended to present as the main feature for the consideration of the tribunal that shall deal with the evidence.

In my opening remarks I intended to present to your Lordships this view: Supposing that Mr. Gamey was posing as an independent, supposing that the result of the convention, and the result of what took place during the election, was that he was to be treated as an independent, my first statement was, while not for a moment admitting that, and stating that the evidence adduced by my learned friend, as well as that which was produced in answer, negating it, and as to that I will subsequently say a word or two, but in the meantime taking it for granted that he was an independent, and taking it for granted that he was ready to give support, sometimes to the one party and sometimes to the other, my Lords, the gravaman of my charge was that under that letter, and as a part of the purchase price, he was to cease to be independent, and he was to give a support to the Government on those occasions, when such report was crucial, when it was necessary to the sustaining of the Government.

A very noted statesman, in answer to one who said to him, I purpose to give you a support in measures that I think in the interests of the country, was simply answered, "I do not give you a blank for that, and man is bound to do that, but what I do want you to do is to give me a vote when there is a want of confidence, no matter what may be the occasion on which it may arise, that is what I consider to be a supporter of the Government."

Now, my Lords, the essence of this letter is, therefore, upon all questions considered by you as a vote upon all questions of want of confidence, you may rest assured I will give you, in my discretion, my hearty co-operation, support and vote. No longer an independent member, no longer one that is going to consider the measures and not the Government, but one that is bound by the deed of bargain and sale, whereby he has to sustain, no matter what the action may be, wherever there is a vote of want of confidence, he has to come to the rescue; and I am to be treated as if I had been elected

to support your Government, I am a supporter of your Government, I am supporting it to the very end, by my vote you shall stand, by my vote you shall never be defeated, wherever there is a want of confidence, that is, whenever my vote is needed, my independence is to be sunk, Manitoulin is to go, measures are not to be considered, but I am there, bound to give you the vote. That is the change that letter made. That was the whole turning point in it. I do not go further over the letter. I do not elaborate the details of it, but there are three matters that stand out there. First, just what the Government wanted. I have decided to give you my support. Secondly, just what Mr. Gamey desired. I will be considered and treated as if I had been elected to support your Government, and no man that is elected to support the Government is going to be ousted by an election petition or otherwise, and, therefore, that is involved in it, and the extent of my vote will be so absolute, that no matter what may be the occasion that calls upon me to give the vote, upon all questions of want of confidence, then I am to stand by you. That is the position which the Government desired to place him in, and that is the position in which he places himself.

My Lords, how different was that? He ceased to be independent, he binds himself on every vote of confidence to support; he ceased to be the Conservative member, which involved absolutely the dismissal of the petition; he was to get the patronage in addition. A complete change from the vague rumors which had been circulating round. The free, independent member is bound to sustain the Government.

That seems to me to be the crux of the whole matter, the turning point, an entirely different status, and the question is, by what means was that transformation brought to pass?

So far, my Lords, upon that question, while as I say I do not for a moment admit that there was any position of independence, yet taking that for granted, how did Mr. Gamey stand until the 10th of September, and how did he stand afterwards?

My learned friend says Manitoulin has to look to the Government for its roads and bridges. Every constituency has to look to the Government for its bonuses, and for its subsidies, and if it is not a matter of one class it is a matter of another. It did not stand in any position different from those which come in, although there may be bridges and roads in the one part, coming in for railways and the like in the other. All constituencies in that respect are at the beck of the Government.

Then my learned friend said that the position of Manitoulin was shown by certain evidence which he produces. My Lords, I am not going to repeat what I said. I only suggest, that one could scarcely have a stronger case, from what I have stated, to base the conclusion, that he absolutely was a Conservative, brought out a Conservative, in his profession a Conservative, elected a Conservative, proceeded against because he was a Conservative, and, my Lords, these rumors having been circulated, brought into existence, very possibly as I have stated, by the fear of the election protest, showed him to be a person, from the 7th August up to the 10th September, of whom, advantage could be taken of his needs, and because of that reason, could be operated upon. That seems to me to be the chief force of the position of Mr. Gamey prior to the 10th September. These reports circulated showed material which might be operated upon. The question was, as I said, that being so, was this opportunity spurned by those who needed this vote, or did they meet and enter into an arrangement, the one buy, and the other sell?

I will refer, my Lords, to the evidence of one person, only, because my learned friend emphasized that, and said specially, this is uncontradicted. I say I only refer to the one, because, my Lords, you will find in all of this Manitoulin evidence, that although in the examination there may be certain statements that are made which seemed to tend strongly in one way, upon the cross-examination they utterly disappear.

I take the evidence, page 1750, my Lord, of volume 5, my learned friend having read from 1742 to 1749, saying it is uncontradicted. My Lords, what light does page 1750 throw upon that? "Did he say that if he was returned he would support good measures that might be proposed by either party? A.—Well yes. Q.—That was the burden of what he conveyed to you, that he would support good measures, that is, he would be sufficiently independent to support good measures no matter which side might propose them? A.—Yes. Q.—And that was the purpose of the whole conversation? A.—Yes, sir. Q.—And he led you to believe he was still a Conservative? A.—Yes. Q.—And that if returned he would vote against the Ross Government? A.—Yes, sir. Q.—And you knew he had been denouncing the policy of the Ross Government? A.—Yes. Q.—So that he did not make any converts in your place? A.—No."

Now, my Lords, I may fairly take that as I did in opening, and only referring to this because it is the witness that my learned friend read and quotes

extracts from, as showing what is the result of the whole of this Manitoulin evidence that was presented by my learned friend.

Nothing more than that. Good measures. Opposing the Ross Government, but supporting good measures, and still presenting himself as, and claiming to be treated as a Conservative.

Then, my Lords, I might refer, without reading any part of it, because I think there was only John Scott's evidence, just in the same way, who deals with the matter.

Dr. Arthur's evidence is said to be significant, but your Lordships will be good enough to look at pages 2289 and 2302. And, your Lordships will be good enough in the evidence of James Connée to look at pages 2648-9, 2659, 2668-69 and 2671-73 and 76.

I refer very specially to that, because while Mr. Connée admits that he is a thick and thin supporter of the Government, he says why, I should do just what Mr. Gamey said he was going to do, I will support good measures, no matter whence they come from. That was his position at this period of time. It does not make me a Conservative because I am going to support good measures. I am going to do just what you were doing. I do not repeat that. That is before the court. That is what Mr. Connée and Mr. Gamey were chiefly anxious to get, not only the smelter, but some improvement up there which they thought would be to the benefit of the country, and no doubt, my Lords, with that result which should follow, and almost always does follow, a certain position in the community, in case of further election, by having done something which everybody says has been a great benefit to this part of the country. So that up to this time we have Mr. Gamey a Conservative, and Mr. Connée a strong Reformer, each pursuing the same course, talking together, and possibly that exaggeration, which unfortunately the infirmity of memory, or the desire to strengthen a case, possibly Mr. Connée may have presented more strongly than he otherwise would.

The Chancellor—If you wish, Mr. Blake, we would prefer to go on continuously.

Mr. Blake—Oh, yes, my Lord, if your Lordships will be good enough, unless it is inconvenient.

The Chancellor—No, we would prefer that.

Mr. Blake—It would be much more convenient to me. Thank you, my Lords.

Now, I say, after glancing at that evidence, and your Lordships have stated that, of course, the evidence would be read, therefore it would be tedious to do anything more than just

indicate the portions that seemed to me to be turning points, as I did in the case of the person whose evidence I read, I ask your Lordships to be kind enough to note these witnesses who are the six that denied the statements quoted by my learned friend, and I give them for that reason. These are in volume 7, my Lords, John W. Kinney, 2797 and 98, Samuel Kinney, 2894, Thomas Ellis 2804, William Vincer 2878-9. William H. Clark, 2889 and 90, and in volume 8, my Lords, Laughlin Galbraith, 3001-2. The last witness I refer to because he is the witness, as your Lordships will remember, who stated that Mr. William J. Berry was not present at the meeting in all.

I scarcely say a word, my Lords, upon the statement made at the Walker House by—I have forgotten the title, but some high Maccabee—

The Chancellor—We will waive that.

Mr. Blake—If it is not considered an insult to him. The most important thing connected with it was, looking out for a situation, and giving that little tone to evidence is not unusually found in a person desirous of being a pensioner on the bounty of the Government, but all that amounted to, if it happened at all, was very, very slight. It was the first week in September, and without elaborating it at all, I simply desire that the court will, in regard to this, as I will ask in another matter, bear in mind that on this occasion the protest was bulking up large, it was pressing, a means of getting out of it, this that was circling, and Mr. Gamey may have thought the most likely way of being able to see how far these people will go, will be to put their hands upon me, who am independent, and see if they will really try to clinch me as a Government supporter. Now, that must be brought about in some legitimate way, and the easiest way to do it is to circulate this information, that Gamey is saying this, and Gamey is saying that, and Gamey is saying the other, and whoever is the agent, that is supposed to do this class of work, let him touch me, and then I will see whether there is truth in the report that these men are immaculate; or that they are corrupt; I will bring them to the good test, "By their fruits I shall know them." If they say, "Get you hence, Gamey," then I may say possibly they are not a follower of darkness, but if they say, Gamey, come here, and open their arms to me, I will say, "Their deeds show what they are."

Now, at most, as presented by my learned friend, does it not simply amount to that?

The Chancellor—You would probably

argue that way, in Mr. Gamey's place, if you could put yourself there?

Mr. Blake—Yes, my Lord, but I am afraid I would not even for all the patronage of Manitoulin, and the rest of the Province thrown in.

The Chancellor—You are doing the best you can for him. You are putting it most forcibly, giving him credit for the most excellent intentions.

Mr. Blake—And your Lordships will pardon me. I never met any person yet that was absolutely unselfish. Therefore, my Lords, I do not think it would be unreasonable to throw in a little bit of self. Your Lordships will see that, of course, if he could get the kudos of the patronage, and all that, in Manitoulin, he could accomplish great things.

The Chancellor—Oh, yes, work a great deal of good for him.

Mr. Blake—And, although one is astonished here, I remember in more than one election trial the immense importance that was given even to the position of a lockkeeper on the Welland Canal, or any little thing of that kind, and I remember, indeed, in the very celebrated Welland case, that one of the witnesses said the difference between the Reformers and the Conservatives is, the Reformers go in for money, we have to pay them, but the Conservatives go in for office, a lockkeeper's place will get a whole locality. So that here, being able to give these positions, immediately gave him a status in the community. And the two things were to be effected. There would be a crowning of Mr. Gamey, my Lords, it may be, if there was some denouement which showed he had been successful in what he was undertaking.

But all of this I am touching upon now, and merely touching upon, is to show the position that a person, as an independent supporter, might take, and from the hopes that he might reasonably have, for thus presenting himself, although he may have been as strong a Conservative as the leader of that party himself.

Then, my Lords, just one starting point there, is, that after the 14th July I think fairly everything that is said or done, must be looked at in the light of the protest. I think it would be absolutely unfair, looking at the position which was assumed, that Mr. Gamey would be unseated and disqualified; that that is a most important item; you cannot eliminate that. All that was said or done, *prima facie* to him, a man for the first time entering into political life, unable to pay the expense of a protest, was to insure some such arrangement as that the difficulty in the way of tak-

ing his seat should be removed, and that he should be a member of the House. What he did, what he said, all this circulated around that which was his great thought.

Then, I think it is very fair to say that he may have been prepared to go to a certain length as an independent, and that not suiting the Government books at all, what power was it that drew him up to the position of not independent, but a supporter?

My Lords, I make a remark here, and I regret it, and I do not know upon what my learned friend based it, that he should have thought I said anything to the disparagement of Mr. Aylesworth. I was not conscious of doing so.

The Chief Justice—I did not so understand Mr. Johnston.

Mr. Johnston—Oh, no. Let that be quite clear.

Mr. Blake—I regretted that more than anything else.

Mr. Johnston—My learned friend must quite have misunderstood me.

The Chief Justice—I did not so understand anything Mr. Johnston said.

Mr. Johnston—If anything of that kind appears by implication or otherwise in any statement that I made, I ask the reporter to cancel it at once, because it was as far from my thoughts as it was from yours.

Mr. Blake—Thank you.

The Chancellor—I think every reference made to Mr. Aylesworth by Mr. Blake has been in commendation, accepting his evidence, and basing the argument upon it, that you had a solid foundation to work on in his evidence.

Mr. Blake—Quite so. But there was some statement made yesterday.

The Chancellor—I think that rather related to Mr. Grant, as I remember it. However, it is all explained now.

Mr. Blake—That is past, but would your Lordships be good enough to note in Mr. Aylesworth's evidence, page 680, line 19, that Mr. Aylesworth must have known the contents of that letter. There was a question raised yesterday as to whether he knew the contents of the letter.

The Chief Justice—I do not think he would have been quite human if he had not read that letter. He was under no obligation not to read it.

Mr. Blake—And he would not have known how to deal with him when he came in. He again repeated, "I said would you put in writing. He said certainly. Well, I said, I have a letter here. A letter what? To answer this purpose. If you are willing to sign this letter, then there is no reason in the world why I should not act for you in this petition, if you want me in any way.

Mr. Aylesworth would not have known what to have said, and could not have said that unless he had read the letter, my Lords, and, therefore, it is clear, and I thought from that statement, until my learned friend questioned it yesterday, that it was taken for granted that he must have read the letter, that he knew the contents of the letter, and all that flows from that.

Mr. Johnston—Or from the conversation the day before.

Mr. Blake—I do not re-argue that question. I only want, as shortly as I can, to answer my learned friend, how that letter came into existence, and simply stating, that I submit to the court, that nothing that has been presented can possibly shake that which appears to me to be incontrovertible, that Mr. Stratton brought that letter into existence, but that letter thus brought into existence was one which he thought would answer his purpose, that he brought it down to Mr. Aylesworth, and that that letter was presented through that instrumentality to Mr. Gamey, but the knowledge of the letter, and the effect of the letter, and that, together with the statement, and I ask another reference there, because it is a circumstance which supports and sustains us, that the figures that were mentioned there were from three to four thousand dollars. I am not now going into the minutia of the transaction, but the sum of money that was mentioned is important. That is, my Lords, at page 683, line 23. I repeat it for two reasons, first, there was the sum of money, and also, to show that at that period of time money was in the air, money was wanted, that was the demand, in addition to what was given by that letter.

Then, my Lords, of course, my learned friend has been asked several times, I need not go into that, asked by the court, what worked that change? Money was wanted at a certain hour, and the letter is taken away. What worked that change? Money is found. Something that was needed is given. It is given to a man who wanted it. It is given by a man that said I want three or four thousand dollars. It is given by the man who would not give that unless he were paid. We have that clearly and distinctly up to that point. My learned friend says there is no corroboration. No corroboration? A man says, I want your vote, the other said, I do not want this election petition, and I want the patronage, and I want money. Go down to the solicitor of the Government, as Mr. Aylesworth calls himself, and is called by Mr. Stratton, go down to him. He goes down to him. The money is mentioned. The transaction is not carried out. My learned friend said Mr.

Aylesworth could not have understood that, because he did not read the letter. He saw it in a minute. How did that letter get into the hands of the Government? Money is found. Money is deposited. Money comes. There was only one man that was interested in giving the money. That is the man who wanted that seat. And, it was at the time that he got the price that he handed over the consideration. My Lords, it is not going to be determined upon the 9th, the 10th, or the 11th, and it is not going to be upon the absolute oath of any person. It is not going to be upon the not calling of Mr. Coffee, who is said to have been with Mr. Stratton, and if he were there could have corroborated that he was there until 1 o'clock. But, this is incontrovertible, that there were plenty of opportunities, plenty of leaks, plenty of time, plenty of places during that period of time when that could have been done. The consideration passed, the bill of sale was handed over, and Mr. Gamey says all the terms were complied with, the principal one of which was the money, because I wanted the evidence of it. That came, that was deposited in the bank, and as to that there is no doubt whatever. No corroboration? What more corroboration does one want? Independently of the oath of Mr. Gamey. And, your Lordships will understand that I have all through this sought to present that as fairly as I could. Large matters in which there is corroboration. All along the line there is corroboration. And, the corroboration given, piece by piece, by witnesses who followed Mr. Gamey, not the case of these witnesses being put in first, and Mr. Gamey making his story by piecing together what these witnesses have said.

Then, my Lords, I give your Lordships a reference, if you please, to the Bellwood letter. Very unfair I think to use that against us. The date of the Bellwood letter is the 10th February, 1903, and if your Lordships would look at pages 439 and 451 you will see the remark, "I did not authorize that. I said distinctly I did not authorize that, and yet I do not say it is absolutely untrue. There may be a certain amount of truth in that." I think his Lordship the Chancellor referred to that.

Mr. Johnston—That is The Conservator extract?

Mr. Blake—No, my Lord. That is the Bellwood letter.

The Chief Justice—That is The Conservator?

Mr. Blake—Oh, yes, my Lord.

The Chancellor—He wrote the Bellwood letter, but this is the interview the editor put in the paper, that that you are reading the reference to.

Mr. Blake—Yes, my Lord. I have

that note. We must take for granted apologies were now needed, and what does it amount to? A convention to keep quiet, and he had then signed—the most material point connected with it is that he had then signed this letter of the 10th September, and the subsequent letter, and he was then receiving the consideration for it.

I do not say anything more, my Lords, upon the statement of my learned friend that he got no patronage, except earnestly asking your Lordships to read the letters that followed from this very month of September on, which I have given to your Lordships in my opening, and to ask your Lordships there to see that there was not a single request that Mr. Gamey made that was refused. I do not mean to say that everything that he asked for was granted, but that they kept him on with the correspondence, and that he was handed over from the one office to the other, and on every occasion it was consideration to be given. We will see what we can do, and the absolute statement of Mr. Stratton, "I will see this is done," "I myself will see the head of the department."

Now, I just ask your Lordships to be good enough not to let any remissness on my part be an occasion of not setting out what I maintain to be the case, that from that time, in September, everything that Mr. Gamey asked for received consideration, that Mr. Gamey was handed over from the one department to the other, that Mr. Gamey was treated with the greatest consideration; that, whether it was in Mr. Latchford's department or in any other department, he was the man who was spokesman for Manitoulin, and their part of the bargain was being carried out. In regard to the License Commissioners, and the inspector, your Lordships will also find that it was Mr. Gamey who said that he did not want to send those names down. It was not because the Department would not in the first instance make the appointment, but that when he was coming down to the House, as the appointments need not be made until April, there was plenty of time to see and discuss it, but never a word said, what have we to do with you, we are not going to give you the patronage, this is none of your business. Not at all. Kept alive from the beginning to the end. I not only ask the gravest consideration of the Commissioners upon that, but I want to show that at that time that absolute bargain was made, the reflex light cast by the transactions that took place after the 10th April, the intimacy that then sprang up, the light in which the one treated the other, and the other treated the one.

All that shows that there was an existing bargain, and that that bargain was known to every member, because every member had to do with Mr. Gamey.

Then, my learned friend dealt with the interview; with Mr. Boland; and so on; with the letter not delivered, but produced by the Premier.

I may just say this once and for all. My learned friend says, very cavalierly, all these witnesses were ready to be called. My Lords, they could have come in at any time. There was nothing to prevent it. And, I am sure we should have been pleased if the Premier could throw any light upon the question "How did you get that letter?" How did you get that letter? Why did you keep the letter? Did not the letter give you a lot of information? Did not you there as Premier of the Province, have the letter directed to you through some instrumentality, making this bargain? That must have been received about that date, and is in his pigeon hole until March. Coupled with this, my Lords, that Mr. Stratton admits that he did tell every member of the Government of the position that Mr. Gamey was taking, and there follows upon that information this letter which the head of the Government has.

Certainly, if there was anything, to my mind, that needed explanation, it would be such a matter as that, unless we are to say why I do not deny it. I had the talk with Mr. Stratton, he did tell me about it, that letter was received, I put it away safely to use it, to see that bargain was kept, I trafficked with him in it, no doubt about it, there is the evidence, I cannot controvert it. One would have thought that with the knowledge given by Mr. Stratton, that the answer would at once have been, to Mr. Gamey, take your letter away, I am not going to touch pitch, remove it, there it is, I have kept a copy of it, but there is your letter and never write me another such as that, I am not in for what that letter shows, buying seats; I am outside of that.

Do your Lordships believe the statement of Mr. Stratton, that with one vote from August until October, which would disappear the moment a speaker was appointed—do your Lordships believe that he felt quite sure? There was only the one way of his feeling sure, and that was influencing people to come and join his party. If he was not sure, then it was because he was sure that the means that he was going to use would be effective. He must have known, and he must have felt, and he must have been interest-

ed. All that has taken place shows it. His oath cannot be taken against that. Then, my Lords, in essence, I say, therefore, at that time they all agree. The agreement could not be read otherwise than I have read it, otherwise than Mr. Aylesworth read it.

And I ask a reference to Mr. Grant's evidence at pages 1043 and 1044, showing the knowledge that he had. That letter, with all the circumstances that surrounds it, would enable that court to give credence to the absolute statement of Mr. Gamey, and to say that letter was procured by the means that were alleged.

There was a reference made, my Lords, to an exhibit of the 27th October.

Mr. Johnston: That is the copy of the letter of the 10th September. That is the one sent from Gore Bay on the 27th October, just a copy.

Mr. Blake: There was an alteration in it.

The Chancellor: He altered it. It was altered and then transmitted.

Mr. Blake: Yes, my Lord.

The Chancellor: It is just a duplicate of the 10th, with some additions.

Mr. Blake: Then I say nothing about it. If they can get one vote, then he is to carry that out on the meeting of the House.

I would only say to your Lordships what no doubt you will not forget, that those three letters, or those two letters, the first one especially, was one which it was impossible to publish. And in regard to the letter of the 27th October, I ask your Lordships especially to remember the fact connected with that, as that circumstance strongly sustains Mr. Gamey's story, and that is, it was taken from the pigeon-hole with the envelope attached to it to carry out just what Mr. Gamey had stated that it was to show, that at a period subsequent to the date at which there was the public dismissal of the petition, this had been sent down. It is peculiar that the letter is here in court, pinned to the envelope sustaining that position presented by Mr. Gamey.

That did not strike me, perhaps I was getting dull, my lords, with being so long in this atmosphere, but my learned friend laid a great deal of stress upon the fact that this letter was signed by the son instead of signed by the father. But, the father did not alter the letter after the son had signed it. And he did not suggest that it should be altered after it was signed. And, it did not strike me, therefore, as being such a peculiar sin as some of those we have been discussing, my Lords.

I would ask your Lordships also to note the evidence of Mr. Stratton, pages 2,532 and 2,570 of vol. 7; utterly unable to explain about this letter or anything connected with how it came, and the like.

Then, my Lords, my learned friend laid emphasis upon this. Why, if Mr. Gamey's story is correct, did ~~they~~ not get the interview prior to the 13th January, my Lords. You will remember that my learned friend laid stress upon that. The answer is apparent. They did not at that period of time think that Mr. Gamey would go as he did on the platform and speak. The danger was not there. There was no necessity to get a letter for an unknown danger, or an interview, but, my Lords, when they had learned on the 13th January that Mr. Gamey's reading of the bargain was, I am to support you in the House, but I am to be a free man until then, and I am to be at liberty to speak, so that I am going to keep all this matter going, and to silence suspicion as much as possible, when he found that, then the telegram of the 27th January is sent, then they determined they were going to get that in the paper which would prevent at the Centre Bruce and North York elections, that there would be a word said by Mr. Gamey. And, as I said, my lords, it was necessary to have it. They could not use the letter of the 10th. They could not use the letter of the 27th. Absolutely necessary to tone down the arrangement, so that it would not be like a boomerang, coming back upon the Government on the statement, why you are buying supporters, look at that letter of the 10th September. They were warned, they took the hint, they had an interview prepared which answered for the two elections to come; and they were not taken in as they considered they were in regard to the other.

Then my learned friend states that that was a very colorless document, The Globe interview. It created a good deal of noise at the time for a colorless document. There was a good deal of writing and speaking about it, and the evidence shows what was thought of it. It was thought then to be a little too strong. It was just such a paper, artfully drawn, as going just the length that would be sufficient, would not be going too far, that was what was needed, and for that purpose that came into existence. They had the letters which they could use, as I call it, the bill of sale, and then came this public document, which would be proclaimed.

Then, if your Lordships will be good enough to look at Mr. Frank Sullivan's evidence, at page 1,347 and 1,213.

I thought it was perfectly plain why Mr. Gamey did not refer the matter at an earlier period to Mr. Whitney. It seemed to me that it would be entangling his leader in a matter that he might turn around and say, I can have nothing whatever to do with this, you are simply placing me in a false position; if you choose, go on with it, but do not come to me and say anything about it. But, after the interview was made public, then, of course, there was no reason why he should not write, and I ask your Lordships to believe that those two things were brought into existence in the same way, that is, out of Mr. Stratton's brain, asking that there shall be the interview, and also that there shall be this letter.

I ask your Lordships to brush aside at once the statement that has been referred to in the pages of Sullivan's evidence, that he asked Mr. Gamey to come all the way down, not knowing that he was on the road, from Manitoulin, in order to discuss what he threw in as a Kagawanda Lake deal, in respect of which the people never turned up, in respect of which nothing was done, but the next day occupied in getting this interview. The thing stands so plainly out, my Lords, it seems to be an insult to the intelligence of the commissioners to waste time in discussing it.

Then, as to the date of that appointment. I think my learned friend was correct, and that Mr. Gamey came in in the morning, although it was in the afternoon that the appointment was made, and I do not know, and the evidence is not clear, but that interview, I should judge, had been in existence, because Mr. Hammond is informed of the fact that they are going to try to get it, they hope they will get it, and according to all the evidence fairly read it was to get something that was then in existence. Hoped that he would get it. Did not know that he would sign it, but he hoped he would get it. He therefore must have had that in existence which he was trying to get, which emanated from him.

Then, my learned friend says it was a mad thing to buy Gamey. Well, my Lords, "quem Deus dult perdere prius dementit," it may have been a very mad thing. We have this result from it. I think it was a mad thing. I do not differ from my learned friend. It was a mad thing to buy him, but the question is, didn't he do it. And, I ask your Lordships, to repudiate the thought that Mr. Stratton was then cocksure there was no fear for the reasons I have assigned.

My learned friend says there was no connection with Jones and the others. I am not going

over that again, my Lords, but I say, so far as Mr. Jones was concerned, and Mr. Grant was concerned, to whom this was mentioned, and Mr. Connée and Captain Sullivan were not all of those clustering around Gamey, all of those knew what his anxiety was, and Mr. Connée says I told Mr. Grant about it. Was not Mr. Alexander Smith going around? Having got certain benefits to the party from him, they wanted these other ones. Your Lordship is aware that a letter was written to Mr. Smyth, the member, to see whether he would not meet Mr. Gamey, and go over the question of the constituency. All those working together. My Lords, if we wait in regard to a matter of this kind until six or seven people sit around a table and take hands and shake them upon an absolutely specific arrangement that is to be made, we will never be able to unearth these matters, but we find here that all these people had the one object, of strengthening the Government. Mr. Stratton had the one object, of strengthening the Government, and that they all cluster around Gamey, the man that they all thought could be affected, and set to work for the purpose of doing it. Then they will say, we do not know anything about it. They all had to do with it, my Lords. I submit that is the only conclusion that can be arrived at.

Then, my Lords, I am not going to deal with the piano story. It is before the court. I do not know how the court can cast aside the evidence of these three men, but I maintain this, that your Lordships, taking that statement, you find one of the strongest matters of corroboration in favor of Mr. Gamey that can be presented, and you find an absolute negation of the story of Mr. Sullivan. From the beginning to the end of it there was, my Lords, this element to be introduced into it. Mr. Gamey was playing a most difficult game, I admit. Mr. Gamey was there to try and draw out, in the presence of three witnesses, or when these three witnesses were there, statements from Mr. Sullivan. It had to be peculiarly done. But, what strikes one as strong is: no contradiction, but this question of the money was mentioned, no contradiction, but that not a word of what Sullivan had said as being the reason of the meeting was ever discussed, but all along the line, all these matters, which were given by Mr. Gamey in evidence, are all touched upon, and to all of these does Sullivan assent. Nothing in the shape of making up a story, nothing in the shape of trying to concoct something to oust the Government, but trying to get a recount from Sullivan, or his admission

on Gamey's recount of what had actually taken place. It is the strongest piece of evidence in favor of the whole story that Gamey has presented.

I do not refer to the letter of Mr. Boyd. I have read that, and have commented upon it.

Then as to the "Minister of Mines." There never seemed to be much in that. He might be Minister of Mines in the Reform Government, or in a coalition Government, or in a Tory Government. The matter was, "How am I to obtain some position there, and it was but reasonable to say that his constituency demanded somebody that would fairly look into that class of matter. Appealing to probabilities, my Lords, I submit that strengthens very much the case of the people.

My learned friend says, are such agreements casually made? My Lords, is it not that agreements of this kind are generally very casually made? Your Lordships would not expect they would go into a solicitor's office and give instructions, and have it prepared in that way? In these agreements, very often, is not a considerable portion either omitted, or don't you write in a kind of cipher, as in the letters of D. A. Jones.

Then, I take no stock whatever—whatever the commissioners may do—in that argument of my learned friend, that discredit is cast upon the statement of Mr. Gamey because he did not preserve the agreement. There were the two reasons which Mr. Gamey presented. They struck me as being very reasonable. The one, my Lords, was that that agreement did not incriminate the Government, he did not care two straws about incriminating Frank Sullivan, he did not want it, but, my Lords, one of the crucial pieces of evidence to my mind in respect to that agreement is this: That agreement follows the visit of Captain Sullivan up to Gore Bay, who does not deny that he went there for the purpose of getting such an agreement from Gamey. That is not denied. He went there for that purpose. And, he comes down and the agreement is signed. It was an agreement that was to be shown to the Government in order that they might see that Mr. Gamey was willing to act with the Government. Now, he says, Sullivan came—Frank Sullivan says, I have shown it, it is all right, there it is, and then he said, now give me the agreement. Well, Gamey was just in this position. If I do not give him the agreement he will think I do not trust him, and there will be an end of my getting anything from him. I have not got what I want. I want to get evidence against the Government. But, if I give this agree-

ment back to him, he will think there is perfect confidence, this is all between ourselves, we have perfect faith in one another, and I can proceed now and do something more, and Gamey says, what more you will do I hope will end in something which will be conclusive, not against Frank Sullivan, but against the Government: It therefore seems to me that that paper must have been in existence, from the fact of this visit of Captain Sullivan, must have been in existence because of the results that followed, and that it was a small matter to deliver up a paper, the retention of which would at once have aroused suspicion, and ended all that he wanted to do, which was to expose testimony that would be received against the Government itself—arouse the suspicion of Frank Sullivan, and cause the whole of his, we will call it arrangement, to end.

My learned friend referred to that document prepared by Mr. Gamey, and refers to pages 8 and 14 as having been written at different times.

My Lords, is not the whole of that answered by the simple proposition, that the money references are in both kinds of sheets. It is not as if you found a money reference, my Lords, only in the introduced parts, but you find the money reference on the preceding page, and it is carried on, so that there was no object, unless it be just that which Mr. Gamey alleges to be the case; just that, that there was different paper, and he took up the different paper, and he took it up indifferently, and the like, but, my Lords, am I wrong in saying that if there was a concocting, seeing what would be the immense value attaching to a paper of this kind, that Mr. Gamey would have had it all in copper plate fashion, and beautifully prepared. Is it not a strong circumstance in favor of it, that it comes into existence just in the way in which it is found? And, to show that there was no manufacture of it, but, as a person in the country would prepare a paper, who prepared this, interwoven as to the amount, and therefore any stress laid upon a certain portion of it being in one kind of paper and a certain portion in another, falls, I submit, to the ground.

Then, my Lords, as to the money. Your Lordships did everything that seemed to me to be in reason about it, but I certainly learned with a great deal of regret that there was not to be an expert permitted. I am not saying this in regard to the commissioners, your Lordships will understand. But I do say that I think we might have looked for a little assistance from these monetary institutions in taking up and investigating this matter. I think they should have given the people the sat-

isfaction of knowing that experts, pledged not to make public anything that had been in the books, some expert to be named by them, had made this investigation fully, so that that point would be exhausted, something which the Commissioners really could not do, and that we would be able to refer to evidence that would throw light upon it.

Then, your Lordships will be good enough to note (page 2,978, of volume 8 of Mr. Gamey's evidence) as showing why it was that he did not refer earlier to the \$1,200, that he did not refer to the earlier period because he was in hope that Mr. Sullivan would go into the box, and that the fact of this debt would have caused him to adhere to the truth; but I say that if all this was concocted it would have been a clean-cut clear story; and the very fact that it comes out in the way in which it does I think, is, rather, evidence of the credibility of the witness, and of the truth of the story, than if it had been more exact. The question is, why tell the denomination of the bills? I suppose it was to give an assurance, when the matter was being handed over, that there was really there what was the subject of the bargain between them. It was an additional assurance to say there is not only the money, but there are so many bills of one denomination, and so many bills of another.

Then, as to the parting with the \$1,500 in the way that it was done. I do not know that every person would have done that. But I am confident that a good many persons would have done it, when they had got that money, peculiar denominations, peculiar amounts, and when they had deposited it, and when it was known to a person that it had been done, they might well have said, Well, that money is there, and I am certainly not going to arouse suspicion by letting it be known that it is peculiar money, which is going to be put and ear-marked somewhere which people may learn of. I am going to let it rest there, where nobody but the couple of people that I have mentioned it to, or three people will know of it. On considering it over, he thought it would be better on the next occasion that he should retain the \$500, as he thought indisputable evidence, the money is received, there it is I hand it over to you, and so on the second occasion he kept it, although not unreasonable that he should have acted as he did in respect of the first sum.

Then McGregor is said to have been a confederate and was brought down to be a witness. Your Lordships will remember that on the branch that I did desire to examine him, the evidence was not receiv-

able, and your Lordships will understand I am not quarrelling with that conclusion at all. Then in regard to the other matter, Mr. McGregor, on being asked, said he did not remember anything about it and so he was not examined. Your Lordships will see that Mr. Gamey in his examination said that he did not know that McGregor saw him go into Mr. Stratton's office up in the buildings. That is the point that I understand my learned friend Mr. Johnston was making.

Mr. Johnston : McGregor says he saw him go into the buildings with Sullivan.

Mr. McEvoy : Saw him go into Stratton's office with Sullivan.

Mr. Blake : Oh, no; I will give your Lordships that page. He stated he did not know. He could not be sure he saw him do it.

Mr. Johnston : He was here.

Mr. Blake : I will give that reference.

Then my learned friend said there was no corroboration of the payment. I have stated what I desire to state upon that.

Mr. Johnston : Finally he went back, and saw me go into Stratton's door with Frank Sullivan, the door marked "private." That is in the statement.

Mr. Blake : That is all very well. He gives one side of the shield, and your Lordships take the other at page 418. That is all so far as I know. "I thought he saw Frank Sullivan and I go into the building. I would not say whether he did or not, I could not say."

Then I do not, as I say, go over the question of time. Mr. Buckingham's evidence, Mr. Robert Armstrong's evidence I should think was conclusive, at all events upon the statement as I said, there was ample time for doing all that might be necessary ten times over in the way of the making of the payment.

I will say nothing further upon the X.Y.Z. letter, excepting to say that there is no corroboration of the statement of Mr. Sullivan that any such letter was written, that there was any conversation, and Mr. Gamey absolutely says that that is the letter that I wrote, and I wrote that letter to Mr. Stratton, and I got these answers back, and I ask your Lordships to conclude that there could be no answer to that letter unless that letter was received and read and that the person that received that letter was the person that either directly or indirectly forwarded the X.Y.Z. letter and the enclosure in it. It is peculiar that that was prepared also by Mr. Ford, but let that pass.

I say nothing, my Lords, upon that act of Mr. Gamey in regard to those slips, further than to say that it was simply childish. The only palliation that can be thought of, as I stated, would be this. That after what he had gone through, and his days in the box, and all that, that the man might very fairly, as my learned friend said, have gone to a rest cure. I accept his statement, that he certainly needed to go to a rest cure, and that he was broken up mentally and physically, and was guilty, under those circumstances, of a folly which he would not have been guilty of four or five months ago.

Mr. Johnston : For a specific period of time.

Mr. Blake : Yes. You are not killing the man?

Then, my Lord, a word as to Mr. Hammond's evidence. My learned friend introduced at an earlier period the well worn trite statement, "*omnia presumuntur contra spoliatores.*" Where is the examination of Mr. Hammond? I shall presume nothing against my learned friend, my Lords, if that is produced. But, if he does not produce the statement of Mr. Hammond, I may fairly say, what was there in that that they dare not produce it to the court, that document that would have shown exactly what these other matters were that document which would have shown that he was to forget. They had it all. It was there, and it is destroyed. "*Omnia presumuntur contra spoliatores.*" I think that this statement, "Cannot you forget some of those things," will become as familiar, my Lords, as the "*non mi ricordo*" of eighty years ago in the Queen Caroline case.

The Chancellor : Or, "Where did the money come from" in this case?

Mr. Blake : Yes, my lords. "Cannot you forget." I thought it was a little nearer it, "*non mi ricordo*" or the Italian witness, "I do not remember," which of course would have been the answer of Mr. Hammond if he had followed the intimation that he had received "*non mi ricordo*," when these questions were suggested.

I want your Lordships to be good enough to note, however, that this is not passed over as lightly as my learned friend would put it, because volume 8, page 3106, Mr. Stratton repeats the question. We have got nothing in the evidence to show, my Lords, that Mr. Carnegie, or his libraries, or anything of that kind, was in it. There is not a word in the evidence to show that.

The Chancellor : The only thing is he was asked whether he was reporting as to the Carnegie library.

Mr. Blake : That was all, but I am referring to the statement which my learned friend made.

The Chancellor : The statement in his evidence.

Mr. Blake : Oh, yes.

The Chancellor : We do not know what was in that other statement.

Mr. Blake : That is all I am referring to, because that is what Mr. Stratton was referring to.

Mr. Johnston : I said in the interview the Carnegie library was discussed—in the interview with Mr. Stratton.

Mr. Blake : But what I am saying, my Lords, is this. From that it is said in this memorandum which has been destroyed there were other matters, such as the Carnegie library matter and things of that kind. There is not a tittle of evidence to show there was anything of that kind in it, but casting that aside, what was it Mr. Stratton was anxious about. At this period of time this transaction was the matter. This transaction was what he was seeing Mr. Hammond about. This was the only thing that was bulking up. Carnegie libraries, and all matters of that kind, were of no weight at all. It was in regard to that which was so imminent, and which was so pressing that he says, "Cannot you forget some of these things?" Mr. Hammond says, "I might if I was not asked about them." He does not even say, "I will do it," but, "I might." We might put in there, I think, very fairly, "If I was very weak." "If I was as weak as you I might do it." "Cannot you forget." What an awful thing to ask me. And, an awful thing for me even to go the length, meeting your weakness half way, but he says, "I might if I was not asked about it." And he does not go further than that. That is the statement that he makes. I am very thankful that he did not give way to the pressure, that he did not allow temptation to overcome him, and that he did give us the truth. And, I desire, for whatever that may be worth, to commend a young man who is able to withstand that strong temptation that was presented, and to be true to his oath, and the more strongly one comments upon the honesty of the man thus tempted, and stood strong, you comment upon the dishonesty of the man that sought to lead the young man astray. "Omnia presumuntur contra spoliatores."

Then my learned friend says that he addressed the court only. I think I heard some considerable echo, my Lords, going far beyond the court. But, however, let that go.

My learned friend say that this was done again and again in parliamentary history. I do not think so. I have never heard of its being done before, my Lords. I have never heard of such a thing being done. The only one I do remember, an incident in connection with, was that in which it was stated that two words were found on a bit of paper, "Speak now," and I remember that on that occasion it was stated that that was picked out of a spittoon, and I remember there was a good deal of comment upon it, but I remember then that the answer that was made, and a strong vote upon it, that when people are seeking to do that which is dishonest, and when people are seeking to corrupt, then there is no means that you are not justified in using in endeavoring to get at the bottom of it.

But, I may say, my Lords, in regard to all of these, there was no election petition, there was no patronage, there was no written bargain, there was no pretence that there was any sum of money paid, and I know of no reason why any man, whether he be Conservative, or whether he be a Reformer, should not have more light, and acting upon that light, honestly change from the one party to the other; but, my Lords, not under such circumstances as are here before the court.

The position is grave and the crisis is grave. These people should have thought of that before they placed themselves in this position. It is often a statement that is made, but no weight can be attached to such a statement as that. No weight should be attached to it.

As to Mr. Beatty, my recollection is that he lived almost a disgraced life after that. My recollection is that he had a very bitter reward, my Lords, but after all, these matters did not come before a Royal Commission, they were not passed upon, and I should very much regret to think that your Lordships were going to take any such custom, or any such usage, and to debase the high and true standard, to that which I am sorry to say my learned friend seems to present in giving these illustrations.

If only the person here chiefly interested had thought of the advice that a Chamberlain gave to his son as he was entering upon diplomatic relations, this would not have taken place. I regret that he is not here to hear it from me. He has not treated me kindly in his absence when I was trying to consider what his conduct was, and trying to say what it merited. But that advice was this : "This, and above all, to thine ownself be true, and it

must follow as the night the day, thou canst not then be false to any man. Farewell, I say to him, my blessing season this in thee."

Mr. McPherson: I will give you those references, my Lord. I refer to those references in the piano factory interview. You were speaking about pages 74 and 75 of the exhibits.

The Chancellor: 67 or 75?

Mr. McPherson: 74, I think.

The Chief Justice: That is the page of the exhibit.

Mr. McPherson: The piano factory interview is the evidence of W. H. Price, page 725, lines 5 to 30. Percy Price, page 838, lines 6 to 16. Arthur Kinney, page 886, lines 8 to 18.

The Chancellor: That is all, is it?

Mr. McPherson—Yes.

The Chancellor—Anything as to page 67?

Mr. McPherson—I did not take any note of that. I will be very glad to look it up.

The Chancellor—Very well; you may hand it in. I do not remember any evidence on it. You may look at that portion beginning "Frank Sullivan spoke of someone sent up for the same purpose" down to the words "he did not come."

Mr. McPherson—I will look that up.

The Chancellor—Then, have you agreed, as I asked, on these figures about the relative position of the parties between those two dates? I mentioned the dates in Court the other day, from the time of the protest until the meeting of the House?

Mr. Johnston—We will get that, my Lord. It is difficult, perhaps, to ascertain until we get the exact date.

Kindly note, in connection with the giving of the letter, Mr. Aylesworth's testimony (volume 2, page 685), and with reference to Mr. Stratton's statement, cited by my learned friend in re-

gard to the patronage (volume 7, pages 2,517-8-9).

The Chancellor—Our response to these arguments, well considered, forcible, acute, which will be of much use, not only to us, but to the tribunal of ultimate decision, will be made later, and will appear in the form of a report, which we hope to lay before the Chief Executive of this Province during the present session of the House, hardly during the present month, but early next month. My brother and myself have had little opportunity of conferring on this controversy during the sittings of the Commission, and some days will be needed for this purpose. But our earnest desires and efforts have been, from the outset, to insure a full, fair and unhampered inquiry, such an one as would satisfy every thoughtful and honest man that a full inquest has been kept in view as the object to be attained. We may not go far into the inviting fields of casuistry and ethics which are open to us, but we do hope to dispose of the matters secundum alagata et probata.

The final words used by a great Judge at the close of a great inquiry of kindred character, the Parnell Commission, may be fittingly adopted by us: "Conscious that throughout this great inquest we have sought only the truth, we trust we shall be guided to find it, and set it forth plainly in the sight of all men."

More apt, more terse, more striking words cannot be used to express this thought and aspiration, and, thus inspired, we hope to make a complete discharge of our duty under this Commission, with all possible expedition to the Lieutenant-Governor in Council.

Now, we have but to declare that the further public sittings of this Commission are closed.

REPORT

OF THE

Royal Commission *re* Gamey Charges

BEFORE

The Honourable SIR JOHN A. BOYD, Chancellor,

AND

The Honourable CHIEF JUSTICE FALCONBRIDGE.

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO



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COMMISSION OF INQUIRY.

IN THE MATTER of an inquiry into certain charges made by Robert Roswell Gamey, a member of the Legislative Assembly of the Province of Ontario, against James Robert Stratton, a member of the Executive Council of Ontario, and also a member of the said Legislative Assembly.

SIR OLIVER MOWAT, G.C.M.G.,

PROVINCE OF ONTARIO.

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, etc., etc.,

To the Honourable Sir John Alexander Boyd, Knight Commander of Our Most Distinguished Order of St. Michael and St. George, President of the High Court of Justice of Our Province of Ontario, and to the Honourable William Glenholme Falconbridge, Chief Justice of the King's Bench, Our Commissioners in this behalf.

WHEREAS certain charges were on the 11th day of March, 1903, made by Robert Roswell Gamey, a member of the Legislative Assembly of the Province of Ontario, for the Electoral District of Manitoulin, affecting the good government of the Province, whereby the said Robert Roswell Gamey from his place in the said Legislative Assembly and whilst the Legislative Assembly was in session, charged and declared that James Robert Stratton, another member of said Legislative Assembly and a member of the Executive Council of the said Province, did certain corrupt and unlawful acts by attempting to bribe the said Robert Roswell Gamey by the payment to him of certain moneys, to wit the sum of \$3,000 on Wednesday the 10th day of September, 1902, at the Parliament Buildings in the City of Toronto, in the said Province, and by the further payment to him of the sum of \$1,000 on Thursday the 29th day of January, 1903, at the place aforesaid, to influence and induce corruptly and unlawfully the said Robert Roswell Gamey who was at said times a member of the said Legislative Assembly as such member to vote for and support the Government of which the said James Robert Stratton is now and was at the said times a member.

AND WHEREAS the said Robert Roswell Gamey further charged that by the offer of patronage he, the said James Robert Stratton, did endeavor to bribe and corruptly induce and influence the said Robert Roswell Gamey, as such member, to vote for and support the said Government;

AND WHEREAS the three several papers accompanying this Commission, and marked respectively A, B and C, by the Clerk of the Legislative Assembly, taken from the issues of the *Toronto Globe, Mail and Empire*, and *World*, respectively, of date the 12th day of March, 1903, contain and fully set forth the said charges so made by the said Robert Roswell Gamey against the said James Robert Stratton.

AND WHEREAS it is deemed expedient by the Lieutenant-Governor in Council to cause inquiry to be made into and concerning the truth of the said charges made as aforesaid;

AND WHEREAS the said Legislative Assembly presented to the Lieutenant-Governor of our said Province an Address praying that he would issue a Commission to investigate the said charges set forth in the said papers herewith, and to inquire into and investigate all matters and things which, in the judgment of the Commissioners, relate thereto or affect the same, and that such Commission should be directed to two of the Chief Justices, or to one of the Chief Justices of the Supreme Court of Judicature of Ontario and the President of the High Court of Justice;

AND WHEREAS Our said Lieutenant-Governor in Council deems it expedient to accede to the request of the said Legislative Assembly;

NOW KNOW YOU, that we having and reposing full Trust and Confidence in you the said The Honourable Sir John Alexander Boyd, Commander of Our Most Distinguished Order of Saint Michael and Saint George, President of the High Court of Justice of Our Province of Ontario, and to the Honourable William Glenholme Falconbridge, Chief Justice of the King's Bench, Our Commissioners in this behalf, Do Hereby and with the advice of Our Executive Council of Our said Province appoint you the said The Honourable Sir John Alexander Boyd, Commander of Our Most Distinguished Order of Saint Michael and Saint George, President of the High Court of Justice of Our Province of Ontario, and to the Honourable William Glenholme Falconbridge, Chief Justice of the King's Bench, Our Commissioners in this behalf to inquire into and investigate the said charges and all matters and things which in your judgment are relevant thereto.

AND WE DO HEREBY confer on you Our said Commissioners full power and authority to proceed with all reasonable despatch to hear, inquire into, and investigate the said charges against the said James Robert Stratton contained in the said papers marked respectively A, B and C, and to report the

result of such investigation within a reasonable time, together with all evidence, documents, papers, and things that may be given, produced or laid before you touching the charges aforesaid.

AND we do hereby empower you to hear and examine all witnesses on oath and to require them to give evidence and produce documents and things, and to issue subpoenas for enforcing the attendance of such witnesses at the instance of either of said parties to said charges, and to cause the evidence given before you to be taken in shorthand, and to administer or cause to be administered by the Clerk of said Commission (to be appointed by you) all necessary oaths to witnesses, criers, constables, stenographers and others to whom an oath may be administered, to the same extent and effect as may now be administered in a Court of Law.

AND we do hereby confer on you all the powers, rights and privileges concerning the hearing and investigation of the said charges, the making of the said inquiry, the execution of this Commission, the examination of witnesses, the taking of evidence, and the production of documents and things which are possessed by or conferred on a Judge in the trial of causes either by common law or by statute, it being intended that you the said Commissioners shall have the same rights, powers and privileges as judges of the High Court have in the trial of causes and in respect of all matters incidental thereto.

AND we direct that upon the said inquiry no witness shall be excused from answering any question upon the ground that the answer may tend to criminate him, but that no evidence given by any person or witness before you shall be receivable in evidence against him in any criminal trial or other criminal proceeding against him hereafter taking place other than a prosecution for perjury in giving such evidence.

AND we do further empower you to permit each party to the said inquiry to be represented by counsel who shall be entitled to conduct the presentation of said charges and the answer thereto respectively in accordance with the practice and law applicable to counsel in trials of causes.

AND we do further empower you to direct that the evidence taken by the stenographers shall be extended and certified to by them, and the same when so extended and certified shall be returned with your report as the evidence taken before you.

AND we do further empower you to appoint the places where and the times when the sittings of the said Commissioners shall be held, and to adjourn if necessary from day to day or from time to time to enable the presentation of the said charges and the answer thereto to be fully and completely made, heard, and investigated.

WE further do empower you to inquire into, investigate and report upon any charges arising out of or connected with the charges aforesaid against the said James Robert Stratton contained in the said papers, A, B, and C, which may be preferred in writing by any member of our Legislative Assembly against any member of our said Executive Council other than the said James Robert Stratton, and under and with the like power and authority herein contained and subject to such notice and terms as may appear to you reasonable and proper be given to the member so charged.

REPORT
OF THE
ROYAL COMMISSION *RE* GAMEY CHARGES

BEFORE

THE HONOURABLE SIR JOHN A. BOYD, Chancellor

AND

THE HONOURABLE CHIEF JUSTICE FALCONBRIDGE.

MAY IT PLEASE YOUR HONOUR:—

We, the undersigned Commissioners appointed by Commission under The Great Seal of Ontario, bearing date the 28th day of March, 1903, for the purpose of hearing and investigating certain charges preferred by Robert Roswell Gamey, a member of the Legislative Assembly of this Province, in a statement made on the floor of the House on the 11th March, 1903,—

And in a certain other statement made by the said Mr. Gamey in the Legislative Assembly on the 27th day of March, 1903, having enquired into and investigated the said charges, respectfully report thereon to your Honour in manner following:—

At the time of the issue of the said Commission the written details of the charges made by Mr. Gamey in his place in the Legislative Assembly on the 11th day of March were in his possession, and the contents thereof were ascertained in the said Commission by means of the full reports of the same which appeared in the issues of the *Toronto Globe, Mail and Empire* and *World* newspapers respectively, of date the 12th March, 1903.

During the progress of the Commission the original text of the said charges in the writing of the said Gamey was put in evidence and was found to correspond almost literally with the said newspaper reports, but for the sake of accuracy the said original statement is now set forth at large as follows:—

“I was elected in May, 1902, as a straight Conservative, defeating J. M. Fraser, the Liberal candidate, by about 340 majority, and beating the combined vote of Fraser, the Liberal, and J. C. McMillan, the Socialist candidate, by about 100 votes. The returns by the returning officers were held back and not declared until June 17th. This I believe was done to give the Government a chance to protest my election if necessary after they saw how the rest of the protests stood.

“In due time a protest was entered in the usual way. Several parties were sent up to the riding to look up evidence. About August the 7th I was going to Toronto and met Capt. J. Sullivan at the lunch-room at Allandale, and he

said to me, 'I hear, Gamey, they have strong evidence against you up there.' I replied that I had heard nothing of that. He continued the conversation, and very confidentially remarked to me as a friend, as he said, that I would be disqualified, and said if he was in my place he would resign. I laughed at him and paid no attention to it. I went on to Toronto and he remained. In Toronto at the Walker House, where I stay, I met his son, Frank J. Sullivan, who also broached the subject of my protest, and said he understood they would disqualify me. I told him that was utterly impossible, as I had done nothing by which they could disqualify me, and he remarked that evidence sometimes could be colored, altered and bought, and that he believed they were determined to disqualify me; he would, he said if he were me, resign rather than face a trial. I told him that his father had spoken that way, and I wondered why they were speaking thus. He said only as a friend, as he had known me a long time and he felt sorry that I would be disqualified; why, he said, that could be arranged, a good thing could be made out of it and the trial avoided. I asked him how, and he said after some further conversation that \$5,000 in cash could be got and lots of chances of more later on, as the Government must have more support. I replied that I thought that was impossible, as no man could leave either side now, and the Government would ruin themselves by dealing with any one while it was so close, and I told him I did not believe they would do so. He replied that he could soon convince me, and if I would stay over a couple of days he would prove it. I decided to see what they would do, and on my return to Gore Bay I would lay the whole matter before some friend. About Tuesday, August 12th, Frank came to me and said a prominent Liberal lawyer of the City would be up in his father's room in the Walker House, and that I should go to the room, giving me the number. He told me no mention would be made of money, but the lawyer would talk of a stock proposition by which my profits would realize \$3,000 in six weeks or less, and \$2,000 more after the first session of the House.

"I went to the room and Frank and the lawyer were there, I will not mention the lawyer's name to-day, but he is prominent in Liberal ranks. The lawyer said he understood Frank and I had spoken of a stock Co. by which I could make \$3,000 cash in six weeks and \$2,000 towards spring, I said we had, he said it could be arranged he thought, but no mention was made in his presence of supporting the Government, and no question of trial was spoken of, we only had a short talk and he went out and I have never heard of him in any way in the deal since. Frank and I agreed then if anything was done to each take half. During that trip I also saw D. A. Jones of Beeton who seemed to be authorized to deal with me, Jones also suggested that the Government were very anxious to get information for the trials against Symth and Miscampbell, which I told him would be not possible for me to do. I left Toronto for home about the 12th.

"On my return home I consulted J. R. McGregor of Gore Bay, the Secretary of the Manitoulin District Conservative Association, and asked his advice, I consulted him because he was the only executive officer in Gore Bay, whether to tell what had been then done or not, but we came to the conclusion that I should go on and get some evidence that we could prove and see how far they would go, and whatever we did would be told on the floor of the House, and absolutely no one would know before, we decided that I would have to give the Government evidence that I really meant to go with them, and only by fully convincing them could we hope to get any evidence or attack any of the cabinet, so far we had no evidence against any one of authority. Nothing more was done or said until about August 19th I received a letter from D. A. Jones, of Beeton, as follows:

" *Private.*

" Beeton, Aug. 16th, 1903.

" Mr. Thos. Gamey, Gore Bay.

" MY DEAR GAMEY :

" In accordance with our conversation I saw the present acting manager and talked over our arrangement and explained the whole matter as arranged between us and it was entirely satisfactory and steps will be taken to carry out the deal fully and I am now prepared to say that you will receive better treatment than you expected. You will be given certain powers that will place you in a position that you could not otherwise occupy, and I will assist you, so no other will care to oppose you with any chance of success. In the meantime be shaping things and paving the way ; you know how to manouver and I will be fixing things here for you. I wish you would send me further pointers as we talked and I will pull things in line to suit, and we can pull together now as we can pull so as to make some money. I can tell you how we can make a good *haul* at once. Now you being an *outsider and a Conservative* having agents and friends in Algou'a and Sault Ste. Marie you can find out certain important information that will be sufficient to answer the purpose desired ; you can communicate it privately to me and I can pass it on to the proper place. No one can ever learn the origin of the information and that will make a clean sweep of the *three* and you can be more liberal with funds when they are thus easily got. Get all information *as soon as possible* and *state figure value of some and it can be had quick*, sure. If I was situated like you I could pick up *thousands* of dollars' worth soon, and no one would ever dream of you or me in the matter. It's a snap worth trying for. Let me hear from you soon as possible so I can shape things in time. Address all my letters to Beeton marked Personal and I will get them. No other will see them. Yours in haste,

" D. A. JONES.

" This I answered by saying I would be down shortly and see him. On August 21st I was out at my farm ten miles from Gore Bay. That night between 11 and 12 o'clock, a rap came to my door after I had gone to bed. My brother Wilford was there, he went to the door and said a gentleman to see me. I got up and went to the door and Capt. J. Sullivan was there and wanted to see me privately. I went down to the barn with him, put in his horse, and we sat down and he said they were anxious to go on with some arrangement and he wanted me to give him some document asserting that I would support the Government, so that he could show the Ministers that he was succeeding. I told him I would not do so that night, but that I would go to Toronto in a few days and meet him there, which he agreed to. He went back to Gore Bay that night after staying about one hour. He was alone, it was a clear moonlight night. I asked my brother in the morning if he would know the man if he saw him again and he said he would and he said he thought it was Capt. Sullivan. In the morning my brother and I drove to Gore Bay, and I took my brother across on the mail steamer that day to Cutler and down to Sudbury, as the Captain was with us, so that he would be sure of the man, and I explained to my brother then what he was after.

" Before leaving Gore Bay that day I saw J. R. McGregor and explained what the Captain wanted, he said go ahead and see what they will do. I left the Captain at Sudbury and the next day I went to Arnprior, and about August 26th I arrived in Toronto and saw both the Captain and his son Frank at the Walker House and had different interviews. In the Captain's room Frank

drew up an agreement by which I agreed to support the Government which I signed, and Frank signed an agreement to pay me \$3,000 in cash and \$2,000 after the session. These were afterwards both destroyed. I went back to Arn-prior about August 29th and returned to Toronto about September 1st. Had many talks with Frank Sullivan and his father about matters up to the 9th. The Captain was trying to secure a timber limit for his share. McGregor Island was mentioned, he told me he had discussed the deal with Hon. J. M. Gibson first, but Gibson had asked him to see Hon. J. R. Stratton and Stratton seemed to be the one they did the business with from that time on. I also discussed the question of whether Smyth of Algoma could be bought or not, and I said I would try and see him after I went back, and I urged them to withdraw the petition against Smyth. Also discussed the question of sawing off Davis petition, which Sullivan said the Government were most anxious to do, and when Davis left for Winnipeg, Frank said he would never face a trial, and would give big value to have a saw off. I told our lawyers this. About September 9th I was taken into Stratton's office by Frank Sullivan and discussed the arrangement with Stratton, no money was mentioned but the word consideration was used. Stratton told me personally I would have the patronage of the riding entirely in my own hands, and that I could suggest anything that might be of use to conciliate my friends in the riding. The license board was discussed and I said we must have a new inspector and at least two new commissioners and several other changes were spoken of in the riding which he agreed to. He showed me the letter I would have to sign addressed to the Premier, agreeing to support the Government and agreeing that I was not receiving any value for same, it was typewritten, the consideration was to have been paid that day but he was not ready. I then went down town and at about 1.30 p.m. Frank Sullivan and I were to go to a certain prominent lawyer's office which we did. This lawyer when I arrived there had the letter which I was to sign and I signed it in his presence, he then said he would keep it, but Frank said there was some stock question to be settled before he would part with the letter. The lawyer said he knew nothing of that but he would give us his word that if we would leave the letter with him he would hold it in his possession until we were satisfied, but Frank refused to do so and Frank took the letter with him. I know the lawyer's name, we then had an appointment with Hon. J. R. Stratton for the next forenoon, we went up to his office about 10 o'clock a.m. on Wednesday the 10th of Sept., and he was not ready or not there, and we waited about the building. I waited part of the time in the smoking room. About 12.30 Stratton was ready and Frank Sullivan and I went into his office together, Stratton said everything was ready and we left the letter with him and that Frank and I should go down to the smoking room and wait there and a party would bring a parcel and lay it on the table in that room, I saw Stratton take out of his inside pocket a large, well-filled envelope. Frank and I went down to the smoking room and waited a short time, and Mr. Myers, acting secretary for Stratton, took the parcel from Stratton's office and gave it to Mr. Chase, who carried it to the smoking room and laid the same large envelope parcel on the table, he walked out again without speaking, Frank went over and picked up the parcel, and we walked down to the wash room and Frank took the parcel out of his pocket and counted it, there was \$3,000 in Ontario Bank bills of hundreds, fiftys, twentys, tens and fives. Frank handed me \$1,500 of this. I will tell where that money is when necessary. Frank tore up the envelope. I then left the building alone and went to dinner, I showed the money to a Conservative in the city and will tell his name when necessary. I went to the Crossin Piano Factory in the afternoon. I left for home on Thursday night, Sept 11. I explained all this to one Conservative in the city and to J. R. McGregor on my

return to Gore Bay and we decided to stick to our original arrangement to not mention it until the House met as we were afraid they might fix things up in some way before the House met if we told. About Sept. 18th I received a letter from Frank Sullivan:—

“TORONTO, Sept. 16th, 1902.

“DEAR BOB:—

“I had a talk with our man this morning and he wants me to try and put through other deal—He will pay all expenses in connection with same and will make it worth your while if it goes through—

“Can you take a run over and see that party, and if he is willing to do the right thing, I will arrange to meet you and him at the ‘Soo’ and we can fix things up all right. I would be able to go up about the 5th or 6th of October, in the mean time work on the proposition and see what can be done. Answer at once, care Walker House.”

“About going to see Smyth. I answered that I would shortly, about September 21st I received another letter from D. A. Jones about the same matter:—

“BEETON, September 19th, 1902.

“MY DEAR GAMEY,—I was sorry I did not see you before you left as there was some points in regard to our mining matters that I wished to talk over. By the way, if you have not already received your R. R. passes or do not at once, write me as I ordered them to go forward and if they do not I will see after them next week. Is there any mining *news* around up there. I have some *gilt edge* things now and I think we can make a nice *pot* out of it. You see that *party that we was trying to see and arrange or get things in the shape of a verbal option and your efforts will place us in a shape to make a hall sure.* I will surprise you when I see you. When are you going to Toronto that I can meet you there.

“Yours in haste,

“D. A. JONES.

“When speaking to Jones while in the city he spoke of someone being sent up to see Smyth, and Frank Sullivan also spoke of someone being sent up for the same purpose, and he was anxious to prevent anyone else dealing with Smyth but himself and he told me one day that he telephoned to a person in the city to wire someone to put Smyth on his guard, but I do not know who he ‘phoned to and do not know whether Smyth was telegraphed or not, possibly someone in the city can recollect the ‘phone message as I believe he ‘phoned some prominent Conservative in the city and he said he had refused to give them his name and they were surprised. About the last week of September I wrote Smyth a short note asking him to come down to our agricultural fair at Gore Bay on the 2nd October, so we could put him on his guard but he did not come

“About the 25th of Sept. I received a letter from my leader J. P. Whitney drawing my attention to the statement made by Cap. J. Sullivan in Ottawa that I had given a written promise to support the Government. I wrote Sullivan and he replied as follows:

“WALKER HOUSE, COR. YORK & FRONT STREETS.

“TORONTO, Sept. 27th, 1902.

“DEAR BOB:

I am just in receipt of yours of the 25th inst. and I must say that I am as much surprised as you are. I never made such a statement and further I will for-

feit one thousand dollars if they can get a man in Ottawa that heard me say such a thing I was interviewed by a reporter there and all I said and more is in that interview. I will get a copy of it and send it to you. I am writing now before I see Frank as I feel that I want to let you know at once I did nothing of the kind I am accused of. When I see Frank I will have him write you more fully.

"Yours truly,

"J. SULLIVAN.

(Enclosed is a message that has been here a few days.)

"On the 29th of Sept. I wrote Hon. J. R. Stratton asking for the appointment of one Thos. Flesher as J. P. at Spanish Mills and also about road grants question (we did this to get written evidence of the patronage deal) and Stratton replied as follows on Oct. 2nd.

"*Confidential.*

"TORONTO, October 2nd, 1902.

"MY DEAR GAMEY :—

"I have your letter of September 29th, relating to the appointment of Mr. James Fletcher, Customs Collector on your Island, as a Justice of the Peace.

"I have transferred your letter to the Hon. Mr. Gibson, Attorney-General, who has charge of the administration of justice, and have asked him to approve of your recommendation, and I will see him on my return to the city in a few days with regard to it.

"When the estimates are being prepared for the coming session I will ask the Minister of Public works to speak to Mr. Boyd in the direction indicated in your letter.

"I do not know that it would be possible for members to obtain railway passes just now. It has not been customary to issue passes to the members of a new Parliament until the opening of the session. However if you were to communicate with the general manager of the C.P.R. at Montreal, or the general manager of the G.T.R., Montreal, they might meet your wishes in that direction.

"Yours sincerely,

"J. R. STRATTON.

"R. R. Gamey, Esq., M.P.P.,

"Gore Bay, Ont.

"Hon. J. R. Stratton also wrote me on Oct. 2nd about appointment of returning officer for the referendum as follows:

"*Private and Confidential.*

"Toronto, October 2nd, 1902.

"My dear Sir :—

"Would you approve of the appointment of the late Returning Officer as the Returning Officer for the taking of the referendum vote on December 4th.

"I am leaving on Saturday for Halifax and will not be back for a week but the Returning Officers will be appointed during the coming week. Your reply will be handed by my private secretary to the Premier.

"I am writing you confidentially. It might be desirable to have the same Returning Officer.

"Yours sincerely,

"J. R. STRATTON.

" R. R. GAMEY, Esq., M.P.P.,

" Gore Bay, Ont.

" We decided to have the Sheriff appointed, or rather recommended the Sheriff instead of the old returning officer, just to see proof of our deal. I spoke to the sheriff and he wanted it and went to Toronto and saw the Premier. Jackson told me when he returned that the Premier asked him if his appointment would be satisfactory to Gamey, and if he (Jackson) thought Gamey would give them any trouble when he came down. On Oct. 8th I wrote Hon. J. R. Stratton asking him to appoint Sheriff Jackson, his Secretary replied as follows :

(Exhibit No. 11.)

" TORONTO, October 10th, 1902.

" DEAR SIR:—

" In the absence of the Honourable the Provincial Secretary, who is out of the City for a few days, I have the honour to acknowledge the receipt of your favour of October 8th, with reference to the appointment of a returning officer for taking the referendum vote.

" I have transferred your letter to the Honourable the Premier.

" I have the honour to be, Sir,

" Yours very truly,

" E. C. MYERS,

" for Minister's Secretary.

" R. R. GAMEY, Esq., M.P.P.,

" Gore Bay, Ont.

" I left Gore Bay for Toronto about October 2nd had wired Frank that I was coming, saw both Sullivans and we discussed the Davis petition which I was to try to help to saw off we had frequently discussed this in September, there were other parties also arranging to saw this off and Frank said they were getting big value to do so and he wanted to head them off. I told our lawyers what he said about the other parties. Frank said then Davis would never face a trial, but nothing could be done about this saw off. We discussed Smyth and I told them I thought he could not be bought. I went to Toronto again about October 21st and met Captain Sullivan at North Bay spoke to him about the rumors that were going around, and told him I was going to see Stratton in the city about them. I saw Stratton that week at his office and spoke to him about the rumors and showed him Sullivan's letter and told him Sullivan had been talking, he asked me to wait until he could discuss it with the Premier. Myres took me to a room and I waited there a long time until Stratton came and he said we had better do nothing about them he said that was the Premier's advice. Stratton also spoke of a letter the exact duplicate of the other I had signed which they wanted me to take home with me and sign and mail at Gore Bay addressed to the Hon. G. W. Ross. It was also typewritten and in it I agreed to support the Government and agreed that I was getting no consideration for the same only the ordinary privileges of a Government supporter. After I returned this they were to give me back the one I signed in the lawyer's office. Frank Sullivan was with me when this letter was given, in fact he held the letter for a day. I took it home with me and we decided at Gore Bay to make some alterations in the letter, to see if we could get a letter from them about the same, so I altered the letter and made it read different to what they had.

" I mailed this letter addressed to the Premier Hon. G. W. Ross about October 30th at Gore Bay, but no answer and they did not return the other letter, but now have both. I wrote Hon. J. R. Stratton a few days after asking for the loan of \$2,000 until after the session, his Secretary, Mr. Myers, answered that

Mr. Stratton was out of the city and on his return the letter would be laid before him, but we got no further answer. I was in Toronto in December twice, saw Cap. Sullivan and Frank, but did not see Stratton. After I returned to Toronto after helping my friends in Perth Bye-election, I saw the Sullivans and they said Stratton wanted to see me, he was getting afraid of me, since I had gone to Perth. I made an appointment to see him on Tuesday morning 9-30 January 13th, When I arrived there he was not in, and I waited in the outer office. Vance was waiting there; Myers was there and another clerk, name unknown to me, and a lady stenographer; they all saw me. I chatted with Vance until Stratton was ready, and Vance asked me to let him go in first, which I did. He remained about 20 minutes. When I was called Stratton asked me why I was in Perth, and I told him I had no agreement with him before the voting in the house; he also asked me why I altered the letter. I gave evasive answer. We discussed matters generally, and he was delighted with the results of the three Norths, saying Whitney would never have as good a chance again of writing Hon. before his name as he had last summer when the coalition was discussed. He gave me the particulars of the coalition deal, also Manitoulin affairs. I reported about Little Current lock-up and he called in Dr. Chamberlain, and I was introduced to him and discussed the lock-up with him. I also discussed other appointments. I left the city that night after telling the Sullivans how I got on with Stratton, and agreed to come down again shortly. On my return to Gore Bay McGregor decided to go down with me the next time, and we arranged to go about the 27th of January. I went over to the shore and up to the Soo, and met McGregor at Sudbury on the 27th, and we arrived in Toronto the morning of the 28th, both of us stopping at the Walker House. I saw both of the Sullivans that day, and Frank told me he had wired me on the 27th to come down. I got that telegram on my return. It is as follows:—

“TORONTO, Ont., Jany. 27th, 1903.

“TO ROBERT GAMEY,
“Gore Bay,
“Ont.

“Important that you be here on Thursday or Friday. Answer.

“FRANK.

“He told me that Stratton wanted to see me, and that he would arrange for time of interview on Thursday. He did so, and 'phoned me to come to Stratton's office at 2.15 p.m. I showed this to McGregor and he went to the buildings with me, and saw me go into Stratton's office. At first Stratton was out; then McGregor and I went into the Surveys Department together and into the Land Sales Department, and finally he went back with me and saw me again go into Stratton's door with Frank Sullivan. We went in at the door marked private. After waiting a few minutes Mr. Stratton came in, and at once began to discuss matters. He wanted the license board names at once, and wanted me to sign at once an interview he had typewritten for the *Globe*. I told him it would never do to sign that, as it would ruin me and the Government, but he thought not. I told him I would take it down town and make some alterations, and then sign it if he liked. It was agreed that I should be back about a quarter to six that evening. Sullivan and I went out, when Sullivan said I would get another cash payment if I signed it. So I told him to make the arrangement. I went into the Public Works Department with him and parted there. I went down to the office of the Crossin Piano Co. for a short time. I then met McGregor and we went over the interview. I took my pencil and altered many words to make it read an independent support, as we

both decided the country would not stand for one minute for it as it was then written, we discussed the question then of refusing to sign the interview and making everything public at once, but we decided to stick to our original plan of not speaking until this House met. I added some more to the interview, and after getting it so that it might pass muster I took it back. I was to call for Sullivan at the office, where one Dougherty is a clerk in the Public Works Department upstairs. I called there about a quarter to six, and Sullivan left Dougherty and I a few minutes to talk while he went to see if Stratton was ready. After some time everything was ready, and about 6.30 p.m., or later, Sullivan and I went into Stratton's office, and I showed him the interview as it was altered. I then agreed to give this signed to a *Globe* reporter to hold on condition that \$1,000 be given to us, and I was to write a letter to J. P. Whitney that night informing him that I would be independent during the session. I then agreed to furnish the names of a license board, on my return home, and also a lock-up keeper at Little Current. I then stepped out of the private office into the Secretary's Department, and met Mr. Myers, who introduced me to the *Globe* reporter, whose name I have forgotten, but it is the same one who was at Sudbury with Hon. E. J. Davis in January, 1900, as he remarked to me that he had met me there, and heard me speak on the mining policy. I then sat down at a table with him, and he read over the interview and I gave it to him, it was the same interview that Mr. Stratton handed to me typewritten, with the alterations I made and the additional I wrote on. If the *Globe* will produce the interview it will show for itself, and it was handed to the *Globe* reporter in Stratton's outer office, about 7 p.m., on the evening of January 29, in the presence of Mr. Myers. Frank Sullivan then stepped into the office and said he was ready, and he and I walked into the ante-chamber between the two offices together where I saw Hon. J. R. Stratton just before going out and he told me he had handed Sullivan \$1,000 in fifties, twenties, tens and fives giving me the number of each. Sullivan and I walked downstairs and out of the west entrance together, just outside the door Sullivan took the envelope out of his pocket and counted the money it contained \$1,000, he handed it to me and I handed him back his half, and put the balance in my pocket. It was mostly Ontario and Merchants Bank bills, and the portion I kept was 9 fifties Merchants Bank bills, 2 twenties Ontario Bank and one ten Ontario Bank. The twenties were all Ontario Bank bills. I then went out to College Street and took a car to the Walker House, Sullivan coming as far as Yonge Street with me. I wrote the letter to J. P. Whitney that evening, had supper and went to the Princess Opera House that evening with McGregor and we discussed the affair there. I left for home next morning and McGregor remained in the city. On my return home January 31st, I wrote to the Hon. Latchford and gave him a list of our road grants wanted and received the following letter in reply:—

"Private.

"TORONTO, February 7th, 1903.

"My DEAR SIR :

"I have your letter of the 31st ultimo, enclosing list of road grants for the Manitoulin riding.

"It is a pretty large order and I fear that it will not be possible to grant all. I wish you would revise the list and try to eliminate a few of the items. Possibly the smaller grants could be arranged for out of our general appropriation for Short Roads and Repairs.

"Kindly give me brief particulars as to each of the larger grants and I will endeavor to arrange for them in the estimates.

"Sincerely yours,

"F. R. LATCHFORD.

" R. R. GAMEY, Esq., M.P.P.,
 " Gore Bay,
 " Ontario.

" I then did the best I could to pacify my friends, and that was the hardest task of my life, taking abuse from all sides. About Feb. 7th I wrote Hon. Stratton that I had to meet my executive on the 16th, and likely they would ask me to resign. I received a letter from Toronto, dated Feb. 11th registered at Yorkville on Feb. 11th p.m., signed X. Y. Z. :—

" TORONTO, February 11th, 1903.

" DEAR BOB,

" I understand they are holding a meeting at Gore Bay, on Monday the 16th instant, at which you will be asked to state your position. Enclosed you will find a type-written letter. Read it over and you will understand how to act. Don't let them scare you. McGregor and Reilly (the ex-druggist) were talking the night before last at the ' Walker House ' and they decided they would have your promise to resign if the Convention decided so.

" By all means stick to what you have done, and everything will turn out O. K.

" Yours,

" X. Y. Z.

" On Feb. 16th, I wrote Frank Sullivan about the executive meeting and asking him how Stratton felt. I received reply registered at Yorkville Feb. 20th p. m. as follows :

" In view of the convention which has been called for the purpose of attempting to further the interest of the straight laced Tories in the riding it would seem necessary that a *stiff upper lip* should be maintained by the member. The course pursued by him has not been taken unadvisedly or without due reflection. At all events he intends to pursue it. The course is to his mind the best course in the interests of his constituents and was taken after *consultation with friends in the riding* who knows its needs. [*And were sensible of the necessity for preventing the deadlock which seemed to be imminent in the Government of the Province.] The course is not without precedent and good precedent at that. For instance Mr. Beatty of Parry Sound adopted a very similar course in the last Parliament with the result that from time to time he was endorsed by his constituents and the gentleman whom he supported at the last election was elected on his retirement from public life by reason of his business taking him to another part of the Dominion. Why should Mr. G. be dictated to by a few hide-bound Conservative who have very little, if any, interest in the riding but who are acting merely in the interests of the organization in Toronto who seem to be grasping at straws and chasing the phantom of power. There seems to be no reason why he should resign because these people call upon him to do so when after due reflection and consultation he has decided upon the course which to him seems reasonable and proper in the interests of the whole body of the electorate of the riding as well as for that matter of the whole Province in the present position of affairs. *The only interview he has given to the newspapers is the only one he intends to give.* After the expiry of his *term*, be that term long or short, he will then be willing to place himself in the judgment of the constituency and is quite willing to abide by the result. For the present he is the *member-elect* of the riding and does not intend to *resign the seat* to which he was elected by a very considerable majority.

(No Signature)

* The words within brackets were scored out in the original.

"I was so discouraged with the public clamour against me that when McGregor returned and I saw him the day before the Conservative Executive meeting I wanted to be allowed to give the particulars to the Committee that day, but he insisted on sticking to our original intention of giving it to the House first. I have worried along the best I could in the face of all kinds of insults and jeers. On Tuesday, February 24th, I registered a letter to Frank Sullivan in reply to his of the 20th, asking for some particulars about my seat in the House, asking for the one Beatty had and asking to be sworn in earlier than the rest and asking Stratton to wait until I came down before I would give the names of the license board. In the meantime I heard of negotiations on the part of the Government anticipating my resignation. They were not satisfied with selling their friends to me, a more despicable action was never committed, but they sent up an agent to interview J. McMillan who was a Socialist candidate last May. The first agent did not get much encouragement, and then two more agents followed of higher repute, I have all their names, they told McMillan as much as they dare of their deal with me, and I fancy a good deal more than they would like him to repeat, they told him they had not given me much yet but promises, but they were sure I could not face public opinion when I came to the House and they were very anxious for a promise from him to be their candidate when I resigned, he wanted to know how they would satisfy me, and they told him they would fulfil enough of their promises to satisfy me, they were asked how they would again satisfy their own men on the Island, and they said Simms had been down and they had satisfied him, but Dr. McIntosh was still unsatisfied and they hardly knew how to approach him, Frasers were not taken into consideration as they considered their influence nothing after their vote last spring, they got little encouragement from McMillan.

"On March 6th I received a letter from Frank Sullivan in reply to mine of the 24th asking about seat it is as follows:—

"TORONTO, February 27th, 1903.

"14 Linden Street.

"DEAR BOB:—Your letter to hand this morning. Am glad to hear that you are getting along O. K., also glad you will appoint who you want, not who the bunch at Little Current name. I will see Stratton this p.m. before he leaves and will make arrangements about 'appointments,' seat. etc.

"I have been to see Stratton every day and he has shown me all the letters from the Island in favor of 'Spencer' but he says you have the say and nothing would be done until you said so, still I will see him again to-day and arrange for the delay in appointments.

"Re *Fishery business*, when you are here at Session will be time enough for that matter and a little delay now will only make the 'Nobles' more anxious to do the right thing, of course they are anxious now, and will be more so in a week or two.

"Will see you on the 9th March.

"Yours faithfully,

"FRANK.

"DEAR BOB,—Just returned from seeing Stratton. They will not appoint the Inspector until you come down. They will also fix the seat question all right. Stratton will get you Beatty's seat. You can be sworn in on the 9th or any day that Col. Clark, Clerk of the House, is here. Stratton thinks it would be a good idea to send in the name of your license board at once. Make it about two Liberals if possible, but suit yourself.

"Everything all O.K.

"FRANK.

"Then I came to Toronto and on Monday the 9th went up to the Parliament Buildings and saw Frank Sullivan at the Public Works Office, he went with me after dinner to Col. Clark's and was there when I was sworn in, he also took me into Mr Glackmeyer's office in the afternoon. We discussed matters generally—I arranged for Sullivan to meet me on the evening of Tuesday, March 10th, in the office of the Crossin Piano Mf. Co., No 102 Adelaide West, at 7.30 p.m., on Monday evening. I went and saw three young men shorthand writers who are in the city from Gore Bay that I could trust, and arranged with them to come to the same place before 7 p.m., and there were four finished pianos in the office, those we placed in such a manner that the three men could lay behind them and hear anyone talking distinctly in the office. I then met Frank Sullivan at the door on the street about 8 p.m. and we went up to the office and lit a light and discussed the whole affair. A number of questions were asked by me and the question and answer were distinctly overheard, I asked him questions about Stratton, about the whole Cabinet, about the bye-election work in the three Norths, and we had the answers taken down by these three men—I asked him all about the money, who handed it from Stratton to us, and about everything connected with the transaction."

The text of the charges read before the House is regarded by the Commissioners as a document of supreme importance. Its statements and its omissions invite critical consideration. Its preparation was undertaken in a leisurely way, with care, with deliberation, during part of at least ten days, and with corrections, with a desire to make it accurate, and with opportunity to refer to books and memorandum of dates to assist, and subject to the final perusal of Mr. McGregor, Mr. Gamey's alleged confidant, and counsellor throughout. It was thus prepared (comprehending everything that was deemed important) in order to make a solid base for the impeachment of the Provincial Secretary on the floor of the House.

Mr. Gamey was returned Member for the electoral district of Manitoulin on the 29th day of May, 1902, and classed as a Conservative. On the 17th day of June the election returns were completed, showing a Government majority of two, but in less than a week one of the Government supporters died, which left the majority one, and one seat vacant. Numerous protests were filed on both sides, and in this constituency (Manitoulin) the return was controverted by petition filed on the 10th and served on the 14th July. The results of investigation into wrong practices were communicated to Mr. R. A. Grant, solicitor for the Ontario Reform Association, on the 5th August, and more fully and finally on the 16th September.

These preliminary details supply what is needful to be known in order to supplement Mr. Gamey's introductory remarks.

The leading particulars of the said charges of the 11th day of March (as elucidated by the evidence) may be thus summarized.

That one Frank Sullivan under the guise of friendship but as an emissary of the Provincial Secretary, approached Mr. Gamey on the 7th day of August and told him his seat was in danger, and that he would be disqualified by evidence that could be procured, and advised him to avoid a trial, and make a good thing out of the situation by coming over to the Government side, and getting money therefor to the extent of \$5,000; and that Sullivan undertook to convince Mr. Gamey as to this, if he would wait in Toronto for a few days;

That having so waited, Mr. Gamey was introduced by Sullivan to Mr. R. A. Grant, a lawyer "prominent in liberal ranks," and the matter was discussed under the form of a stock proposition by which Mr. Gamey would make \$3,000 in a short time, and \$2,000 more after the Session of the House;

That it was then agreed (after this came to nothing) between Sullivan and Mr. Gamey, that if anything was done each should take half;

That afterwards one Captain Sullivan, father of Frank, on the 21st of August, came to Mr. Gamey's house at Gore Bay to get him to sign some paper, promising support to the Government, which Mr. Gamey promised to see about in Toronto at a later day :

That on the 26th August Frank Sullivan drew up documents by which Mr. Gamey agreed to support the Government, and Frank Sullivan agreed to pay Mr. Gamey \$3,000 in cash and \$2,000 after the Session ;

And, that these papers were afterwards destroyed.

That about September 9th, Mr. Gamey went to the office of the Provincial Secretary with Frank Sullivan, and the arrangement was discussed in which the promise of patronage in the riding was assured to Mr. Gamey, and also reference made to other " consideration " of value ;

That a draft letter promising to support the Government was then produced to Mr. Gamey ; but, the consideration to be paid that day was not ready, and so the matter was not then closed ;

That Frank Sullivan and Mr. Gamey were to go, and did go, to the office of Mr. Aylesworth, K.C., who was retained as counsel for the Liberal Association, in whose hands had been placed the letter to be signed by Mr. Gamey, and that being signed in Mr. Aylesworth's office by Mr. Gamey, it was withheld, and not delivered, because, as Frank Sullivan said to Mr. Aylesworth, some stock question was to be settled before it could be parted with ;

That by appointment next day these two, Sullivan and Mr. Gamey, saw the Provincial Secretary, and the signed letter was given to him, and he thereupon took from his pocket a bulky parcel which was carried down to the smoking room, and the contents of which, amounting to \$3,000, were equally divided between Sullivan and Mr. Gamey.

That to get evidence of the patronage deal on the 29th September Mr. Gamey wrote to the Provincial Secretary asking the appointment of one Flesher as Justice of the Peace in the electoral district he represented :

And, that he also applied on the 8th October to the Provincial Secretary to have the Sheriff (Jackson) appointed as returning officer to take the Referendum vote :

That about the 23rd October, Mr. Gamey saw the Provincial Secretary about rumours as to his supporting the Government—rumours originating with Sullivan—and that the Premier's advice was obtained, that nothing should be done :

And, that the Provincial Secretary then asked Mr. Gamey to send a letter, a duplicate of that of the 10th September, but of later date, and the other would be returned. The duplicate letter was altered by Mr. Gamey and mailed to the Premier, but the first one was not sent back to him :

That on the 13th January, 1903, the Provincial Secretary questioned Mr. Gamey about his taking part for the Conservatives in the North Perth election, and asked why the letter had been altered, and gave Mr. Gamey particulars of a coalition deal, and discussed appointments, and that Mr. Gamey agreed to come down again shortly.

That on the 29th of January Frank Sullivan and Mr. Gamey again went to the Provincial Secretary's office, and Mr. Gamey was then asked to sign a paper which the Provincial Secretary had prepared purporting to be an interview with Mr. Gamey by a *Globe* reporter :

That Mr. Gamey wanted to make some changes, and took it away, and after leaving the office of the Provincial Secretary, Frank Sullivan said there would be another cash payment if it was signed :

That having made some changes, the paper was signed and taken back to the Provincial Secretary on the same evening and handed to the *Globe* reporter then present, whereupon the Provincial Secretary told Mr. Gamey he had given

Frank Sullivan \$1,000 in bills, and these two going outside, that amount of money was divided equally between them.

The above is the substance of the charges as stated in the House on the first occasion, and the gravamen of the whole is the payment of the two sums of money, particularly the first sum, to Mr. Gamey, by or through the Provincial Secretary, for corrupt purposes.

Incidentally the promise of patronage is adverted to, but nothing is said as to the dismissal of the election petition, though these two matters were brought forward with some prominence in the testimony by and on behalf of Mr. Gamey as constituting corrupt elements in the aforesaid dealings.

In addition to the matters referred, as set forth in the Commission which bears date the 28th day of March, 1903, Mr. Gamey made a further Statement on the floor of the House on the 27th day of March, 1903 which by the declaration of the Legislative Assembly in the Statute respecting evidence, assented to on the 31st day of March, was to be included in the charges covered by the terms of the said Commission.

That addition Statement was in substance a charge of conspiracy on the part of all the Members of the Government with the persons referred to in Mr. Gamey's former Statement, and others, to induce Mr. Gamey to "leave his party and throw in his lot with the Liberals."

The chief result of the added charge of conspiracy was to enlarge the area of enquiry, and to justify the reception of all apparently relevant testimony that was tendered by either side, and thus the greatest latitude of investigation was permitted.

The evidence relied upon to substantiate the charges made in both statements was obtained by means of examination and cross-examination of the many witnesses called by counsel who appeared for both sides, a full report of which as taken from day to day by stenographic reporters is set forth in the Appendix to this Report.

At the close of the evidence the Commissioners thought it desirable to call for addresses by the Counsel for and against the charges, so that the salient points relied upon by either side might be exhibited in strong relief and skillfully enforced, and thereby all possible assistance given for the ultimate disposal of this impeachment.

The Commissioners have been invited by counsel to explore and report upon a wide field of ethical investigation which appears to them to be beyond the reasonable limits of the charges as submitted to the House. The main controversy turns upon the alleged bribery by the payment and receipt of money as to which there is a great mass of testimony involved in considerable contradiction. In regard to the Provincial Secretary, and his connection with Mr. Gamey, there is evidence which, in the case of an ordinary trial, would be submitted to "the country" represented by the jury, upon such directions from the Court as might seem suitable in the circumstances. Approximating to this method, as the nearest analogy to the present inquest, (in which however "the country" has not heard the testimony or seen the witnesses), the undersigned have deemed it expedient to set forth as briefly as possible; consistent with intelligibility, a summary of the situation in its various aspects, leaving out the less important details, but emphasizing those which appear to be of determining significance. As in all cases of appraisement of contradictory testimony, regard must be had to the interests at stake of the parties, the preponderance of evidence, the credibility of witnesses, and the clearness of proof somewhat proportioned to the gravity of the accusation. Of the witnesses, something more will be said later in this Report.

The first definite proposal between Mr. Gamey and Frank Sullivan as to making profit out of the election was early in August (7th to 12th) as to which, both Mr. Gamey and Sullivan agree, viz., that they might get a timber limit from the Government, and put forward some outsider whose name could be used, and who would supply money needed for the purchase of the limit. The limit in fact was apparently McGregor's Island. (Pages 43, 1188, 1199, 1201 and 1353.)

This led to the interview with Mr. R. A. Grant, when the matter was broached under the guise of a stock proposition, according to Mr. Gamey; but, the more likely view, and one in accordance with the facts, is, as stated by Mr. Grant, and Frank Sullivan, that it was presented as a timber proposition for which \$5,000 was needed in cash, and Mr. Grant was asked to find a client to supply the need. (Pages 43 and 1026). This ended in nothing, and does not appear to have much real importance when divested of the coloring which Mr. Gamey supplies.

According to Mr. Gamey, there were two agreements signed on the 25th or 26th of August which showed the relative position of himself and Frank Sullivan. By one, Mr. Gamey agreed to support the Government. By the other, Sullivan was to pay Mr. Gamey \$3,000 in cash between the 3rd and 5th September, and \$2,000 after the Session; and he was to get Mr. Gamey the patronage of the riding, the expenditure of public monies, and the withdrawal of the election petition. These papers, Mr. Gamey says, were afterwards destroyed, but Sullivan denies their existence. The Provincial Secretary never saw them nor heard of them. (Page 2440)

Both Mr. Gamey and Sullivan agree that this timber proposal came to nothing, though they disagree as to the reasons. Mr. Gamey says that on this account the original arrangement was changed, so that money to the extent of \$3,000 was to come to them direct from the Government. (Pages 66 and 67.) But, there is nothing written as to this, and it is denied by Frank Sullivan. Mr. Gamey is uncertain as to the date of these alleged transactions.

Affairs were in this shape when the Provincial Secretary and Mr. Gamey, strangers before, met for the first time. Sullivan and Mr. Gamey differ as to who brought about the interview, and they differ as to its date. Mr. Gamey puts it (doubtfully) on the 10th September, and gives his account thus:—Mr. Stratton said he understood Mr. Gamey was talking of supporting the Government, and that he should get the patronage and election protest withdrawn, and consideration was spoken about, not money in terms, but something of value to be given, and the Provincial Secretary was wondering who would handle the parcel; some discussion as to appointments on the Island, and a stipulation that Mr. Gamey was to sign a letter agreeing to support the Government, and one was tendered for his signature by the Provincial Secretary.

Mr. Gamey then proceeds to tell how he was taken to Mr. Aylesworth's office on the afternoon of the same day, and there signed the letter of that date, 10th September, addressed to "G. W. Ross." Mr. Aylesworth proposed to keep the letter, but Frank Sullivan interposed and said, "There is a question of stock consideration to be dealt with before the letter is given up," and Mr. Aylesworth said he knew nothing of that, so they took the letter away.

Then, according to Mr. Gamey (doubtfully), on the 11th September they called at the Provincial Secretary's office. He said everything was ready, and taking an envelope out of his pocket, said, "this parcel will be brought down to the smoking room for you, and any appointments you want made, write and I will attend to it." The letter signed was left with the Provincial Secretary about noon, and the two went below and divided the contents of the envelope, which amounted to \$3,000. Mr. Gamey took his share, \$1,500, to the Trader's

Bank on the afternoon of the 11th September, and had it deposited, so as to be at his credit at Sudbury, and he afterwards used it in his business. As he made the deposit he said to Mr. Crossin, his partner, "I got this in a deal, it is not all closed yet, and further will be heard from it." (Page 654.) It is to be noted that Mr. Gamey deposited \$900 in the forenoon on the 11th September (page 1076) in the Ontario Bank, and both sums, \$1,500 and \$900 were in Ontario Bank bills, of which nineteen were of the denomination of \$100 each.

With this compare the version on the other side. On Tuesday, the 9th September, Mr. Gamey met Frank Sullivan with the request that he be introduced to a Minister of the Crown, not knowing any of them, and he was brought to the Provincial Secretary, to whom he was introduced by Sullivan as the Member for Manitoulin. After unimportant talk, Mr. Gamey said in substance, the policy of the Government was satisfactory to the people; the fault was rather with the administration of the policy by some of the officials; that he had been thinking over the political situation, and had come to the conclusion that he would best serve his constituency by supporting the Government; that he had been conferring with many of his friends, and they had endorsed the course he was going to pursue. (Pages 2596-7.) That his contest had been conducted in such a way as to enable him to take this position in the House, and that he was going to do so. He said that apart from half a dozen, who assumed to be the Conservative party, the rank and file of the people on both sides would be pleased to know of the course he was taking. He said Manitoulin was his politics, and he was going to do as Mr. Beatty, of Parry Sound, had done. (Pages 2420 and 2421.) Frank Sullivan says the Provincial Secretary laughed as Mr. Gamey stated he would support the Government. He may have been incredulous at first, but persuaded by Mr. Gamey have been willing afterwards to have a letter signed for what it was worth. Mr. Gamey said he had spoken in this way, not only on the platform, but to many of the Conservatives who had voted for him, and the great majority had endorsed it. He then said, "now that I am a supporter of the Government, and have decided to take that stand, what course will the Government take as to the protest?" The Provincial Secretary said, the Government have nothing to do with the protests, nor had he, they were being conducted by Mr. Grant and Mr. Aylesworth. (Page 2423.) Mr. Gamey suggested that it should be made easy for him, that he did not care to see Mr. Grant, but he was willing to see Mr. Aylesworth, and wanted to know if he could see Mr. Aylesworth the next day, and the Provincial Secretary said he would see Mr. Aylesworth about an appointment for 1 o'clock next day. Then Mr. Gamey asked about patronage, and the Provincial Secretary told him when he was a supporter of the Government there was no doubt the Government would give to his recommendations the same consideration as was given to any other supporter.

That afternoon the Provincial Secretary met Mr. Aylesworth and told him Mr. Gamey was going to see him to-morrow, and that Mr. Gamey said he was going to give his support to the Government, and wanted to see Mr. Aylesworth as to his protest. (Page 2426.)

Mr. Aylesworth gives the conversation with the Provincial Secretary thus: "He said, Mr. Gamey is going to support us, and that he was anxious about his protest. I said I did not suppose that would be strongly pressed, if Mr. Gamey was going to support them, and said, how do you know he will, and the Provincial Secretary said, that is it, what guarantee have we. I think I suggested writing a letter. He asked me to do it. I said you know what you want, better do it yourself, and we separated. (Page 678.) I think I said, let him write a letter to Mr. Ross. (Page 682.) The Provincial Secretary said further, Mr. Gamey will probably go to you to-morrow about his petition, and if he does

get such a letter. I said very well, draw it up and I will see what he has to say." (Page 678.)

The Provincial Secretary followed this suggestion, and the next forenoon on the 10th September, at about 11 o'clock, when Mr. Boland was in his office, he dictated the body of a letter to his secretary Myers containing the pith of what Mr. Gamey had said the day before (page 2429) along the line of his conversation. (Page 2431). It was not addressed to any one or dated. (Boland 2369.) This form of letter was given to Mr. Aylesworth at Osgoode Hall about 1 o'clock on the 10th without any further instructions. (Page 2432.) Sullivan and Mr. Gamey came to Mr. Aylesworth's office after 1 p.m. on the 10th September, and introduced each other. Mr. Gamey said he was the Member, and there was a protest against him, and he asked Mr. Aylesworth to act for him. Mr. Aylesworth said he could not do so if he was elected to oppose the Government. Mr. Gamey said "Well, I am going to support the Government." Mr. Aylesworth said, if that is so he would not need counsel, as it would not be pressed. Mr. Gamey said, "How do I know they will not?" Mr. Aylesworth said "there is no use talking with me unless you are as you say an avowed supporter of the Government. Will you put that in writing?" Mr. Gamey said yes. Mr. Aylesworth said, "I have a letter here, if you are willing to sign it, there is no reason why I should not act for you." Mr. Gamey read it twice and said "all right," dated it, and signed it, and addressed it to the Premier. Mr. Aylesworth then asked whether he should keep or mail the letter, and after hesitation Mr. Gamey said he was wanting a small loan, it turned out to be \$3,000 or \$4,000 with security offered of goods, or stock, or chattels in Manitoulin, Mr. Aylesworth remarking, there would be difficulty in lending on such security, pushed back the letter to him, and said he would have no more to do with the matter. Mr. Aylesworth thought the man was in the market. Mr. Gamey took the letter and put it in his pocket and walked out with Sullivan. (Page 689.) Sullivan says the last he saw of the letter was when Mr. Gamey put it in his pocket. (Page 1342.)

That letter, of date 10th September, afterwards received by mail in the office of the Premier, but on what date does not appear. Miss Jeffries, his stenographer, says early in September. (Page 2728.) It did not come to or pass through the Provincial Secretary's hands, nor did he see Mr. Gamey, or Sullivan, on the 10th or 11th September.

Mr. Gamey admits that on the 10th September at 4 p. m. he was present at a Conservative caucus in Toronto and made a speech commending the leader and the policy of that party. (Page 218.) The report of this meeting appeared in the next morning's newspapers. This report was read by the Provincial Secretary on the morning of the 11th while at breakfast with some of his colleagues, and they discussed the attitude of Mr. Gamey, taking part in this Conservative gathering on the 10th, and professing to be a supporter of the Government on the 9th. (Page 2613.) It was on this day, however, the 11th September that Mr. Gamey says he and Sullivan received the parcel of \$3,000 from the Provincial Secretary about noon.

Frank Sullivan was present on these occasions, on the 9th and 10th September, and his account accords generally with that of the Provincial Secretary and Mr. Aylesworth. (Pages 1169 to 1175; 1177 to 1185; 1372 to 1377, and 1381.) The Provincial Secretary denies having any agreement with Mr. Gamey and swears that he did not approach him to get him to support the Government, and offered him no inducement in that behalf, (Pages 2471 and 2517.) and no promise of patronage. (Page 2466.)

The account of this transaction when Mr. Gamey first met the Provincial Secretary is given with some detail, because according to Mr. Gamey it was then that he secured all he sought, pelf, protest, patronage, all were involved in this

negotiation. He swears this letter of the 10th September was given on account of the protest and the whole arrangement, "Patronage and other things, and cash," that is his expression. (Page 243). This is the core of the whole accusation.

It is of no small significance that Mr. Gamey is uncertain as to important matters in this transaction. First, as to the time; second, as to the person by whom the \$3,000 reached him.

In the Statement to the House which he says was prepared with great deliberation and care, and with access to a book in which entries were made as to the receipt and payment of money (Page 316) he fixes the days as being the 9th and 10th September. In his sworn evidence he changes these to the 10th and 11th September. (Pages 68, 77 and 78). But at the close of the cross-examination he says: "I will not swear positively which day I got the money." (Pages 219 and 220).

The reason given by Mr. Gamey for changing his dates from the 9th and 10th September in the Statement to the 10th and 11th in his evidence is this: That it was only when he got production of the Ayle-worth letter, and saw its date to be the 10th September, that he recalled that the payment was the day after the letter, but in his Statement to the House he says that the exact duplicate of the letter of the 10th September was given to him on the 23rd October and taken home with him. (Page 69 of the Book of Exhibits.)

Again, in the Statement to the House he says the parcel of money came from the Provincial Secretary to Myers, and from Myers to Chase, and from Chase to the smoking room. He says in his evidence his own recollection was that Myers brought it down, but changed this to be in accordance with Frank Sullivan. (Pages 410 and 414.)

He says further, the parcel was sent to us through two or three different hands. (Page 405.) And, ends with: "I cannot swear to the man who left the parcel in the smoking room." (Page 410.)

The Provincial Secretary says he saw Mr. Gamey on but one day in September, that is the 9th, and he gives an account of his movements on the 10th and 11th September, showing he was elsewhere than in this office with Mr. Gamey as Mr. Gamey alleges. Mr. Gamey fixes the time of the interview with the Provincial Secretary on the 10th September for about three-quarters of an hour, from twenty minutes past ten until half-past eleven o'clock, and on the 11th Mr. Gamey says he was there from about half-past 10, and waited until about half-past 11, and saw the Provincial Secretary and left about noon. (Pages 221 to 226.)

Mr. Boland swears he was with the Provincial Secretary on the 10th September from about 11 a.m. until half-past 12, when the Provincial Secretary left in a cab for Osgoode Hall. (This was to meet Mr. Aylesworth.) It was on this occasion, says Mr. Boland, that the Aylesworth letter of the 10th September was dictated to Myers the Secretary, who wrote it and brought it back. (Without date or address, ready for signature) Pages 2367 to 2370.)

On the 11th September Mr. Boland was with the Provincial Secretary from about 10 a.m., and walked down town with him at 11, and accounts for him until 1 p.m. (Pages 2371 to 2374.)

Mr. Buckingham proves that he saw Mr. Boland and the Provincial Secretary together at the Trust Company's office on the 11th September at about 11 a.m. with Mr. Boland (Page 3126), and he left them there.

That Mr. Gamey and Frank Sullivan were not at the Provincial Secretary's office on the 10th or 11th September is sworn also by Frank Sullivan, Myers and Costello the messenger, as well as by the Provincial Secretary himself.

In regard to the statement as to the parcel of money—any such payment or carriage of the parcel as alleged by Mr. Gamey, is denied by the Provincial Secretary, Myers, Chase, Costello and Sullivan.

It is also to be noted that Mr. Crossin, partner of Mr. Gamey, swears that Mr. Gamey was at the Ontario Bank in the forenoon of September 11th, making a deposit of the \$900, (Page 2978) though Mr. Gamey says this is a mistake, and that it was in the afternoon. True, the inference from the entries in the bank books would make it appear to be in the afternoon (pages 3184 and 3186) yet the Bank officer will not contradict Mr. Crossin.

According to Mr. Gamey this letter was all ready and tendered to him for signature on his first visit in September to the Provincial Secretary.

According to the Provincial Secretary and others the letter was suggested by Mr. Aylesworth, K.C., and was the embodiment of the language and ideas of Mr. Gamey communicated on the first and only occasion when they met in that month. (Page 2515).

As to whether or not this first interview between the Provincial Secretary and Mr. Gamey was on the 9th September, light is thrown by Dr. Struthers. On this day Dr. Struthers, as Mr. Gamey admits, occupied the same bedroom (during Exhibition) and being long-standing friends they talked upon this subject on the night of the 9th September. This in brief is Dr. Struthers' account. "Mr. Gamey asked my disinterested advice. He said there was a protest against him, and he was not in financial position to fight it, it would cost \$1,200 to \$1,500, and in case it went against him, if he wished to re-enter politics, it would cost him \$400 or \$500 to fight a new election; that the matter could be arranged and the protest be withdrawn: that he would receive the practical patronage of the riding, and that he would become to all intents and purposes an independent supporter of the Government. My advice was against it. I said people would say he was bought. He indignantly repudiated the idea of money consideration (page 2003). He said it could be arranged that he could have the patronage. (Page 2017). The difficulty was, he was unwilling to incur the additional expense upon a protest and new election. (Page 2020). He repudiated there being anything more in the deal than the dropping of the protest and the giving of patronage in his riding: he said that patronage came to Government supporters." (Page 2022).

According to the weight of testimony this conversation took place on the night of the day on which Mr. Gamey had his first interview with the Provincial Secretary, and it confirms what took place in the Minister's office. Mr. Gamey admits having a conversation with Dr. Struthers in September. He says, I had a talk about my supporting the Government, I told him there was a deal on, an arrangement, part of which was to get my protest wiped off, and patronage of the riding, and that sort of thing, and he did not like that kind of deal. (Pages 301 and 302). He goes on:—I then had the promises and agreement signed, and all that sort of thing, but before I had seen the Provincial Secretary. (Page 303).

The only promise and agreement signed as to these matters, was, by Mr. Gamey's own evidence, destroyed about, (if not on) the 1st of September, and it was out of existence on the 9th September. (Pages 394 and 395). There was no other promise except that which Mr. Gamey says was made on the first interview with the Provincial Secretary, that Gamey should get the patronage, the withdrawal of the protest, and other consideration. The conclusion is very persuasive that the conversation with Mr. Struthers was in the evening of the day when Mr. Gamey first saw and spoke with the Provincial Secretary.

Two witnesses were called to prove the contrary of what the Provincial Secretary alleges as to the visit of Mr. Gamey to his office on the 9th September, and as to his whereabouts on the 11th September. Armstrong says Mr. Gamey was at the fair ground with him from some minutes after 10 until after lunch time on the 9th September. His evidence is not accurate, and he may be mis-

taken by about an hour, which would give ample time for Mr. Gamey's visit that morning. He qualifies his estimate of time by a peculiar phrase: "Possibly about," repeated over half a dozen times. He also contradicts himself, saying he was about an hour at McCormick's and then denying it, saying that he wandered about an hour or two after leaving McCormick's before going to the fair, and then denying it. (Pages 2923, 2925 and 2926.) Besides this, on the morning of the 9th occurred a thunder storm, and from 7 to 9 a heavy rain, so that it is unlikely he left home as early as he says, at 7 or 8 o'clock in the morning. (Pages 2923 and 3194.) The other witness on Mr. Gamey's part was a lad called Green, who says he drove the Provincial Secretary and two ladies in a cab on the morning of the 11th September from 9.30 to 11.30, and the contemporaneous entry in the book of the cab-owner given in by Green is "shopping, McConkey's and home." Green appears to be lacking in intelligence, confuses "Stratton" with "Strathy," calls going to visit plumbers and foundrymen "shopping," does not remember going to McConkey's at all, does not remember where he drove from the foundry, cannot say he went back to the Parliament Buildings, or when the Provincial Secretary left the cab, but will swear that he did not drive the Provincial Secretary to McConkey's. This sort of confused recollection cannot weigh against the precise statements of such witnesses as Mr. Buckingham and Mr. Boland, not to speak of others.

Of rather minor importance is another interview on the 23rd or 24th October. Mr. Gamey says he saw the Provincial Secretary about rumors around the country, and the Provincial Secretary said he would see the Premier and see what could be done. The Provincial Secretary went away and came back and said the Premier decided that it was better to do nothing, not to publish a statement of any kind. (Page 103.) At that time Mr. Gamey showed to the Provincial Secretary a letter he had received from Captain Sullivan, and Mr. Whitney's letter of the 19th September. (Page 103.) Mr. Stratton then said that they wanted him to sign another letter, a duplicate of that dated the 10th September. This he was to sign at Gore Bay and address to the Premier. The reason assigned was because the protest was being disposed of in court on the 26th October, and they wanted this signed and mailed at a later date, to show there was not any deal on in regard to the protest. (Page 106.) This letter dated 27th October was mailed to the Premier with some changes in it, and it was signed by Mr. Gamey's son to draw out some letter from the Premier on account of the difference in signature. (Page 241.) They were to return the first letter when they got the second, but they did not. (Page 110.) Mr. Gamey said the letter which his son signed was shown to him the first day. (Page 423.)

Again there is conflict between this and the version given by the Provincial Secretary. This is his recollection of it. Mr. Gamey came in the morning of his own accord and asked for the letter of the 10th September sent to the Premier. He wished to withdraw that letter and send one of a date later than the Conservative caucus which he had attended on that day, the 10th, in Toronto. He asked for the original letter, but this could not be taken from the Premier's office. (Page 2563.) Mr. Gamey suggested to have the letter dated about the 27th October, and he would be home and would send it from Gore Bay. In consequence of Mr. Gamey's urgency, the Provincial Secretary procured a copy and had it mailed to Mr. Gamey. Mr. Gamey said he was going to call a meeting of his constituents, and announce the course he proposed to pursue. The Provincial Secretary approved of that. Mr. Gamey said he did not doubt they would endorse his giving support to the Government. (Page 2452.) The Provincial Secretary got the letter of the 10th September from the Secretary of the Premier and had a copy made, which was mailed to Mr. Gamey by Myers, and he told Mr. Ford to date it 27th October as Mr. Gamey wished. (Page 2464.)

The written Statement made before the House is different from Mr. Gamey's evidence, and when it states that the exact duplicate of the letter of the 10th was given to Mr. Gamey and held by Frank Sullivan for a day and taken home with Mr. Gamey, it is contradicted by Myers, Frank Sullivan and the Provincial Secretary.

The next overt act charged respecting money is the payment of \$1,000 on the 29th January, 1903, apparently as the price of the *Globe* interview. But, this interview is to be connected with, and is explained by a prior conversation between the Provincial Secretary and Mr. Gamey on the 13th January. Mr. Gamey gives this account: "I saw the Provincial Secretary and he wanted me to sign an interview which he had prepared for the *Globe*, and he wanted me to name the license board for the riding. Sullivan said the other Ministers had been gibing the Provincial Secretary about his deal with me, and he wanted this as a public announcement from which I could not get away." (Page 119.) This Sullivan denied. (Page 1380.) "It was prepared in advance, typewritten. I made some changes. I told him it would never do to publish as it was at first, the public would not stand it. I took the document away to look at it and came back in the evening. Sullivan told me that if I would sign it I would get \$1,000 cash. (Page 125.) I went back after 6 p.m., and the Provincial Secretary said he guessed the interview would do and told me to give it to the *Globe* reporter and he would fix up the money. Sullivan came in and said, "I am ready now" and as Mr. Gamey started out with him, the Provincial Secretary said, I have given Frank so many fifties and twenties and tens, making up \$1,000. (Page 127.) Outside, Sullivan said, they have a good deal of money around here, that the Provincial Secretary had said he had \$750 of that at own his office and had got \$250 at the Attorney-General's Department. (This Sullivan denies.) (Page 1381.)

"At the door outside, Sullivan tore off the envelope and gave me \$500. The Provincial Secretary suggested that Gamey should write Whitney as to his taking an independent stand." (Letter 29th January, page 128 of the evidence). (This the Provincial Secretary denies). (Page 2466.)

Mr. Gamey says he kept the money in his pocket continually until the 11th March when it was produced in the House. (Page 130.)

Mr. McGregor of Manitoulin, the Conservative Organizer, who had come down with Mr. Gamey to assist him, was with Mr. Gamey that night, and they discussed the situation, but Mr. Gamey did not tell him of this money or shew it to any one in this city. (Page 487.) He thinks he shewed it to McGregor at the Island. (Page 185.)

The Provincial Secretary casts light on the matter of the *Globe* interview by reference to an earlier interview between him and Mr. Gamey on the 13th January, when Mr. Gamey of his own motion came to the Provincial Secretary's office and Dr. Chamberlain was present. The conversation turned on the lock-up at Little Current, and the License Commissioners, and about an appointment for Mr. Gamey's brother. The Provincial Secretary said that nothing would be done as to the appointments until after the Session opened, and that the Government would have to confer with their political friends. Mr. Gamey said, then you do not consider me a supporter of the Government, and the Provincial Secretary said, "you take a peculiar way of showing your support, you came to me early in September and said you were going to support the Government, you sent a letter to the Premier verifying what you said to me, you at the same attended a convention of the Conservative party, and denounced the Government, then you come back in October and desire to withdraw the letter sent to the Premier, and substitute another of a later date, and now you have just come from North Perth where you took part against us in the by-elections. We pre-

pose to consult our friends as to those appointments." The Provincial Secretary said further: "Now, the only course for you is to either call a public meeting, write a letter to the press, or publish an interview stating the course you intend to pursue; the only frank and square way is to announce it in that way." (Page. 2457).

Mr. Gamey said he had spoken to a great many constituents, and they had endorsed the course he was pursuing, and he said I think it best to place myself before the public by an interview. The Provincial Secretary said why don't you do it, and he agreed to do so, and give his reasons. He asked the Provincial Secretary to prepare one for him and urged that course. (Page 2458). The Provincial Secretary took down notes in pencil of what Mr. Gamey said, and while this was being done Mr. Gamey remarked, "I had better confer with my friends a little more fully as to this, and I will come down later and announce it then." (Pages 2458 and 2597).

On the 28th January Gamey telephoned the Provincial Secretary to see him (so Myers also) (pages 2062-3) and an appointment was made for next day at 2 p.m. Mr. Gamey asked if he had the interview ready, and the Provincial Secretary said no, but he would have it ready by then. Mr. Gamey said that would do. (Page 2459.) Then the Provincial Secretary dictated from his notes the interview, practically as it was published, to a longhand writer who had it struck off by Myers on the typewriter. (So Myers also, 2068.) On the 29th January Gamey came to the Provincial Secretary and asked if the interview was ready; it was given to him. He thought it a little too strong, going further in support than he would care to announce, and he said he would take it and make alterations, and let the Provincial Secretary have it later. It was brought back in such shape as it appears in the Exhibits, and was with some introduction by the *Globe* writer published next day. (Page 2461.) No money was given to Mr. Gamey or Frank Sullivan, whom the Provincial Secretary did not see. (Pages 2462 and 2466.)

Dr. Chamberlain is in accord with this version of the conversation of the 13th of January, and his evidence may be thus abstracted. 13th January, 1903, Dr. Chamberlain saw Mr. Gamey at the Provincial Secretary's office. Myers was there when he came in, a little after 10 o'clock. (Page 2239). Mr. Gamey spoke of the lock-up, and license commissioners, and made recommendation, or wanted appointments made. The Provincial Secretary said they would have to consult their friends as to the appointments. Mr. Gamey said, I am a supporter of the Government. The Provincial Secretary sharply said, 'You have said so, but it does not look much like it,' and spoke of his action in North Perth. He said, "If you are a supporter of the Government, why don't you declare your position publicly?" Mr. Gamey said, "I am prepared to do so." The Provincial Secretary said, "well, do so at once." Mr. Gamey asked him to prepare some kind of interview for the press. The Provincial Secretary said, "what do you want to say?" and Mr. Gamey repeated over in substance what he wished to say to the public through the press, and the Provincial Secretary had paper and pencil making notes. The Provincial Secretary was to prepare the document and Mr. Gamey was to call again. (Page 2242.) The Provincial Secretary said to Mr. Gamey when he supported the Government his recommendations would receive the same consideration as those of any other member supporting the Government. (Page 2246.) Dr. Chamberlain was there until Mr. Gamey left. The Provincial Secretary suggested nothing to go into the interview that Dr. Chamberlain heard. (Page 2261.) Mr. Gamey said he would support the Government on votes of want of confidence (Page 2261.) Myers negatives Frank Sullivan's presence in the Provincial Secretary's room on the 29th January. (2066) and 2069.)

Frank Sullivan says he was waiting outside on the evening of the 29th but got no money from the Provincial Secretary. (Page 1368.)

Mr. Gamey gives a very different version of what occurred on the 13th January. He admits that his conduct as to North Perth election, and License Board appointments, and lock-ups was discussed, and that Dr. Chamberlain was called in, and that he promised to come down some time later on. (Page 117.) Mr. Gamey says that on his return home he had a talk with Mr. McGregor as to the course he was pursuing and that McGregor was to come with him to the city on the next occasion which was the 29th January. (Page 117.) Mr. Gamey did not return on the 29th in consequence of Sullivan's telegram of the 27th January, though that inference is suggested by the place it had in the statement. Mr. Gamey's evidence leaves the impression that the text of the *Globe* interview originated entirely with the Provincial Secretary, which is contrary to the evidence of Dr. Chamberlain and the Provincial Secretary. In further corroboration of what the Minister says as to this interview, Dr. Arthur tells of a conversation that day, 13th January, with Mr. Gamey in Toronto, in which Mr. Gamey said he was in a hurry to get back to the Island, before the roads were bad, for there was trouble brewing, and he wanted to see some of his country constituents. He shewed Dr. Arthur a paper which he was going around to get his friends the Conservative farmers to sign endorsing his position, and then he could laugh at the organization, the professional politicians who lived in towns. (Gore Bay.) (Pages 2303 and 2337.) Mr. Gamey said he had been up at the Provincial Secretary's to try to get the License Board appointed up there, but the Minister had not fallen into line with all the nominations he made. (Page 2304.)

This interview as and when published was no surprise to several witnesses who thus refer to it and Mr. Gamey.

After the *Globe* interview was published, Mr. Gamey was asked by R. Thorburn, whether he was not carrying out what he had been advocating through the country in his campaign, and he answered, yes, he was taking an independent stand, that he would support the Government in power in bringing forward any good measures in connection with the Island and New Ontario. (Page 1763).

J. Scott says that during a speech he heard Mr. Gamey using phrases made familiar by the *Globe* interview, and he thought his course in perfect accord with the statements he had made when the report came out in the *Globe*. (Pages 1818 and 1822).

Charles White says he talked with Mr. Gamey after the *Globe* interview and he seemed like a "double-minded man." (Page 1826).

See also evidence of Martin, (Page 1960); Bowen (Page 2279); and Dr. Chamberlain (Pages 2243 to 2245).

To Dr. Struthers on the day the *Globe* interview was published and apropos of it, Gamey spoke and said he had followed the only course practically open to him. He was satisfied the Government was going to remain there, and it was necessary from his point of view that his riding should be represented on the Government side of the House. (Page 2005).

To complete the evidence on the money part of the case which we have sought to condense accurately, reference may now be made to the admissions of Mr. Gamey.

1. In October, 1902, the *Algoma Conservator* in Mr. Gamey's name and with his sanction, contradicted the rumour that he had sold out for a considerable sum to Mr. Ross. (Exhibits, page 104.)

2. After the *Globe* interview in January, 1903, Mr. Gamey stated to Neil, McGregor that he had never got a dollar or the promise of anything. (Page 1726.)

3. And to W. J. Brooks, that he had got no money for agreeing to support the Government. (Page 1856.)

4. On 13th January Mr. Gamey denied indignantly to Dr. Arthur that he had been bought and said that he had never looked for anything nor been promised anything. (Page 2302.)

5. And on 10th February, 1903, he writes to Mr. Bellwood, "The question of me getting a timber limit or any other concession is all pure nonsense as time will prove to you." (Exhibits, page 165.)

6 and 7. In addition, there are the two written admissions, in the letter of 10th September, and repeated in letter of 27th October, "Not a hasty conclusion I have come to, it has been considered fully by me, without any other motive influencing me than the best interests of my constituency." (Exhibits, pages 5 and 17.)

It is a wholesome, working rule of common application in legal proceedings to hold that a man who has affirmed a matter by writing under his hand freely and deliberately given shall not be held to disaffirm it by his own uncorroborated oath to the contrary. That is a rule needful for the protection of people in the intercourse of life and in this inquiry not less worthy of being considered.

The Commissioners now proceed to consider in the light of the evidence already summarized, and of other evidence to be adverted to, the next division of this enquiry, that is, as to the Protest, and the Patronage: and both may be treated of together.

Eliminate the element of corrupt payment of money, and consider whether, apart from that, any imputation can be cast upon the Provincial Secretary. The whole trend of the evidence (apart from the statement of Mr. Gamey) goes to show that the matter of his supporting the Government in power was first broached by him and stated as a settled thing on which he had long made up his mind. The letter of the 10th September signed by Mr. Gamey was a correct expression of his sentiments in writing, in accord with his many early utterances on the same lines. It is in these words, dated, addressed and signed in his handwriting:—

"To Hon. G. W. Ross, M.P.P.,

Toronto

Toronto. Sept. 10, 1902.

Dear Sir:—I have recently been thinking over the political situation of the Province of Ontario, and I have seriously come to the conclusion that I would be best acting in the interests of my constituency and New Ontario by giving my support to your administration.

"In view of this I have decided to write you frankly and to say that I have decided to give you my support during the present Parliament. I believe that you will be able to administer the affairs of the Province during the present Parliament, and in the carrying out of your development policy there will be an impetus given to trade and to settlement in New Ontario that will absolutely justify the course that I have decided to pursue. Therefore upon all questions considered by you as a vote of want of confidence that arise in the House you may rest assured that I will give your administration my hearty co-operation, support and vote.

"The course that I have determined to take makes me practically a supporter of your Government and all that I would ask as the representative of the riding which I have the honour to represent is that my recommendations receive reasonable and fair consideration at your hands and that I will be considered and treated as if I had been elected to support your Government.

"This is not a hasty conclusion that I have come to, It has been considered fully by me without any other motive influencing me than the best interests of my constituency.

"Yours truly,

"R. R. GAMEY."

This letter was signed deliberately and without any attempt at alarming or coercing him. It was the expression of his own mind as communicated to the Minister.

He repeats the assertion of the same political attitude in the subsequent letter sent by him to the Premier of date 27th October, marked "strictly private and confidential," which is in the same terms as the letter of the 10th September, with this variation, that the Premier is assured of his support: "If you have a reasonable majority when the House meets."

He felt free then to add to or modify what was expressed in the first letter, and if he had chosen he could have struck out the last part (as to his motive), but he leaves it in, and again asserts that there was no other motive than the best interests of his constituency, and therein effectively negatives any money consideration.

Then, (if not on the 10th September when the first was signed) he had by his own confession received \$3,000 as a bribe—but over his own signature that he denies. He gets his son to sign in his name the letter of the 27th October in order to draw out a letter from the Premier because of the strange writing in the signature, but had he deleted the last words (so making it more conformable to what he says is the truth) the omission would have been more likely to draw forth some of the evidence from the Premier which Mr. Gamey and McGregor are said in the Statement to be in search of. (See Exhibits (ante) page 2)

The letter of the 10th September was suggested by Mr. Aylesworth to be signed as a token of good faith on the part of Mr. Gamey. If Mr. Gamey was really, as he stated, a supporter of the Government, he needed no one to inform him that the protest against him would not be pressed. That was common knowledge; not only as expressed to him by the man learned in the law, Mr. Aylesworth, (Page 2531) but by Mr. Conmee his friend and Member of Parliament, and Mr. Jones his uncle and handler of "franchises"; by Frank Sullivan, and adopted by Mr. Gamey himself (Page 1201.) Thus, after the protest was spoken of in July, Mr. Gamey told Mr. Conmee that he had fully made up his mind to support the Government, and asked his opinion as to whether the protest would be pressed against him in view of that, Mr. Conmee said he thought not. (Page 2649)

A like conversation took place with his uncle after the protest, and Jones told him that it would not amount to much if he was going to support the Government. (Page 3024.)

Mr. Gamey said to Sullivan, "What is the good of the Government pressing my protest when I am a supporter of them?" (Page 1201.)

Mr. Gamey claimed to be a supporter and was willing to acknowledge himself a supporter of the Government with the expectation that he would not be molested in his seat.

Having signed the letter of the 10th September he retained it and afterwards, so far as appears, it was forwarded by Mr. Gamey to the Premier by post early in that month. It may be that having failed to get any satisfaction in the first application to Mr. Grant, and in the second application to Mr. Aylesworth having been rebuffed, he uttered the words given by Frank Sullivan "That he had made a fool of himself in Mr. Aylesworth's office" and then sent on the letter unconditionally to the Premier.

It is noteworthy that in the statement to the House the disposition of the protest is not even mentioned as a part of the "deal."

However, so far as the evidence goes, this protest shared the fate of many others by being set-off against one on the other side, through the conferences of the solicitor Mr. Bristol for the Conservatives, and Mr. Grant for the Liberals, on the 19th and 26th September. (Page 1035.)

True it is that Mr. Connée told Mr. Grant in June about it being said that Mr. Gamey was going to support the Government. (Pages 2680 and 2715.) But the protest was filed after this, and little if any attention paid to it.

Mr. Grant says that the detailed Report of the result of the investigations as to corrupt practices in Manitoulin received by him on the 16th September was discouraging to his hopes of success, so that he was willing to make adjustments to get rid of this protest. (Page 1036.) Mr. Grant says he had not then heard of the Aylesworth letter of 10th September, and had no communication with any member of the Government about this "Settlement by saw-off." He says it was dealt with as others, and in no exceptional way. (Pages 1063 to 1065.) And, herein he stands uncontradicted.

(It may be noted that the Provincial Secretary says he did not know that the letter of the 10th September was signed by Mr. Gamey until he was so told on the 23rd October, page 2623.)

However undesirable may be this method of suppressing election petitions, it is one in which both parties concur, and it is not forbidden in terms by legislation, though it well might be, as election judges have at different times recommended.

But to return: There is nothing in the evidence to lead to the belief that Mr. Grant acted in these election protests any less fairly than Mr. Bristol, whose conduct has not been impugned. Nay, the statement read in the House itself exculpates Mr. Grant, who is referred to as a lawyer "prominent in Liberal ranks," and it proceeds: "No question was made in his presence of supporting the Government, and no question of trial was spoken of. We had only a short talk, and he went out, and I have never heard of him in any way in the deal since." (Exhibits, page 62.)

Proceeding now to deal with the matter of patronage: Though it is mentioned in the Statement, yet it is so in no emphatic manner, as compared with the alleged money payments, but to appreciate the value of what is mentioned in the Statement as to patronage, it is necessary to begin some time before the interview with the Sullivans, and the 7th of August.

The Statement to the House suggests, and the evidence of Mr. Gamey affirms, that he was first tempted to stray from the path of party-allegiance by the overtures of Frank Sullivan in August 1902. He emphasizes the distinction which he says exists between his conduct prior to 7th August and his subsequent conduct in these words: "Before 7th August I did not talk Independence." (Pages 296 and 315.) "From the 7th of August until the Statement in the House my position was to lead the Government and all the friends of the Government to believe that I would support the Government." (Page 438.)

Frank Sullivan's account is that Gamey approached him, and between 7th and 10th August told him that he, Mr. Gamey, intended to support the Government; his constituency needed a man to support the Government, and he said a number of Grits had voted for him. (Page 1349.) He said he supposed if he did support the Government he would get the patronage, and Sullivan said he thought so. (Page 1350.) And then Mr. Beatty's name was discussed. (Page 1351.)

Now the evidence shows by the testimony of several witnesses that what was communicated to Frank Sullivan had long been pondered over by Mr. Gamey:—The thought of support, or independent support to the Ross Government was familiar to him, and had been expressed by him before August.

Statements made by Mr. Gamey to his uncle (D. A. Jones) are of importance, because the evidence of the latter was fairly given and should be depended on rather than Mr. Gamey's version where the two are at variance. Mr. Jones swears that as far back as 1898 Mr. Gamey told him that his friends wanted him

to run for the Legislature, and if he did so he would run as an Independent, so that if the Ross Government was returned to power he would give them independent support similar to Beatty of Parry Sound. (Page 2996.)

In June or July after the elections they met at the Walker House and Mr. Gamey said he did not propose to sit in opposition and get nothing for his constituents. He would give the Ross Government independent support like Beatty of Parry Sound. Mr. Campbell (the former Member who was in opposition) was also named, and Mr. Gamey said he would not do anything in that line. (Page 3002.) Mr. Gamey assured Jones for the last three years that he would support the Ross Government if they were in power. (Page 2058.)

And again to Dr. Arthur of Sudbury (with whom Mr. Gamey was in friendly and in business relations) Mr. Gamey said on the 3rd July that he had no desire to sit four years in opposition to be a second A. F. Campbell, he had made up his mind to give Whitney the first vote, to demonstrate to him that he had not a majority, and after that he was going to support the Government. (Page 2289.) But he had found out in Toronto they were going to protest his election, and spoke about it, and then went on to say "It would be easy for him to support the Government because he had repeatedly said on the platform during his campaign that he would support the Government in power." (Pages 2290 and 2333.)

So to Mr. Conmee, M.P.P., with whom Mr. Gamey was on terms of intimacy, he spoke early in June (4th to 11th) (Page 2650) and said he preferred the Ross policy in mining matters to that of the Opposition, and if it could be carried out he would give support to the Government. He repeatedly said that if the Ross Government would carry out its policy he would give them an independent support. (Page 2647.) This was repeated in July (with reference to the protest) when he said he had fully made up his mind to support the Government. (Page 2648.)

Mr. Gamey in his last statement to the Commissioners sought to cast discredit on Mr. Conmee speaking of the protest in June. Mr. Conmee's evidence is that the conversation was at the end of June or the beginning of July, and Dr. Arthur's testimony shews that Mr. Gamey had knowledge before the 3rd of July that his election was to be protested.

A great number of respectable witnesses were called to prove that Mr. Gamey in his campaign speeches took a position of uncompromising hostility to the Government in power, and its policy, and said nothing about independent support to any measure that might be brought forward by the reform party. The names of these are Mr. Hearst (2775); Dr. Fell (2790); J. W. Kinney (2799); J. A. Kinney (Page 2806); S. King (Page 2813); A. A. Riley (Page 2820); Thomas Ellis (Page 2862); William Vincor (Page 2877); W. H. Clark (2889); George Strain (Page 2896); Mr. Atkinson (Page 2957); James Carter (Page 2902); L. Galbraith (Page 3060); R. J. Armstrong (Page 2909).

On the other hand, a fewer number of witnesses, but apparently equally respectable, were called to prove that the following expressions were used by Mr. Gamey in his speeches and during his election campaign:—

1902, May: During the election campaign Mr. Gamey in speeches stated that no matter what Government was returned he would support any good measures that were brought up for the benefit of his constituency, he was not going to the House with his hands tied behind his back like A. F. Campbell of Algoma. (Neil McDougall; S. C. Berry; Lehman; pages 1714, 1838 and 1751.)

He at times appears to have spoken ambiguously, thus saying he would support any Government in power, and then that he would support any good measures the Government would "fetch up." (W. J. Berry and S. C. Berry, pages 1735 and 1753.)

During his canvass he spoke to individuals or groups, saying he was paying his own way, and that he was more of an Independent than a party man. (L. McDougall and M. McDougall, pages 1745 and 1748.)

That he was going to work for the people of Manitoulin, that his politics was the Manitoulin Island, and that Manitoulin was his politics. (Mr. Guigan, 2361; D. Orr, J. Lehman and J. Scott, pages 1757, 1838, 2361 and 1817.)

D. Orr says he understood that if Mr. Gamey was elected he would be with whichever side was in power, and was independent. (Pages 1759 and 1761.)

Jesse Lehman puts it thus:—"Mr. Gamey said if the Ross Government was sustained he would give sufficient support to get something for the constituency, he was not going to be against the Government." (Pages 1841 and 1843.)

To Bowser, (Page 1843) Mr. Gamey said he would support any Government in power in the development of New Ontario.

And, finally, see the extract from Mr. Gamey's own report of the meeting 17th February, 1903, when T. Robinson is reported to have said that Mr. Gamey had promised to take an independent stand during the campaign last spring—if the Government were sustained and that he had received a great many Liberal votes on that account. (Exhibits, page 107.)

But, in the consideration of the patronage aspect of the accusation, the question is not as much what was actually said by Mr. Gamey in his constituency, as what he afterwards represented that he had said during his candidature, and what he represented his position to be at the time he was elected, in his conversation with the Provincial Secretary and others. Many of these people to whom he spoke (e.g. those at Toronto) had no gauge to apply as to his party standing and political freedom, except his own assurances. For instance, 16th August, 1902, Mr. Gamey spoke to J. F. Boyd at the former's house, and he said he had made up his mind to support the Ross Government and that he did not think he could accomplish any good by pursuing an opposite course. He complained of his treatment by his own party, and that they did not help with his protest. He spoke of Beatty of Parry Sound as one who had taken a course similar to that which he proposed to adopt, who became independent after being elected a Conservative. He claimed also to have polled many Liberal votes. (Pages 1881 to 1884.)

On the 1st of September Mr. Gamey and S. J. Martin roomed together at the Walker House, and Mr. Gamey then said he would have to support the Ross Government, as that Government gave legislation to suit Manitoulin. (Page 1958.) He said it would not pay him to sit in Opposition, and that he would support the Ross Government. (Page 1975.)

A. A. Bowen was afterwards put in the same room during the crush of the Exhibition, and the same thing was said in his presence on a later occasion. (Page 1979), viz., on 5th September: This Mr. Bowen puts on the 5th September, when Mr. Gamey said the Ross Government was giving Manitoulin good legislation, except a few minor matters in mining law, and he would have to support the Ross Government. (Pages 2278 and 2283.)

Both Bowen and Martin say that the *Globe* interview afterwards published was along the same line as Mr. Gamey talked on these occasions. (1960 and 2279.)

The books of the Walker House produced show Mr. Gamey registered late 1st September and left 11th September; in the same room with S. J. Martin, 1st to 9th September, and Bowen on the 6th September. See evidence of T. M. Bayne. (Page 1927.)

Mr. Gamey told various people at different dates (what in substance was repeated to the Provincial Secretary), the reasons which prompted him and enabled him to take an independent stand after his election. He told Mr.

Connce, in July, that he had accepted the Conservative nomination on condition that he should be free to exercise his own judgment and that was well understood in his canvass, and that he had got a large number of Liberal votes. (Page 2651.) That he had seen some of his friends and discussed the matter of his policy—the course he intended to take—and told them it was his intention to give the Government support, and that they had agreed with him. That he was not bound to either political party, he was free to use his own judgment. (Pages 2648-2652 and 2672.)

He told Dr. Arthur in July that it would be easy for him to support the Government because he had repeatedly said on the platform during his campaign that he would support the Government in power. (Page 2290.) He said also to Dr. Arthur that he had got a great many Liberal votes as another reason. (Page 2291.) He said to L. McDougall a week before the election in May, that he was brought out as a Conservative, but he was paying his own way, and he would be more of an Independent than a party man. (Page 1745.) And, this is confirmed by his son M. McDougall. (Page 1746.)

According to D. Orr he spoke to a number of people in the street and said, "I am paying my own way and am independent of any party." (Page 1757.)

To J. F. Boyd, Mr. Gamey said on the 16th August, that he proposed to take the course of Beatty, of Parry Sound, who became Independent after he was elected a Conservative, and he claimed to have polled many Liberal votes. (Page 1884.)

It is clearly proved from the mouth of many witnesses that Mr. Gamey as politician and candidate had long kept before his mind the names of Mr. Campbell, Member for Algoma, and Mr. Beatty, Member for Parry Sound, as useful precedents; he was not going to sit in Opposition, a mere voting machine with the party, like Mr. Campbell. (Page 1763.) But, he approved and would follow the course of Mr. Beatty, who, though elected as a Conservative, gave support to the Government in order to advance the interests of the new district which was his constituency. These two names were thus used in conjunction in familiar conversation with his uncle D. A. Jones, in June or July after his election (Page 3002), and apparently before the protest. (Page 3053.) As early as 1898, Mr. Gamey quoted Beatty's example to Mr. Jones. (Page 2996.) It was discussed in the early August meetings of 1902 between Frank Sullivan and Mr. Gamey (Page 1351), and again in January, 1903, after the *Globe* interview when Mr. Gamey asked Frank Sullivan to write to him about petition standing, etc. (Pages 1316 and 1317.) It was repeated to Mr. Boyd on the 16th of August (Page 1883), and again to Mr. Stratton on the 9th September. (Page 2421.)

The second name (Campbell) was referred to by Mr. Gamey at different times according to the following witnesses: Neil McDougall (page 1714); S. C. Berry (page 1751); R. Thorburn. (page 1763); Jesse Lehman (page 1837), and on 3rd July to Dr. Arthur in a very important conversation with this respectable witness (page 2289).

There is abundant trustworthy testimony thus pointing clearly to this conclusion that before Mr. Gamey became a candidate he had resolved if elected to support any Government in power in the avowed interests of Manitoulin and New Ontario (pages 1362-3055 and 3059). That he expected the return to power of the Conservative party at the general election. But, accepted the situation when it was found that Mr. Ross had a majority, though a narrow one. That which disturbed and caused him to act at an earlier period than otherwise he might have done was the filing of the protest against his election. He was resolved to cling to the seat which had cost him a considerable outlay of his own money, (Dr. Struthers page 2020), and he would make overtures to the dominant

party and assure them that he was really in a position to be their supporter, and so stave off the protest and secure himself in his seat as member. But, it was his cue not to act in any such marked manner as to draw suspicion on himself from the Conservative party in case the balance of power should by any means turn against the Ross Government. (See Jones' evidence, pages 3055 and 3059), Dr. Arthur (Pages 2288 and 2291 to 2295). And, Dr. Struthers (Pages 2002 and 2003).

The great point with Mr. Gamey was to avoid resigning and also to avoid the protest, and remain member by professing adherence to the Ross Government, even by going so far as to put a declaration to that effect in writing. But, having attained anyhow the withdrawal of the protest he manoeuvred so as to keep in touch if possible with both parties. When remonstrated with by Dr. Arthur as to his assisting the Conservatives in North Perth, when people understood he was going to support the Government, Mr. Gamey's reply was, though he was going to support the Government, he felt free outside of the House in the constituencies so long as there was a chance for the Conservatives to win, to go and fight for them. (Page 2302).

Mr. Gamey's plan, adopted after conference with Mr. McGregor, Secretary of the Manitoulin Conservative Association at Gore Bay, is thus expressed in his own words (in the Statement): "We decided that I would have to give the Government evidence that I really meant to go with them, and only by fully convincing them could we hope to get any evidence or attack any of the Cabinet; so far we had no evidence against any one in authority." (Page 63 of the Exhibits). This was the starting point arranged after the 12th of August at Gore Bay. In pursuance of this plan came the interview of 9th September unsolicited by the Provincial Secretary.

The outcome of that interview is the letter suggested by Mr. Aylesworth, and framed on the lines of what Mr. Gamey told the Provincial Secretary as to his political freedom and predilections. His object was to convince fully the Provincial Secretary, and his words, if true, would justify the writing and the receiving of the letter of the 10th September. Mr. Aylesworth knew its contents, and approved of its signature by Mr. Gamey. Only when money was sought by Mr. Gamey did Mr. Aylesworth withdraw. That is to say Mr. Aylesworth saw nothing against such a document being given in its merely politico-legal aspect. In its ethical aspect there would appear to be nothing reprehensible if indeed Gamey truly stated what he then represented as to his candidature, and approval of the Ross policy. That was a matter between himself and his conscience. The Provincial Secretary says he has not heard any of Mr. Gamey's campaign speeches or read them. (Page 2412). That he had heard rumours before that Mr. Gamey was going to support the Government. (Page 2413). And that he had been told that Mr. Gamey was somewhat doubtful in these statements, and that it was questionable that he would do all that he would say he would do politically. (Page 2474). But at this interview the earnest purpose of Mr. Gamey was to fully convince the Minister as had been pre-arranged. The Provincial Secretary says, "I always understood that Mr. Gamey's course was approved by his friends outside of a dissatisfied few." (Page 2597). And, in Mr. Gamey's own report of his own speech to his constituents on February 17th, 1903, he declares that he knew from letters and interviews that the great majority of the people were well satisfied with his recent action. (Exhibits page 108). However, this letter was not acted on as to the protests so far as appears.

The *modus operandi* contemporaneously spoken of was that the letter was to be handled by Mr. Aylesworth, who was then to act for Mr. Gamey in the protest, and make an end of it, but the letter was taken away by Mr. Gamey

and was not, according the evidence, as already stated, a factor in the withdrawal of the protest. The letter has been called a contract, or an evidence of bargain and sale. It cannot be so regarded. It is a letter to the Premier defining Mr. Gamey's position as a supporter of the Government, and asking that as such his recommendations receive reasonable and fair consideration, and that he be considered and treated as if he had been elected to support the Government.

He asks that; but, there is no promise to give it. If in truth Mr. Gamey was or had, for apparently good reason, become a supporter of the Government, he might expect such perquisites as attach to that position. That would go without saying, according to the usual method of administering the local patronage. The Constitution of Ontario, developed on the English Parliamentary system, involves the system of party administration. It may degenerate into mere partisan appointments, but need not do so. The main thing is that public employment should be entrusted to the hands of honest and capable public servants, and the manner of choice is not of so much import.

A very good exposition of patronage in its Constitutional aspect is to be found in Viscount Palmerston's words in the English House in 1863: He said "According to the Constitution those who are honored with the confidence of the Crown are responsible for the filling up of all offices, and are bound to take care that no person not duly qualified is appointed. The Government must maintain itself in Parliament by the support of its friends, and it is natural they should feel more disposed to comply with requests made by a friend than by a gentleman who is going to move to turn them out. I do not think there is anything at all inconsistent with human nature or constitutional principle in such an arrangement, and I do not see what the country would gain by changing it and giving the opponents of the Government a right to demand favors from the Government. It has however been rightly said that those nominations are given to respectable persons and often without regard to political considerations * * * When persons who are opposed to Government condescend to express a wish, when that wish can well be granted, their being opposed to the Government is not an absolute reason for refusing them, but then it is only right, according to the working of the British Constitution, that the requests of those who are the friends of the Government should be complied with in preference to the requests of those who are not. I see nothing in that requiring to be altered in reference to the proper working of the Parliamentary Constitution of the country." (July 1863; 172 Hansard, pages 966, 969 and 970.)

Touching the misuse or corrupt use of patronage, a passage in Earl Grey's Monograph on Parliamentary Government is worthy of consideration:—"Parliamentary Government is essentially a government by party, and one of the bonds by which all parties are kept together is that of the self-interest of their adherents. The power which the Ministry of the day possesses of conciliating its Parliamentary supporters by favors conferred upon them, either directly or indirectly, is one of the principal means by which the necessary authority of the Government is supported. Corruption is more apt to prevail in this form because it is difficult in many cases to distinguish conduct which deserves to be branded with such a reproach from that which is free from blame. No just objection can be taken to a man seeking employment in the public service for himself, his friends or relatives by honorable means, and he may fairly expect that his political as well as his personal friends will assist him in doing so. Nor can those to whom patronage is entrusted be reasonably censured for giving the preference to their own political friends in the appointments they make, so long as they neither neglect any just claims to employment on the part of others, nor place it in unworthy hands. It is when men support measures or a party, which their judgment condemns, for the sake of office, or when they make appoint-

ments, knowing them to be wrong, from favor or to purchase political support, then their conduct is to be regarded as corrupt. The same action may therefore be corrupt, or not, according to the motives from which they spring, and thus men easily deceive themselves, not less than others, as to the true character of what they do." (Pages 42 to 44 of Parliamentary Government, the new Edition, 1864.)

Lord Grey's conclusion is that the system is, upon the whole, a good one, but the success of all free institutions depends far less on their particular form than on the public spirit and virtue of the people to be governed by them. (ib. 333).

The statement sets forth the alleged promise of the Provincial Secretary that Mr. Gamey would have the patronage of the riding entirely in his own hands, but nothing supports such a promise. He did not direct or control any of the local patronage; he asked much but got little. He might suggest or recommend names, or endorse applications, and his voice would receive such consideration as might seem proper to the Executive, but the Provincial Secretary did not in any way propose to circumscribe or diminish the discretion of the Cabinet, nor could he, or they, in any wise lessen their own responsibility to the Legislature and the electorate.

So far as regards the two applicants on whose behalf Mr. Gamey intervened and who were appointed, they were both of suitable character and competence, and to their appointment no exception is or can be taken. But, as to the other persons named, he complained that the Government was not so complaisant, and in particular he told Dr. Arthur that the Provincial Secretary had not fallen in line with all the nominations he made (page 2304), and that he was not able to get the License Board to his liking. This was in January. (Page 2353)

Mr. Bristol acted as solicitor for the Conservatives, as did Mr. Grant for the Liberals, in the election petitions, and Mr. Gamey was in touch with Mr. Bristol on various occasions mentioned in the statement, and in his evidence. Mr. Bristol acted in the defence of the petition against Mr. Gamey, which was filed on the 10th and served on the 14th July. In early August Mr. Gamey came down expressly to see about the protest (according to Frank Sullivan and other evidence). According to the statement Mr. Gamey, from the first to the ninth September, had many talks with the Sullivans, and discussed the question of sawing-off Davis' petition, etc., and "I told our lawyer this." (Page 65 of the Exhibits.) And again about the 2nd of October the same parties discussed the Davis petition and the saw-off, etc., "I told our lawyers." (Page 68.) On October 4th Mr. Gamey says in evidence that he saw Mr. Bristol about election matters. He was on friendly terms with Mr. Bristol, and was engaged in a mining deal with him, which was current from September until November, 1902. (Page 2976.) And it was Mr. Bristol who, on the 19th and 26th September, proposed to put in Manitoulin as against South Wentworth, saying, "Mr. Gamey is a friend of mine, or a client of mine, and I would like to get him out." And to this Mr. Grant said, "All right," and the protest got its quietus. (Page 1063.)

It is therefore no violent inference to assume that Mr. Gamey knew the position of his protest when on Sept. 29th he wrote the letter to the Provincial Secretary which is set out in the statement, enclosing the petition dated 20th September for the appointment of Mr. Flesher as J.P. on Aird Island, and asking to have the appointment made at once if possible, as the officer was needed. This was his first approach to any member of the Government after he had forwarded his letter of the 10th September by post to the Premier.

Before the protest Mr. Gamey had "condescended" (to use Lord Palmerston's word) to express a wish, while in apparent opposition, for the appointment of Mr. Swanson as a J.P., and to recommend the same, (Letter of 24th June, 1902, to the Attorney-General's Department, beginning, "Dear Sir," Exhibits, page 80),

to which courteous response was made on the 10th July by the Honourable Mr. Harcourt, in the absence of the Attorney-General. (Page 81 of the Exhibits.) It seems that Flesher's name had been mentioned at the first interview with the Provincial Secretary (Pages 2419 and 1177), and that Minister was the only member of the Government known to Mr. Gamey; and he writes to him about Mr. Flesher, though the appointment is in the Attorney-General's Department. The Minister's answer is dated 2nd of October, (page 11 of the Exhibits), and he writes a letter of transference of the application to the Attorney-General of the same date, 2nd of October. (Page 119 of Exhibits.) The Minister writes a third letter of the same date to Mr. Gamey, in which he instructs his Secretary to use "My dear Sir," instead of "My dear Gamey" (put by inadvertence in the other letter of the 2nd of October), asking his opinion as to the appointment of the late returning officer as returning officer for the referendum. (Exhibits page 12.) This the Provincial Secretary says he had promised to do at the interview with Mr. Gamey in September. (Page 2468.)

Upon this letter Mr. Gamey had conference with Mr. McGregor, and the statement says, (page 68), "We decided to have the sheriff appointed, or rather recommended the sheriff instead of the old returning officer (the Registrar) just to see proof of our deal." On this the letter of the 7th October was written to the Provincial Secretary. (Page 13 of the Exhibits.) He however did not receive it, as he was out of the city, and it was transferred to the Premier.

In the statement Mr. Gamey further says, "I spoke to the sheriff, and he wanted it, and went to Toronto and saw the Premier." (Page 68.)

It appears that the Referendum matter had been discussed by the members of the Government, and it was decided that for the returning officers, registrars and sheriffs should be appointed where possible. (Page 2416.) Before this, and in September, Mr. Gamey was opposed to either sheriff or registrar being appointed, (Page 2536.) but Abrey, the registrar, and Jackson, the sheriff, being made equally eligible, it was more of a compliment than matter of substance to ask the opinion of Mr. Gamey. This patronage correspondence is set forth in the statement as supplying written evidence of the "deal." (Pages 67 and 68.) With the touch-stone "*honi soit qui mal y pense*," are the Minister's letters to be read in the light of a corrupt bargain or as indicating a policy of conciliation? To work the downfall of a Minister, and the overthrow of a Government, something of greater probative force should be forthcoming. This correspondence may exemplify the employment of personal tact, or of political tactics, on the part of the Minister addressed, but hardly seems to demand any graver consideration.

We turn now briefly to some other matters set forth or omitted to be set forth from the Statement to the House.

(a) It is there suggested, if not affirmed, that D. A. Jones, Frank Sullivan, and his father, were in touch with the Provincial Secretary, or in some way authorized to deal in his behalf. This is explicitly and emphatically denied by the Minister, (Pages 2412 and 2440.) and is also contradicted by Jones and Frank Sullivan. Captain Sullivan, the father, was not called as a witness by either party, and it did not appear to be of importance to have him examined by the Commissioners as he plays a subordinate part in the narrative. As to the other two alleged agents, Jones and Frank Sullivan, they were unquestionably acting in concert with Mr. Gamey, separately, or on parallel lines.

Unpleasant light is thrown upon Mr. Gamey's real position before and after the election by reading together and comparing the evidence of D. A. Jones and Frank Sullivan. With both these men Mr. Gamey discussed combinations of like kind. Mr. Gamey was to support the Government and befriend Jones, to do the best he could for Manitoulin, and to be in a position to secure "franchises,"

to be operated by Jones, with division of profits to Jones-Gamey combination. (Pages 3003 and 3011.) Mr. Gamey warned Jones in August to be careful about his letters, and suggested they might be tampered with at Gore Bay post-office, and so guarded phraseology was to be used. (Pages 3014, 3016 and 3051.) After the letter of the 19th September, and before the elections in the three Norths (7th January), Mr. Gamey drew off from Jones, because he said the majority was dwindling, and if Ross did not succeed in holding the reins of power he wanted to be in line with his own party. (3055 and 3059.) And he also drew off because he expected greater gain could be got out of a new combination with Sullivan. (Pages 1188, 1189 and 1323.) This, like the other, was based on Mr. Gamey being a supporter of the Government, and then he would endorse all the schemes of the Sullivans, and the result in profits would be shared. (Pages 1188, 1201, 1208 and 1349.) And these schemes were somewhat numerous. "We did not confine ourselves to one deal." "Gamey wanted about ten things." (Page 1221.)

After the *Globe* interview Mr. Gamey told Frank Sullivan that his mail on the Island was watched, and that McGregor might take out his letters, (Page 1211), and so expedients were used (X.Y.Z.) at Mr. Gamey's suggestion (1210).

These parallel combinations illustrate and corroborate each other.

It is, however, satisfying to be assured that no fruition came to any of them, from these extensive propositions in fishing, mining, pulp and timber possibilities. The estimated profits from the various ventures were laid before Mr. Gamey by Frank Sullivan at their closing interviews in March as being about \$100,000. (Pages 1386 and 725). But this bulked only in the future, and Mr. Gamey was apparently after more attractive stakes, forgetting that it was out of these deals that the money was to come wherewith to pay the mysterious if not mythical I.O.U. (Page 2980).

(b) An extraordinary omission in the Statement for the House is that no reference is made to an alleged loan of \$1,200 from Sullivan to Mr. Gamey out of the \$1,500 said to be received by Sullivan as his half of the \$3,000, the first bribe money. The part of the statement where it ought to have appeared thus reads: "There was \$3,000 in Ontario Bank bills of \$100, \$50, \$20, \$10 and \$5. Frank handed me \$1,500 of this. I will tell where that money went when necessary. Frank tore up the envelope. I then left the building alone and went to dinner. I showed that money to a Conservative in the city and will tell his name, when necessary. I went to the Crossin Piano Factory in the afternoon. I left for home on Thursday night, Sept. 11th." (Page 66 Exhibits). But, in his last statement before the Commissioners Mr. Gamey said that the \$900 deposited in \$100 bills in the Ontario Bank on the 11th September were part of \$1,200 which he borrowed on an I.O.U. out of the \$1,500 received by Sullivan. (Page 2978). He seeks to excuse the omission by saying that he thought Sullivan would be more apt to tell the truth if he was going to get this money back. (Page 2978). But after Frank Sullivan had given his evidence to the Commissioners, and had denied that any such I.O.U. existed, the obstacle was removed which hindered this disclosure, but to the reporters who followed Mr. Gamey to Buffalo he gave a very different account, knowing that he spoke for the purpose of publication. Then the \$900 was said to have been gathered up during the summer and to have come from Manitoulin.

Mr Gamey seems to have guarded very effectually any chance of Frank Sullivan getting the \$1,200 back, even in a legitimate loan, by saying that "It is to be paid when all the deals are cleared up." (page 2980)—which will never come to pass. Mr. Gamey's words are worth quoting: "It was to be paid back whenever we completed the deal, the timber, mineral, and everything that was

talked about; we were to have this timber and everything; when that was cleaned up he was to get his \$1,200 back."

The Commissioners directed that this sum of \$1,200, admitted by Mr. Gamey to be in his hands as part of the bribe, should be brought under the control of the Commissioners as had been done with the \$1,500 said to be his own share, but herein Mr. Gamey has failed.

(c) In the opening part of the Statement it said that Captain Sullivan on the 7th August met Mr. Gamey and said if he was in Mr. Gamey's place he would resign (page 61). In his evidence Mr. Gamey states that Sullivan recommended no course to be taken. (Page 36.)

(d) The account of conversations with Mr. Gamey and Frank Sullivan, as given in the statement (pages 61 and 62), from 7th to 10th August, are given in a different and totally inconsistent manner by Sullivan in his evidence (pages 1198, 1209 and pages 1351 to 1353, and page 1188).

Before this, on 3rd July, was the question of the protest and resigning with Dr. Arthur (pages 2291 and 2295).

(e) The conversation with Mr. Grant in the Statement is put very differently, and in a preferable manner by Mr. Grant's evidence. (Pages 1025, 1026 and 1059.) Frank Sullivan agrees with Mr. Grant, (pages 1204 to 1207).

(f) The agreement to divide is put in the statement about the 12th August, (Page 63). "Frank and I agreed then." According to the sworn statement of Mr. Gamey this agreement to divide was not made until after the two documents of 26th August were destroyed—which was on or before the 1st of September. (pages 43 and 66, 67, 76 and 77); and (pages 388, 389 and 392-94 and 95). Frank Sullivan says no such agreements were made and all is false (Page 1351).

(g) The statement as to D. A. Jones at the top of page 63 of the statement is contradicted by Jones. He turned the tables on his nephew, and says that Mr. Gamey offered to procure evidence secretly (so as not to hurt his business) against Miscampbell, if he were well paid for it.

Then as to Smyth, Mr. Gamey said he would support him (Mr. Gamey) in getting franchises, and that Mr. Gamey could get Smyth to do as he, Gamey, was going to do. (Pages 3007-8, 2012 and 3041.)

Compare what Mr. Gamey said to Dr. Arthur, "That there were others who would do as he did." (Pages 2290 and 2325.) Jones says he did not know the Sullivans, and that he was acting entirely in his own private interest, and had no connection with or authority from any Minister. (Pages 3005-6-17 and 19.)

(h) According to the statement the consultation with McGregor began about the 12th August, and was continued throughout. (Page 63 of Exhibits.) See as to 21st August conference with Mr. McGregor. (Page 64 of Exhibits.) See as to 11th September. "All explained to McGregor on Gamey's return with the alleged bribe." (Exhibits, page 66.)

It is noteworthy that this \$1,500 was put into Mr. Gamey's business with the assent of Mr. McGregor, as the fruit of a legitimate deal, and so remained in profitable employment, until, at the instance of the Commissioners, Mr. Gamey's certified and endorsed cheque for \$1,500 was deposited with the Registrar of the Commission on the 15th April, 1903.

(j) First letter received from Jones (Page 63) of Statement, is explained by Jones as containing information respecting his plotting with Mr. Gamey. (Pages 3009 to 3011, and page 3019.)

(k) The midnight interview with Captain Sullivan at Gore Bay on the 21st August is not contradicted (Statement, page 63), but nothing appears to have come of it unless it be the alleged agreement of the 26th August, afterwards said to be destroyed (pages 63 and 65), but which, according to Frank Sullivan, never existed. (See note f. ante.)

(l) What is set forth in the Statement on the top of page 65, as to Smyth of Algoma and Davis' petition is denied by Frank Sullivan (page 1382.)

(m) "About 9th September I was taken into Stratton's office by Frank Sullivan." (Page 65, statement.) This was because Mr. Gamey wanted to be introduced to one of the Ministers Frank Sullivan swears. (Page 1161.) And altogether Sullivan's account is diametrically opposed to Mr. Gamey's. (Pages 1165-1169, -73 and 1372.) But this whole affair from the 9th to 11th September has been fully considered elsewhere in this Report.

(n) On telling Mr. McGregor of the transactions in September, the Statement says, "We had to stick to our original arrangement, not to mention it until the House met, as we were afraid they would fix things up in some way before the House met if we told. (Exhibits, pages 66 and 67). This original arrangement is given at page 63 of the Statement. "We came to the conclusion that I should go on and get some evidence that we could prove, and see how far they would go, and whatever we did would be told on the floor of the House, and absolutely no one would know before." As Mr. Gamey shows that several other people besides Mr. McGregor were told, he admits that the word "absolutely" needs explanation. (Pages 234 and 236).

(o) Second letter from Jones set forth in the Statement is explained by him with reference to the scheming between uncle and nephew. (Pages 3016 and 3032.)

(p) The greater part of page 67 of the Statement about Frank Sullivan and Smyth seems not to be supported or referred to in any sworn testimony given in the inquiry. (Pages 3016 and 3012.)

(q) The letters as to appointments, 29th September and October 8th (or 7th), are dealt with fully elsewhere. Though there were numerous applications or suggestions made by Mr. Gamey, no action was taken upon any in the way of giving him what he asked. The only two appointments made in which he in any manner intervened were that of Mr. Fletcher as J.P., at the instance of the Attorney-General, and that of the sheriff as returning officer of the referendum at the instance of the Ministry in the absence of the Provincial Secretary.

(r) There is no distinct evidence as to the greater part of the Statement (Page 68) about Davis' petition, but Frank Sullivan generally contradicts taking such part as is represented. The others' matters on pages 69 to top of page 73 of the Statement have been discussed elsewhere in this Report. As to the interview on the 29th January, 1903, it is well established that it was telephoned for to the Provincial Secretary's office by Mr. Gamey. (Pages 2062-3 and 2459.)

(s) Mr. McGregor's intervention at the end of January, 1903, is emphasized in the Statement. (Pages 70 and 71.) "McGregor decided to go down with me next time and we arranged to go about the 27th January (28th January). I showed this ('phone message) to McGregor and he went to the buildings with me and saw me go into Mr. Stratton's office—McGregor and I went into the Surveys Department together—and finally he went back with me and saw me again go into Stratton's door with Frank Sullivan at the door marked 'Private.' Then, after taking away interview, Mr. Gamey met McGregor and 'We went over the interview. I altered many words as we both decided the country would not stand it as written. We discussed the question of refusing to sign the interview and making everything public at once, but we decided to stick to our original plan of not speaking until the House met." (Page 71.) (Then comes the payment of \$1,000 about 7 p. m.) And, the Statement proceeds "Went to Opera House that evening with McGregor and we discussed the affair there. I left for home next morning and McGregor remained in the city." (Page 73.)

Now, the remarkable thing is, that with all this personally conducted supervision by Mr. McGregor, and his having a hand in the final shaping of the inter-

view, not a syllable is whispered of the spoils in the pocket of Mr. Gamey as they discussed the affair that same night.

(t) Letter of the 7th September, Mr. Gamey to the Provincial Secretary, referred to at page 73 of the Statement, as to his being called on to resign, was not answered. There was another letter of Mr. Gamey to the Minister which was not answered by the Minister, and it is not referred to in the Statement, that is one of the 4th November, 1902, asking for a loan of \$2,000. The last part of that letter referring to an application made in the spring for the appointment of Swanson as J.P., is made known by the Provincial Secretary to the Attorney-General on the 10th September in connection with another letter from Mr. Gamey of the 5th November to the Provincial Secretary saying that Flesher had not received notice of his appointment as J.P. (See Exhibits, pages 18, 59 and 82).

(u) The letter signed X.Y.Z., February 11th, 1903, (page 38 Exhibits) and its enclosure (page 39) and the letter of 20th February, 1903 (page 41 Exhibits) emanated from Frank Sullivan as he says without reference to the Minister, and without any knowledge of the letter of February 7th received by the Provincial Secretary. Sullivan wrote upon the previous request of Mr. Gamey, (pages 1316 and 1317) and upon information received from Manitoulin people at the Walker House whose names appear in the X.Y.Z. letter, and "X.Y.Z.," was used at Mr. Gamey's suggestion to disguise the letter because of McGregor and the Gore Bay Post Office. (Page 1211.)

(v) The matters alleged on page 74 of the Statement as to the action of the Government in anticipation of Mr. Gamey's resignation by sending up agents to place a Socialist candidate in the field, while apparently talked of at the Crossin Factory meeting on the night of the 10th March, were not proved in the sworn testimony. (See pages 725-838 and 886.)

(w) The Statement avers that this night interview was taken down by three shorthand-writers as if by question on Mr. Gamey's part and answer by Sullivan, so that the answers were taken down by these three men. (Page 75.) Whereas the fact is that they were not shorthand-writers, and their report consists of written statement by one prepared next morning, (Exhibits, page 124) and of their recollection of a long interview which was far from being in accord as given in the witness box.

(x) The last statement at page 75 is that Mr. Gamey asked Sullivan "All about the money, who handed it from Stratton to me, and about everything connected with the transaction." True, it is, there was much stress laid upon the parcel said to contain \$3,000 which is made, as has been already observed, the gravamen of the whole accusation, but it is equally clear that not a word was spoken about the recent payment at the end of January of the \$1,000, half of which was in the pocket of Mr. Gamey during this night interview. This looks much like an admission that it was not connected with the transaction, so far as Sullivan was concerned, for if he could have corroborated it he would surely have been asked.

This last meeting of the Gamey-Sullivan combination took place at night in the upper room of the Crossin Piano Factory, and the record of it is left in strange confusion by the divers witnesses who tell how it came about, and what is said to have been discussed during its continuance. What really happened at that meeting does not appear to be of controlling value as regards the material matters of this investigation. At most it may affect the credibility of Frank Sullivan, but any admissions then made by him (after his ostensible agency had long ceased) could not be used as proving what he admits as against an absent person. This is putting the evidence in the factory at its highest, supposing any clear result could be extracted from it, but there is contradiction as to the object and the meaning of that conversation between the two. Accord-

ing to Mr. Gamey it was to draw corroboration, etc., from Sullivan in the hearing of the three hidden witnesses. According to Sullivan it was to rehearse a method of procedure by which they could afforce the Provincial Secretary to accede to their demands or suffer a disclosure which would ruin the Government, and he humoured Mr. Gamey after first warning the Provincial Secretary. (Page 1232.) And, there is also confusion in the accounts given of what was gone over as given by the three under cover. This may be in great part accounted for by the difficulty of keeping track of a discursive talk of about an hour regarding many complicated things, the listeners being entire strangers to the matters dwelt upon or alluded to.

Tokens of unreality are to be detected. Thus, Mr. Gamey in his evidence in chief remembers but a few heads of conversation, and they are these: (1) Talk as to the Provincial Secretary being uneasy. (2) About Myers taking the parcel, etc., (not saying what it was.) (Pages 163 and 164.) (3) That the rest of the Ministers knew of the deal. (Not defining it.) (Page 165.) (4) About profit in timber and mining properties, and (5) Talk of the Davis Department, and a man willing to put up a thousand dollars (Pages 163 to 165.) That is all, though counsel (page 164) made strenuous efforts to lead him to say that money was spoken of in connection with the deal yet it could not be elicited. His answer was (page 165) "I do not recollect." This examination in chief was on Monday, and the cross-examination was not reached until Wednesday, and during the interval the memory of Mr. Gamey became wonderfully refreshed and enlarged, and instead of these five topics, he brought in 8 or 10 more, and gave information now no longer on the "parcel" but "the money transactions," and also about getting the rest of the *money*, and also about paying back the *money* to the Government, etc. (pages 512, 514 and 518)

And again there is a studied effort to adjust details as to the handling of the parcel, bespeaking, not the recollection of an actual occurrence, but of something fabricated for an occasion.

Mr. Gamey gives this account. "I asked if he thought Myers could be trusted, and he said yes, he did not think Myers knew more than about handling the parcel. He said he took the parcel from Stratton and handed it to Chase, who brought it to the smoking room. (Pages 163 and 513). I said I would take out my book and put down "Chase." He said, we do not want to get mixed about that; we want to be sure of the man. We do not want to get our stories crossed, to be sure our stories agree, as then we could hold Stratton up if he did not do right afterwards as to timber." (Pages 512 and 514).

The version of W. H. Price:—Sullivan said, we want to have everything in good shape. Gamey said I could not help thinking about that Myers that took the money down into the smoking room. (Page 729.) They wanted to get everything down right, they did not want to have any difference in little things about it. (Page 765.)

Version of P. G. Price:—Gamey said I could not help thinking of Myers who took money down to the smoking room. Sullivan said Myers did not. He says here is a thing we must get right, and said, Stratton handed it to Myers, and Myers to Chase, etc. (Page 838.) I think Gamey said we must have everything right Frank. (Page 835.) Sullivan said that is a point we must be very particular about, as to the handling of the money to Myers, and Myers to Chase. (Page 862.) They only got the money security until Gamey got something else and they would give it back if they got the timber limits. (Page 877.)

Version of J. A. Kinney:—He told how Sullivan corrected Mr. Gamey as to the handling of the parcel. Sullivan did not say, "You have not got it down right, you want to be careful, to be right" (Page 898.) I think Gamey said, "You want to be careful to get things right." (Page 899.) They both joined in

stating they wanted to have the thing right if there was any future trouble. (Page 900 and 901 and 914.)

Frank Sullivan says, "My idea was that Gamey was playing me, as it were, and I was playing him. (Page 1283). We were to stick to the story that Gamey went to Stratton, and that Stratton handed the money to Myers," but at the factory Sullivan represented that the story was that Chase came in as handing the parcel, and then Gamey accepted that version. (Pages 1229-30 and 1288.)

And further, Gamey said before this, that he had been given funds to carry this thing out. (Page 1289.) And I said, if we put these deals through, you can return this money to them. He led me to believe he had received money from his own people. (Page 1290 and 1291.)

And, generally on the material points, about the rest of the money being paid over, and about paying back the money to the Government. Frank Sullivan contradicts the others. Again, singular disagreements of recollection occur such as these. The two speakers deny that any reference was made to Mr. Gamey becoming Minister of Mines, whereas two of the so-called reporters assert that this was then spoken of. (Pages 1300, 902, 842, 873, 728 and 765.)

It does appear, according to Sullivan, to have been discussed between him and Mr. Gamey the day before when the details were gone over in a preliminary rehearsal. (Page 1384.)

If the two speakers get their stories mixed as to the parcel, is it not possible the three hidden reporters have got their stories also mixed? Altogether, this conversation as reported rather adds to the confusion than solves any of the salient difficulties about the parcel of money.

Nothing was said of the alleged second payment of \$1,000.

As to the demeanour and credibility of the witnesses generally, the Commissioners would report that most of them seemed to be desirous to tell the truth. Of the more important witnesses the Commissioners were impressed by the evidence of Dr. Arthur, Dr. Struthers, and Mr. J. F. Boyd.

Frank Sullivan and Mr. Gamey were two of the chief actors in the variety of transactions under investigation, and their evidence is contradictory and irreconcilable at most, if not all important points. Both, by their own confession, practised systematic duplicity and pursued tortuous courses of dealing with self-serving interests much in view. Implicit reliance should not be placed upon their uncorroborated statements in material points, and where these statements conflict with those of independent or disinterested witnesses the latter should be preferred.

Whatever comment may be made upon the expression attributed to the Provincial Secretary by Mr. Hammond, when recalled (Page 3105) it seems to the Commissioners unwarrantable to assign to it such exaggerated import as to over-shadow the whole body of substantial evidence in favor of the Minister and against the Member. The testimony of Hammond was on a comparatively minor branch of the enquiry, that is, relative to the Globe interview, which, (apart from the payment of money as to its price) does not loom largely in the investigation, and the statements of Hammond are not in conflict with those of the Provincial Secretary, save as regards some variation in details which happen very commonly in evidence of different speakers.

It was a proper thing to take steps to advertise publicly the change in the political attitude of Mr. Gamey, and had greater prescience been vouchsafed, the publicity would likely have been more advantageous if made earlier. Mr. Sheldon Amos, writing of cases in which a Member leaves his party on account of independent convictions says:—"As a matter of fact very little encouragement is shewn at present to defections of this sort, and when they occur the

Member who is guilty of them is invariable put to the utmost pains to defend his action, and in the opinion of his own party never does succeed in freeing himself from the imputation of disloyalty, not to say treachery. Nevertheless, if the grounds on which an individual departure from the ranks of party may be justified were clearly ascertained and publicly announced, it is probable that not only would the institution of party Government be rid of much of the moral suspicion with which it is in some quarters regarded, but its true nature and object would be better appreciated throughout the country." (Pages 71 and 72, from "Fifty Years of the English Constitution, 1880.")

Looked at in the large, Mr. Gamey's version is, that his purchase originated with Frank Sullivan and the Provincial Secretary, that he was taken to the Minister's office, whom he did not know, that the letter he was to sign was all ready, and put before him for signature, and the information volunteered by the Minister that the protest would be withdrawn, all the patronage given to him, and unstated valuable consideration paid when he signed, but as the money was not ready, the bargain and sale was not then consummated.

Mr. Aylesworth's evidence alone, to which it was not disputed verity attached, suffices to show that this version is misleading and untrue.

The conduct and memory of Mr. Gamey, as to these bribe moneys, detract from his credibility. At a momentous point in his life, and within a few months of the occurrence he is uncertain as to the day when, and the person from whom the \$3,000 came. Having conferred with prominent men in his party (as he says) and arranged his methods, he employs his share, \$1,500, in business, as if it were a legitimate transaction. He makes no mention in his statement to the House of how he came into possession of \$1,200, part of the other moiety, said to be received by Sullivan, and of which he says \$900 was paid into the Crossin business. But, when this is discovered by search in the Crossin books, the two pages containing entries for the 10th and 11th September disappear, not by the hands of Mr. Crossin—and Mr. Gamey is the only other who had access to them.

Then follows the procuring of the deposit slip from the Bank by Mr. Gamey, and its disappearance:

Then the explanation given to the reporters at Buffalo with a view to publication, that this \$900 was collected during the summer in Manitoulin Island:

And the final statement under oath that it was part of a loan of \$1,200 from Frank Sullivan.

The evidence on the other side precludes the conclusion that this \$3,000 was received by Mr. Gamey from the Provincial Secretary on or about the 11th September, and if that be so its true source is not yet disclosed.

And again, as to the \$500 said to be received on the 29th January. Though Mr. McGregor comes expressly to assist Mr. Gamey at this stage of the enterprise, and does assist in correcting the Globe interview, and though he and Mr. McGregor meet that same night and discuss this matter, yet the money is not exhibited or mentioned. It is not shown to anyone, but carried about continuously in Mr. Gamey's pocket until produced in the House. And then, when Mr. Gamey was finally preparing for making his statement, and planning to procure all possible corroboration from Sullivan, in the hearing of three hidden witnesses, and though the \$500 was then actually in his pocket (as he says) he does not make the slightest reference or allusion to it at the Crossin factory on the night before the House met.

From these omissions the inference is most persuasive that no bribe or money was received from the Provincial Secretary on the 29th January, but that the money was afterwards acquired, and if that be so, then the real source of this money is not yet disclosed.

This much more may be said about "Where the money came from," that Mr. Gamey declined to make any statement under oath to the Commissioners about the "Deposit slips and those things," (Pages 2982 and 2983) ostensibly on the ground that criminal action was being contemplated in that regard. But he said further that he "Cannot understand how it is relevant to his case."

Without pressing against him the maxim "*omnia presumuntur contra spoliatorem*," and though the despoiling was done *pendente lite et sedente curia*, it is very reasonable to believe that if the missing pages of the Crossin book could be seen they would disclose or give a clue whereby would be discovered the genesis of the \$900, and of the \$1,500, both coming as Mr. Gamey now swears from one and the same source.

His explanation of the particular source is not so worthy of credence as if the books had been left unutilated.

It is difficult to frame any consistent account of Mr. Gamey's career as Member, for it was throughout inconsistent, as he played a double part. But this much appears in the evidence. His politics was Manitoulin, with Gamey as Member on the side of any Government in power, to the end that he might serve his constituency, and also secure shares in the various deals supposed possible by not over scrupulous men. First was formed the Jones-Gamey combination, with a view of acquiring "franchises". But, as Mr. Gamey's friend, Frank Sullivan, by his braggart style, and pretended access to the Minister (Page 1323) fostered the belief that he had more influence, the uncle was superseded, and the Sullivan-Gamey combination began. As the first move, support was assured to the Ross Government by the letter of the 10th September, and on the same day Mr. Gamey takes part in the Conservative caucus at Toronto. Then rumors get abroad of his defection from party lines, and he modifies his manner of support by the amended letter of 27th October, so that while acting as occasion requires in the interests of the Conservatives, he engages to support the Government when the House meets, if Mr. Ross has a reasonable majority. Accordingly, in January, 1903, he takes part in the North Perth campaign for the Conservatives, but is embittered because he was belittled by the action of the Conservative leader (Page 2006, 2299, 2300 and 2302). He repairs to the Provincial Secretary and begins discussing appointments, but being confronted with his conduct in North Perth, he declares his willingness to advertise publicly his real and true position. This was after the Government majority had increased to five. The *Globe* interview is published at the end of January, wherein his political affiliation is still further reduced below the standard of support promised in the letter of the 27th October, and only extends to support "in all matters he is satisfied with." Nevertheless, this publication brings trouble around his head from the Conservatives, and his resignation begins to be talked of. (See letter 10th February, 1903, exhibits, 165, and account of the meeting at Gore Bay by Mr. Gamey on the 17th February, exhibits, 107.) But, Mr. Gamey is just as unwilling to resign at this crisis as he was after the protest. Dr. Struthers then advised him, as a friend, knowing more of the man and his candidature than a stranger, to resign and run as an independent, but the answer then and always was the "expense," and the risks and chances involved in another contest. Yet, the Member is growing in disfavor with both parties, he is getting to be regarded as a "double-minded man," with all that suggests. He surveys the situation. The glowing prospects pictured by Frank Sullivan have failed to become facts. The prestige of directing Governmental patronage appears to be meagre and illusive. He learns that the Government, anticipating his resignation, are planning to put Mr. McMillan, the Socialist candidate, in the field. And then, it may be, comes the patriotic plan of deliverance, by letting it leak out that money was at the bottom of his apparent disloyalty. The people supposed he had got a timber

concession, and Dr. Arthur and Dr. Struthers told him that people would say he had been bought. Let him accept and profit by the belief, or rather the assumption of his mercenary defection, but by a desperate effort turn it into success by depicting his career as set forth in the statement for the House.

The temptation appears chiefly to be the expectation, if he could get corroboration of his story, that he would become Minister of Mines in a new administration, [(Pages 1355, 1383, 1227 to 29, and 1279) and in the Crossin factory. (Pages 767, 728, 765, 842 and 873.)]

Whether or not this is a correct appraisal of the Member's erratic course will depend upon the estimate that may be made of this report with its appendices of exhibits and evidence.

Mr. Gamey had no personal intercourse with any Member of the Ministry except the Provincial Secretary. With two or three of the others he had some official correspondence, but with the rest not even that.

With regard to the added charge of conspiracy, the Commissioners are of the opinion, that as a matter of law, there is no evidence whatever to sustain it, as against members of the Government, and the other persons charged.

And, according to the methods of an ordinary trial they would be discharged from the said accusation by the presiding judicial officer.

This being so, the matter of the original charge alone remains, and as to the Provincial Secretary there is the testimony that has been commented upon. In our opinion the corrupt charges stand disproved by a great body of evidence which appears to be more accurate and creditable than that adduced in support thereof.

The \$1,200 mentioned hereinbefore has not been paid into the hands of the Commissioners by Mr. Gamey. The Commissioners have impounded two sums of money, \$500 in cash produced by Mr. Gamey in the House, and \$1,500 represented by his marked cheque of the 3rd April, 1903. These sums have been lodged in the hands of the accountant of the Supreme Court, and the Commissioners advise that the amounts be carried into a separate account to be paid out upon the joint order of the Chancellor of Ontario and the Chief Justice of the King's Bench for the time being, upon its being made satisfactorily to appear that any claimant has legitimate title thereto.

This inquiry occupied twenty-seven days of hearing in open and public session, during which 119 witnesses were examined, giving 3512 pages of evidence, some 92 exhibits filed, giving 206 pages more, as embraced in a volume of exhibits and 8 volumes of evidence. The arguments of counsel appear in another volume numbered nine.

All of which is respectfully submitted to Your Honor.

(Sgd.)

J. A. BOYD,

W. G. FALCONBRIDGE.

(Sgd.)

C. S. GRANT,
Registrar.

Osgoode Hall, 4th Jnne, 1903.

COPY OF AN ORDER-IN-COUNCIL

APPROVED BY

HIS HONOUR THE LIEUTENANT GOVERNOR.

RE

AMENDMENTS TO THE REGULATIONS

RECOMMENDED BY

THE HONOURABLE THE MINISTER OF EDUCATION.

22ND DAY OF JULY, 1902.

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO.



TORONTO:

PRINTED AND PUBLISHED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

1903.

COPY OF AN ORDER-IN-COUNCIL APPROVED BY HIS HONOUR
THE LIEUTENANT GOVERNOR, THE 29TH DAY OF JULY, A.D.,
1902.

Upon the recommendation of the Honourable the Minister of Education,
dated 22nd July, 1902, the Committee of Council advise that the accompanying
amendments to the Regulations of June, 1901, be approved by Your Honour.

Certified,

(Signed) J. R. CARTWRIGHT,

Clerk, Executive Council.



AMENDMENTS TO REGULATIONS FOR 1903

APPROVED JULY, 1902.

For the academic year 1902-1903 the following modifications are made in the revised regulations which came into force June, 1901.

PART I JUNIOR LEAVING.

There will be no examination in 1903 for Public School Leaving or Part I Junior Leaving Standing. (Regulation 28 and 45.)

PART II JUNIOR LEAVING.

At the examinations for 1903, a candidate for Part II Junior Leaving Standing who selects the Chemistry option may omit Latin, but he will be required, if he exercises this privilege, to obtain 60 per cent. on the total. (Regulations 43 (3) and 46.)

JUNIOR LEAVING STANDING.

After June, 1903, a Part II Junior Leaving certificate will give full Junior Leaving Standing, if endorsed and certified to by any High School Principal or Public School Inspector with a statement that the holder has taken the required course in all the subjects (geography, history, drawing, bookkeeping, reading, etc.) for Part I Junior Leaving Standing.

CONFIDENTIAL REPORTS.

In addition to the requirements prescribed in regulation 43 (3) the name of no candidate for a Part II Junior Leaving certificate shall be included by the staff in the confidential report who has not satisfactorily completed the course for a Part I Junior Leaving certificate.

DISTRICT CERTIFICATES.

Examinations will be held as heretofore for District certificates, but such certificates shall be awarded only at the request of the County Board of Examiners where there is a scarcity of teachers, and with the concurrence of the Minister of Education. (Regulations 44, 63 and 64.)

MEMORANDUM.

The accompanying amendments have been made in accordance with the widespread opinion that a higher standard should be exacted at the non-professional examinations for Public School Teachers' certificates, and that, in view of the as yet necessarily limited time at the disposal of many candidates, not all grades of Public School Teachers should be required to take Latin, and, for the lowest grades, those subjects should be emphasized which will prove most serviceable to them in the discharge of their duties. No immediate change is proposed in the Senior Leaving subjects. The objections to the lowest grade of Public School Teachers being required to take Latin do not apply to the higher grades. For them, as well as for all High School teachers, a broader curriculum, including at least Latin of the languages, is both desirable and feasible.

The present amendments, it may be pointed out, will not disturb the organization of either the High or the Public Schools or necessarily interfere with the courses now partly completed by candidates for the Junior Leaving examinations. By reducing also the number of examinations and by confining the study of Latin to those pupils who will continue the subject long enough to derive due benefit therefrom, they will, in a measure at least, meet the most urgent needs of the schools. And further, it is hoped, that they will facilitate the settlement in the near future of the whole question of School programmes and the requirements for Teachers' certificates.

After September, 1905, the course for Public School Teachers' Non-Professional certificates at the Junior Leaving examinations will be a fixed one, consisting mainly of English and mathematics with science. No language will be either prescribed or optional. Students who are not likely to be ready to pass these examinations in 1905, or before that date, with the present options, should select chemistry, so as to prevent any embarrassment when the course as announced will come into operation for all candidates.

The announcements will in no respect affect the requirements for matriculation as prescribed by the University.

EDUCATION DEPARTMENT,
TORONTO, July, 1902.

REPORT

OF THE

MASTER OF TITLES

IN RESPECT TO THE WORKING OF THE LAND TITLES SYSTEM
IN THE PROVINCE OF ONTARIO DURING THE YEAR 1902
TOGETHER WITH SOME PARTICULARS RESPECTING THE
PRECEDING TWO YEARS.

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO.



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WARWICK BRO'S & RUTTER, PRINTERS.
TORONTO.

TORONTO, 27th February, 1903.

To the Honourable

SIR OLIVER MOWAT, K.C.M.G.,

Lieutenant-Governor of Ontario.

SIR,—I have the honour to submit the following report in respect of the working of the Land Titles system in the Province during 1902, with some particulars respecting the preceding two years, as to which I did not deem it necessary to make a report.

During this year there have been twenty-two applications in the Toronto office to bring land under the Act. One of these embraced four distinct properties. Twenty-five first registrations were made, embracing property of the aggregate value of \$381,525. Three were of properties of large value, but in one of these the chief part of the value was in the building, which is used for offices. In most of the properties brought under the Act, there were difficulties in the title which it was deemed desirable to set at rest. In only one instance was the application made in contemplation of a division of the land into building lots.

Throughout the year this office has, like the registry offices in the city, felt the benefit of the improvement in the real estate market, the number of instruments registered during 1902 having been 1,732, as against 1,418 in 1901 and 1,082 in 1900. The fees received in 1902 were \$4,377.75, as against \$3,450.70 in 1901 and \$2,630.15 in 1900. In 1889, when speculation in real estate was at its height, the number of instruments registered was 4,679 and the fees \$10,940.

The initial expense still acts as a deterrent to many who would be glad to have the advantage of holding their property under this system, and it is worthy of consideration whether this expense could not be with safety diminished. The two items which are felt most burdensome are the cost of advertising and the contribution made to the Assurance Fund. Apart from the assurance fees the office charges are very small, the following being the scale where an absolute title is required and where the number of instruments to be examined exceeds ten, as is invariably the case in Toronto :—

Where the value of the property being registered does not exceed \$1,000..	\$ 6 00
Where such value exceeds \$ 1,000 and does not exceed \$ 2,000	9 00
Where such value exceeds \$ 2,000 and does not exceed \$ 4,000	12 00
Where such value exceeds \$ 4,000 and does not exceed \$10,000	20 00
Where such value exceeds \$10,000 and does not exceed \$20,000	25 00
Where such value exceeds \$20,000 and does not exceed \$40,000	30 00
Where such value exceeds \$40,000 and does not exceed \$50,000	40 00
Where such value exceeds \$50,000.....	50 00

These items cover all the charges in the office for first registration, except where oral depositions have to be taken or there are adverse claims. They do not of course cover the applicant's disbursements for abstract of title, solicitor's fees, etc., etc.

Where only a possessory title is required the charges are almost nominal. A possessory title is merely a transfer of the land from the ordinary registry system to the Land Titles' system, without any examination of the title, and is of no immediate benefit to the applicants. It is however the kind of title under which applicants are almost invariably registered in London, England, where the system has been made compulsory. Were lands generally transferred to the Land Titles system, though with merely possessory titles, these titles

could before many years be changed with absolute safety and without expense into absolute titles.

In the case of properties not exceeding \$3,000 in value authority was in 1896 given to substitute for the advertisement another method of making the application public, the master having been empowered to direct the posting of a typewritten or printed notice of the application upon the property and the service of a similar notice upon the occupants of contiguous or neighboring occupied properties.

In view of the fact that private purchasers must carry out sales and accept titles without advertising, I do not see why this should be deemed necessary in order to bring lands under the Land Titles system, provided that the Assurance Fund is placed in a position to have the same protection as a *bona fide* purchaser without notice could claim. It seems to me reasonable that this protection should be extended to that fund. The practice in this Province is for persons owning or otherwise interested in real estate to register their titles and in case they omit doing so, and in consequence suffer from the fraud of an applicant they have no moral right to be indemnified out of the Assurance Fund, as their loss is largely occasioned by their own neglect. Besides their remedy against the person by whose fraud they were injured would remain open to them.

The amount at the credit of the Assurance Fund on 31st December, 1902, was \$39,887.65. This is a comparatively small sum to be answerable for possible errors or frauds throughout the whole Province, and before any large reduction in the assurance charge is made this fund should, I think, be allowed to increase to such a sum that the interest upon it would be sufficient to pay all claims that are likely to be chargeable against it. When this period arises a very considerable reduction in the charge now made might well be considered, although this charge is, having regard to the fact that no property is required to contribute more than once, even now considerably less in Ontario than it is in most places where the Torrens system is in force.

In Victoria the charge is $\frac{1}{2}$ d in the £ or $\frac{1}{400}$ th of the value but this charge is repeated every time the property is transmitted through death. Similar charges are made in the other Australian colonies. In Manitoba the charge is $\frac{1}{4}$ per cent. or $\frac{1}{250}$ th of the value but a like payment has to be made upon every transmission through death or in case the property is settled or devolves on account of bankruptcy. In the North-west Territories a contribution towards the assurance fund has to be paid every time the property is transferred. In Ontario the charge is $\frac{1}{4}$ per cent. or $\frac{1}{250}$ th of the value but this is only charged at the time of first registration no charge being subsequently made at any time.

Having regard however to the fact that the land upon which assurance fees are charged may be vacant at the time of first registration and that immediately afterwards expensive buildings may be placed upon it which come within the guarantee, without additional charge, I submit that greater equality would be produced and a great hindrance removed if a considerably smaller charge were made in respect of the buildings, say the present charge of $\frac{1}{4}$ per cent. upon the value of the land to be continued but the charge on the value of the buildings to be reduced to $\frac{1}{25}$ th per cent.

An option might also be given to the applicant to pay the assurance fee at the time of his application or to allow it to remain with interest compounded annually as a charge on his property until he desired to sell or mortgage it, in which case payment would be required. In the districts patentees have the right to delay payment of the assurance fees until they desire to deal with their property, and I simply suggest the extension of this privilege to all first registrations. There is little danger of the Assurance Fund being called upon to indemnify any one on account of his being deprived of his property by the first

registration of the land, as the title is then carefully examined. Whatever claims may arise against the fund are such as may occur subsequently through oversight or misapprehension during press of business in the offices, or such errors as are caused by fraud.

If the suggestions above made should be acted upon, I think many who appreciate the advantages of the Act but are deterred by the initial expense from availing themselves of these benefits would apply to have their properties brought under it. They would then know that if they should at any time desire to sell or raise money by mortgage they could rely upon any agreement made being carried through, without the delays and disappointments which are so often encountered under the ordinary system.

There are many objections to a title which can be readily got over by proof of occupation and notice to persons who seem to have claims which in course of time might become troublesome, but which can be easily explained while persons are alive who are cognizant of the facts, and who can be required to give evidence in respect of them. It is very much to the interest of the owners that such questions should be set at rest forever by the lands being registered under the Act. If upon examination a title is found to be of such a character that the applicant feels he cannot safely proceed he is at liberty to withdraw his application and the facts which created the difficulty are treated as confidential, no one being at liberty to examine muniments of title or requisitions, whether the title has been passed or not, without the Master's consent.

There is therefore no danger of a title being inadvertently made worse by an application to bring it under the Act. At the same time it must be borne in mind that though the Land Titles Act may transmute fair holding titles into good marketable titles, it is not intended to validate titles which are actually bad, and it is therefore useless for a person who knows that his title is bad to make application to have it registered with an absolute title.

One great advantage obtained under the system is the revision of descriptions which takes place in the office. Both surveyors and solicitors are very apt to draw their descriptions without regard to the language used in describing the adjoining properties, so that these descriptions often overlap or fail to meet. This under the ordinary system is a fruitful source of litigation and ill-feeling. The rule of the Land Titles office is that the common lines of adjoining properties should be described in identical language.

Though the propriety of this rule is acknowledged whenever attention is drawn to the matter it is astonishing how often it is disregarded and what trouble is given to the office by its neglect. When the meaning of the parties is obvious the responsibility of entering the description as it ought to have been expressed is assumed, but whenever there is a doubt as to what the intention is, those interested are required to make the necessary rectification. Occasionally it is found that the descriptions do not at all cover the lands intended to be embraced.

I find the district offices still require considerable oversight and though I am always ready to advise the local masters whenever a difficulty presents itself in the course of their business, a readiness of which they freely avail themselves, yet my periodical inspections show that constant supervision is necessary in order to obtain uniformity of method and that attention to detail which is requisite to secure accuracy. These officers are put to considerable trouble on account of the greater part of their work being brought before them by correspondence, and by the fact that inaccuracies in the descriptions and deficiencies in the instruments sent or in the evidence furnished with them, have to be pointed out by letter. Frequently, too, their correspondents reside in the United States and have only a slight acquaintance with our statute law.

The following table shows the business of these offices during the years 1900, 1901 and 1902:

	Parry Sound.			Sault Ste. Marie.			Bracebridge.		
	1900.	1901.	1902.	1900.	1901.	1902.	1900.	1901.	1902.
Freehold patents received from C. L. D.	102	136	120	96	100	152	92	88	98
Mining lease patents received from C. L. D.	23	6	8	46	83	49	none	none	none
Patents entered in registers including some in course of entry at end of preceding year	129	142	128	143	181	200	92	88	98
Number of other instruments registered	207	231	254	518	592	734	120	171	249
Fees payable otherwise than on Crown patents	\$479 15	552 70	625 60	1446 30	1508 45	2375 20	292 23	377 22	530 24
Special applications for first registration granted	none	none	none	2	1	1	1	none	none

	Port Arthur.			North Bay.			Rat Portage.		
	1900.	1901.	1902.	1900.	1901.	1902.	1900.	1901.	1902.
Freehold patents received from C. L. D.	48	34	25	92	88	156	256	195	161
Mining lease patents received from C. L. D.	40	55	25	6	2	32	164	42	113
Patents entered in registers including some in course of entry at end of preceding year	88	89	50	92	85	185	411	232	266
Number of other instruments registered	82	95	107	244	310	497	804	800	719
Fees payable otherwise than on Crown patents	\$248 35	261 50	295 65	583 02	766 86	1253 67	1587 86	1600 46	1590 06
Special applications for first registration granted ..	none	none	3	none	2	2	1	none	none

The misapprehension which has been found to exist throughout the districts as to the powers of executors and administrators under the Devolution of Estates Act and the various amendments made to it has given the local masters considerable trouble and has necessitated a good deal of correspondence with me. On account of this I deemed it advisable to examine all the applications for transmission which had been received at the district offices.

Much difficulty is experienced in some of the districts in obtaining the registration of proper plans. The owner of a whole concession lot will have irregular parts of this laid out into village plots in such a manner that it requires a great deal of time to ascertain whether or not subsequent conveyances by the owner overlap the lands laid out by the plans, particularly where the descriptions in these conveyances have been drawn quite independently of the boundary lines and distances marked upon the plan. The office at North Bay has much trouble on this account. A plan also sometimes embraces lands which do not belong to the owner of the land being laid out by the plan, and the surveyor fails by proper colouring to show what land is being actually laid out by the plan and what is being exhibited merely for the purpose of making the position of the lots being laid out more clear. As the plans are as a rule made by surveyors who do not reside in the district town they are mounted before being brought to the office. Under these circumstances the local masters dislike to refuse to accept them if it is at all possible to work upon them, while if they had been submitted to them for examination before being mounted alterations which

would have secured accuracy could have been readily made. As in some cases the land laid out by the plan can only, on account of the complexity of the outside boundary line, be withdrawn from the register of the concession lot by referring to it as "the land laid out by the plan," it is very important that it should clearly appear what land is being so laid out. I have found it necessary to give distinct instructions to insist upon this being clearly shown before a plan is accepted for registry. It may perhaps be advisable to make more clear the master's authority to reject a plan which does not distinctly define what land is affected by it.

I think it would be more satisfactory if applications to bring land in the Districts under the Act were made to me. Under section 166 they come eventually before me for my concurrence in the local master's finding. As a rule the masters in the Districts have not had experience in the examination of titles and the result is that applications sometimes come to me for my concurrence without proper investigation having been made, so that requisitions which should have been delivered in the first instance are only made by me after the local master has approved of the application. This causes delay and a good deal of vexation which would be avoided if the examination were made by me in the first instance.

The chief objection to this course is that it would necessitate the furnishing of copies of all documents registered of which the originals cannot be produced, but I think the advantage of my being in direct correspondence with the applicant's solicitors would more than counterbalance this. Besides at present when I do not require the production of such copies I am compelled to assume the risk of the local master having overlooked anything in the document which varied its apparent effect as shown upon the abstract.

It is also of importance that the requisitions on title, with the manner in which they are disposed of, should be retained on file in proper form so that if occasion for inquiry should arise a reference might readily be made to the point mooted and to the evidence upon which it was disposed of. The district masters are not so systematic in this respect as is desirable.

At St. Thomas there have been altogether twelve applications of which seven have been granted and five are still pending. The value of the property in respect of which registration has been granted is \$26,900.

At Ottawa one parcel of the value of \$15,000 has been registered.

Though the District of Manitoulin is nominally under the Land Titles Act, as the patents for nearly all the lands in the district are issued by the Indian Department at Ottawa only a few parcels are actually registered under the Land Titles system.

I have the honour to be, Sir,

Your obedient servant,

J. G. SCOTT,

Master of Titles.

AGREEMENT

BETWEEN

HIS MAJESTY

Represented by the Honourable the Commissioner of Crown Lands
for the Province of Ontario,

Of the First Part,

AND

THE RAINY LAKE PULP AND PAPER COMPANY,
LIMITED,

Of the Second Part.

Dated 6th January, 1903.

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO.



TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

1903.



WARWICK BRO'S & RUTTER, PRINTERS,
TORONTO.

A G R E E M E N T .

This indenture made this sixth day of January in the year of our Lord one thousand nine hundred and three between His Majesty, represented by the Honourable the Commissioner of Crown Lands for the Province of Ontario, hereinafter called the Government, of the first part, and William Blackwood, of the City of Winnipeg, Brewer, Robert Mills Simpson, of the City of Winnipeg, Esquire, William Alfred Preston, of the Village of Mine Centre, in the District of Rainy River, Capitalist, Honourable George E. Foster, of the City of Toronto, in the County of York, Manager, and William James Elliott, of the City of Toronto, in the County of York, Barrister-at-Law, and Louis Hamel, of the Village of Mine Centre, in the district of Rainy River, Merchant, who intend to form a Joint Stock Company under the Ontario Companies Act to be called "The Rainy Lake Pulp and Paper Company, Limited," or such other name as may be agreed upon, hereinafter called the Company, of the second part.

Whereas the Company has acquired the right to use the water power on the Sand Island River in the District of Rainy River and Province of Ontario, on which the Company intends to expend a large sum of money to improve and to utilize the same for the purposes hereinafter set forth, and whereas the Company proposes to construct and operate at or adjacent to the said water power and in connection therewith an extensive pulp or pulp and paper mill and to expend a large amount of capital in connection therewith, and from time to time to extend the same.

And whereas the Company is desirous of obtaining from the Government of the Province of Ontario the right to cut from and upon certain Crown lands of the said Province such pulp woods as are necessary for its uses in the carrying on of such enterprise and in manufacturing pulp, or pulp and paper and any other commodity which can be manufactured from pulp at its said mill and at any other mill or mills that the Company may find necessary to construct and operate in connection with its business, and the Company has deposited with the Government of the Province the sum of \$5,000 in cash as evidence of good faith, such sum to be subject to the provisions hereinafter contained.

And whereas this Agreement is entered into for the purpose of ensuring the performance by the Company of its obligations as hereinafter defined and of securing to the Company a continuous supply of wood for the purpose of its business upon the terms and subject to the conditions and stipulations hereinafter contained.

And whereas in order to carry the said undertaking into effect the parties above named, being the parties hereto of the second part, propose to form a Joint Stock Company in the Province of Ontario for the purpose of acquiring the said water power and the said lands and the taking over the same and the benefits and advantages pertaining thereto and of assuming the obligations hereinafter incurred by the said parties of the second part and of carrying on and operating the said undertaking and which Company they propose shall be called "The Rainy Lake Pulp and Paper Company, Limited," or such other name as may be agreed upon.

Now therefore this indenture witnesseth and it is agreed by and between the Company and the Government as follows, that is to say :

1. The parties hereto of the Second Part shall forthwith proceed to form a Joint Stock Company under the provisions of the Ontario Companies Act with a capital stock sufficient to carry out the obligations entered into herein and of which Company the said parties of the Second Part hereof shall all be members.

2. Immediately after the incorporation and organization of the said Joint Stock Company the said parties hereto of the second part shall convey to it the said water power above described together with this agreement and all benefit and advantage to be derived therefrom.

3. The said Joint Stock Company so to be incorporated shall assume all the liabilities and engagements which are assumed or entered into herein by the parties hereto of the second part and their personal liability to the Government shall cease and determine when such liabilities and engagements have been assumed by such Joint Stock Company.

4. The Company shall with all convenient dispatch proceed to the construction of the mill in connection with the said water power and will thoroughly equip the same so that the expenditure of the Company in the construction and equipment of the said mill and such other buildings and constructions as are necessary to the undertaking and exclusive of the said water power shall be at least the sum of \$75,000 and the said mill shall have a daily output of pulp or pulp and paper of not less than twenty tons so that at least fifty hands on an average will be continuously employed in connection therewith.

5. The said Company shall commence construction of the said mills within one year from the date hereof and shall fully complete the same within two and a half years from the date hereof.

6. In consideration of the said expenditure and of the contracts and engagements entered into on the part of the company the Government will grant to the Company for use in its business the right for a period of twenty-one years from the date hereof to cut and remove spruce, poplar or whitewood and bank-sian or jack pine six inches and upwards in diameter to enable the Company to work the said mill and any extensions thereof to its full capacity from the time when the Company commences cutting under this contract from those portions of the lands of the Crown on which the said woods or any of them may be found and which may be at any time unoccupied, unlocated or unsold, commencing at the mouth of Little Turtle River at the Southwest angle of Mining Location H. P. 138; thence North astronomically seventeen miles; thence West astronomically sixteen miles, more or less, to O. L. S. Niven's sixth Meridian Line; thence South along said Meridian Line fifteen miles, more or less, to Red Gut Bay of Rainy Lake; thence Southeast one and a half miles to the Northeast angle of Indian Reserve 26 A; thence South along the said East limit of the said Reserve one half a mile; thence due East seven miles, more or less, to the intersection of the North limit of Mining Location G. 70 with the water's edge of Little Turtle Lake; thence Easterly along the South shore of Little Turtle Lake; to opposite the Southwest angle of H.P. 138; thence Northerly to the place of beginning as shown on map attached hereto, excepting therefrom all Mining Locations patented or leased within the said territory, and also Indian Reserve No. 26 C, at the rates and prices hereinafter set forth and provided and subject to such reasonable terms conditions and regulations as to the cutting, removing and driving of the same as may from time to time be imposed by the Lieutenant-Governor in Council, and subject also as hereinafter set forth and contained.

7. The Company shall pay forty cents per cord of one hundred and twenty-eight cubic feet for spruce and ten cents per cord of one hundred and twenty-eight cubic feet for the other woods above mentioned, or such other prices as may from time to time be fixed by the Lieutenant-Governor in Council for such woods, but in no case shall the price so to be fixed be at higher figures than the price at which the general public shall be permitted to cut on other portions of the Crown domain or than others similarly situated shall be permitted to cut.

8. The Crown may revoke the right, license or permit to cut whenever the Company shall fail to comply with the terms of this agreement.

9. It is distinctly understood and agreed that only the right to cut wood as aforesaid is sold to the Company and not the soil or any part thereof nor is any interest in the soil so sold except in so far as may be necessary to cut and remove the woods as aforesaid, and the wood when so cut and removed shall (subject to the payment of the price thereof) become the absolute property of the Company except as hereinafter provided.

10. This agreement is not to impede or retard settlement or mining operations and nothing herein contained shall limit or affect the right of the Department of Crown Lands to sell, locate, lease or otherwise dispose of lands within the territory hereinbefore referred to for settlement, mining or other purposes, but the same shall be as free for such disposal as if this agreement had not been made, and where any lands are so sold, located, leased or otherwise disposed of, the rights of the purchasers, locatees, lessees or other parties entitled to the said lands in and to the timber thereon shall be the same as if this agreement had not been made.

11. Nothing herein contained or to be done hereunder or by virtue hereof shall entitle the Company to a monopoly in the use of the rivers in the territory mentioned herein or their tributaries, but the same shall be and continue open for the use of the public in accordance with the law in that behalf. But in view of the character of the industry to be established it is understood that the Government will not grant, sell to or confer upon any person or persons, corporation or corporations any right to cut pulpwood within the territory hereinbefore referred to, the granting of which would, in the opinion of the Commissioner of Crown Lands for the time being, have the effect of so far lessening or diminishing the supply of pulpwood in the said territory during the period covered by this agreement, and which under this agreement would be available for the making of pulp by the Company, as to prejudicially interfere with the Company during that period in obtaining all the pulpwood necessary for supplying the said mill and any extensions thereof which may be under construction and bona fide in the process of completion; but, should it appear to the satisfaction of the said Commissioner that there is upon the territory hereinbefore referred to a greater quantity of pulpwood than will be required to supply the Company's mills actually in operation or under construction and bona fide in process of completion as aforesaid for and during the said period of twenty-one years, the Government shall be at liberty to grant to any other person or persons, corporation or corporations, the right to cut such quantity or quantities of pulpwood on the territory hereinbefore referred to or the right to cut pulpwood, and over such portion or portions of such territory as in the opinion of the said Commissioner will not prejudicially diminish the Company's necessary supply as aforesaid.

12. It is distinctly understood and agreed that nothing herein contained shall, without the consent, in writing, of the Commissioner of Crown Lands for Ontario, be deemed to confer any right to cut or remove any timber from any territory or areas already under license or permit from the Crown, or which may hereafter be placed under license or permit for the cutting of pine timber during the time such license or permit is in force or until after the pine timber is cut therefrom, nor shall any cutting take place under this agreement in or in the immediate proximity of territory covered with green, merchantable pine available for lumbering purposes or which may be considered by the Government to be pine-bearing lands.

13. If, however, the wood in other parts of the available territory has been exhausted or is insufficient for the requirements of the Company's mill, the

Company may cut in the vicinity of such pine-bearing lands upon such terms and conditions as may from time to time be agreed upon between the Government and the Company, or if they cannot come to an agreement, then upon such terms, conditions and regulations as may from time to time be made or imposed by the Lieutenant-Governor in Council, or by the Commissioner of Crown Lands, for the purposes of affording ample protection to the standing pine. Nothing in this agreement contained shall be taken to confer upon the Company the right to cut and remove timber which is covered by license or permit from the Crown during the time the said license or permit is in force except with the consent of the holder or holders thereof.

14. Provided, however, and it is understood and agreed that the Company shall not be entitled to cut wood of any kind on the said territory or on any part thereof for the purpose of export in the wood, nor for sale to other persons for export in the wood.

15. It is hereby further agreed that nothing in this agreement contained shall prevent the Government from selling the right to any person or persons to cut pine trees or other kinds of wood not covered by this agreement on any part of the territory hereinbefore mentioned which has not already been placed under license, and to grant timber licenses or permits in respect thereof under the Statutes and Regulations in that behalf, and in no case shall the Company be entitled to cut the pine trees other than banksian pine unless under special permit or license from the Government or Commissioner of Crown Lands.

16. Nothing herein contained shall require the Government to provide any particular quantity of wood, as the Government in no case guarantees quantities, nor does anything more than grant the right to cut such wood as aforesaid within the territory hereinbefore referred to, and nothing herein contained shall require the Company to purchase any particular quantity of wood or to pay for any wood not actually cut upon the said territory.

17. And it is also hereby declared that the intention of these presents is that the Company shall at all times during the term of twenty-one years from the date hereof obtain sufficient quantity of pulpwood for the operation of the pulp or pulp and paper mills, so far as the same can be found available within the territory hereinbefore referred to, and so far as the same can be obtained consistently with the terms of this agreement.

18. Settlement shall be made with the Government at the close of each season of navigation for the price of the wood cut up to that time, and a correct account of all wood cut by the Company shall be kept in the books of the Company in such a manner as the regulations made or to be made shall provide, to which the officers of the Crown shall at all times be entitled to access, and returns shall from time to time be made under oath by the Company to the Crown of the quantities cut or as regulations aforesaid may require.

19. If the Company shall not substantially and in a bona fide way commence construction of the said pulp or pulp and paper mill within one year from the date hereof, and fully complete the same within two and a half years from the date hereof, this agreement shall become null and void and of no effect, and the sum of \$5,000 heretofore paid to the Government by way of deposit shall be forfeited to the uses of His Majesty for said Province, provided that if and when the Company shall show to the satisfaction of the Government that it has expended the sum of \$15,000 on the construction and equipment of the said pulp or pulp and paper mill the Government shall return the said sum of \$5,000 to the parties of the second part or their representatives.

20. The Company covenants with His Majesty that it shall and will not at any time or in any place deposit, empty, run or turn into or permit to be

deposited, emptied, run or turned into any river, stream or other waters whatsoever, refuse, sawdust, chemicals, or other matter of any kind which shall have the effect of destroying, harming, or driving away the fish in such river, stream or water.

21. The Company shall in the development of the water power and the construction and equipment of the works and mills aforesaid, use cement and machinery of Canadian manufacture so far as the same is reasonably practicable.

22. It is understood and agreed that the pulpwood cut for or by the said Company in and upon the said territory shall be manufactured into pulp or paper or other commodities that can be manufactured from pulp in the said mill or mills to be erected by the said Company at or near the water power owned by them, or in additions to or extensions of the same which the Company may construct in the Province of Ontario, and shall not be sold in the wood or unmanufactured condition to any other person or persons.

23. And it is hereby further agreed that until the Company shall have erected and completed the said mill or mills and shall have put the same in active operation the said Company will not sell, dispose of, assign or transfer the rights and privileges granted to them by this agreement, or any right, title or interest acquired by them hereunder, but an assignment or pledge or mortgage of the said agreement or of the Company's rights thereunder for the purpose of securing an advance of money or for the purpose of securing the bonds, debentures or other financial obligations of the Company, or for any like purpose shall not be a violation of this agreement, and nothing herein contained shall interfere with any increase of capital stock or any re-organization of the Company or issue of preference stock.

24. Whenever the expression "the Company" shall occur in this agreement it shall be understood to include the heirs, executors, administrators and assigns of the parties hereto of the Second Part and the successors and assigns of the joint stock company so to be formed.

25. This agreement is provisional only until approved by resolution of the Legislative Assembly.

In witness whereof the Commissioner of Crown Lands has hereunto set his hand and seal and the parties of the Second Part have signed, sealed and delivered the same on the day and year first above mentioned.

Signed, sealed and delivered
in the presence of

Sgd. ROBERT D. HUME, as to the signatures of GEORGE E. FOSTER, and WILLIAM JAMES ELLIOTT,

And in the presence of

Sgd. JULES FERRY, as to the signatures of WILLIAM BLACKWOOD, ROBERT MILLS SIMPSON, WILLIAM ALFRED PRESTON, and LOUIS HAMEL, by the hand of W. J. ELLIOTT, their Attorney.

(Sgd.	E. J. DAVIS,	[L.S.]
Sgd.	WILLIAM BLACKWOOD,	
	per power of Attorney to	
	W. J. ELLIOTT,	[L.S.]
Sgd.	ROBERT MILLS SIMPSON,	
	per power of Attorney to	
	W. J. ELLIOTT,	[L.S.]
Sgd.	WILLIAM ALFRED PRESTON,	
	per power of Attorney to	
	W. J. ELLIOTT,	[L.S.]
Sgd.	GEORGE E. FOSTER,	[L.S.]
Sgd.	WILLIAM JAMES ELLIOTT,	[L.S.]
Sgd.	LOUIS HAMEL,	
	per power of Attorney to	
	W. J. ELLIOTT.	[L.S.]

RETURN

TO AN ORDER OF THE HOUSE DATED THE 8TH DAY OF MAY, 1903,
FOR A RETURN OF COPIES OF ALL

AWARDS MADE BY THE ARBITRATORS

BETWEEN THE

DOMINION AND THE PROVINCES

SINCE THE DATE OF THE LAST RETURN.

Also a Statement of the Account between Ontario and the Dominion from 31st
December, 1892, to 31st December, 1902, as settled by the Counsel
for the Province and the Dominion. Also Correspondence
between the Minister of Finance and the
Provincial Treasurer.

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO.



TORONTO:
PRINTED AND PUBLISHED BY L. K. CAMERON.
Printer to the King's Most Excellent Majesty.
1903.



WARWICK BRO'S & RUTTER, PRINTERS.
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The latest Award is the 18th Award of 13th September, 1900, being Common School Award No. 5, dismissing the claim of Quebec for uncollected balances on the ground of want of jurisdiction. See Ontario Sessional Papers, 1901, No. 58.

On appeal by the Province of Quebec, the Supreme Court decided 16th November, 1901, that the Arbitrators had jurisdiction to hear and adjudicate upon the claim of Quebec.

IN THE SUPREME COURT OF CANADA.

IN RE COMMON SCHOOL FUND AND LANDS.

The Province of Quebec

Appellant.

AND

The Province of Ontario and the Dominion of Canada Respondents

On an appeal from the decision of the Dominion Arbitrators respecting the jurisdiction of the Arbitrators in the Arbitration respecting provincial accounts.

Notes of reasons for judgment delivered on the 16th of November, 1901.

The judgment of the Court was delivered by the Chief Justice :—

In a judgment in a former appeal arising out of this Arbitration relating to the Common School Fund, reported in 28 Can. S. C. R. 609, at page 804, I have stated the nature of the questions submitted to the Arbitrators relative to the Fund in question.

In proceedings before the Arbitrators since that judgment was delivered, a question which a majority of the Arbitrators (Mr. Justice Burbidge and Chancellor Boyd) have treated as a question of jurisdiction has arisen, and has been determined adversely to the Province of Quebec. The Arbitrators having certified that they proceeded upon a disputed question of law, the matter has been brought by appeal to this Court.

By the agreement or submission of the 10th April, 1893 (28 Can. S. C. R. 804), amongst other matters referred to the Arbitrators were the following :—

- (H) The ascertainment and determination of the principal of the Common School Fund, the rate of interest which would be allowed on such Fund, and the method of computing such interest.
- (I) In the ascertainment of the amount of the principal of the said Common School Fund, the Arbitrators are to take into consideration not only the sum now held by the Dominion of Canada, but also the amount for which Ontario is liable, and also the value of the school lands which have not yet been sold.

The Province of Quebec having claimed that Ontario is liable: (1) For purchase money of land sold which may have been remitted by the Province of Ontario to the purchasers; (2) For purchase moneys which might, if due diligence had been used, have been collected from the purchasers by Ontario, but which, owing to the neglect and default of the provincial officers, have not been collected but have been lost; (3) For lands which might have been sold but have not been sold; and (4) For all uncollected balances of purchase money—the majority of the Arbitrators held that they had no jurisdiction under the submission to take cognizance of such claims, and, for that reason, declined to entertain the question on the merits.

As intimated on the argument, a majority of the Court consider the decision to be erroneous.

The clear and distinct words of the reference, which require the Arbitrators "to take into consideration the amount for which Ontario is liable," seem to us to make it impossible that a claim that Ontario is liable for uncollected balances of purchase money, as well as for the wilful default and neglect of its officers, can possibly be outside the terms of the reference.

Whatever may be the result upon the merits, at least the Province of Quebec, when it asserts a claim for these moneys remitted and lost to the Fund, or not realized, by the omissions of Ontario, is entitled to be heard, and cannot be repelled *in limine* upon the pretensions that there is a want of jurisdiction when, in the very words of the submission, it is referred to the Arbitrators to ascertain the amount of Ontario's liability.

In order to support the ruling of the Arbitrators rejecting the claim without hearing the parties, it is not now competent for counsel for Ontario to travel into the merits of the case and show that, as a matter of law, upon the construction of the submission, of previous awards, and of legislative Acts, the Province of Ontario cannot be made liable for these claims. Quebec has a right to urge this liability before the Arbitrators in the first instance, and this they have been prevented from doing by the denial of jurisdiction. We need not amplify these reasons for our decision, as we agree in the arguments stated by Chief Justice Casault in his dissenting opinion, so far as it bears on the question of jurisdiction.

The appeal is allowed and it is referred back to the Arbitrators with a declaration that they have jurisdiction to hear and adjudicate upon the claims made by the Province of Quebec.

GWYNNE, J. (dissenting).

This appeal is made in assertion of a right on the part of the Appellant to apply to the arbitration between the Provinces of Ontario and Quebec, under the terms of a submission entered into by the Provinces, a principle which the Court of Chancery applies and applies only in cases of accounts ordered to be taken between *cestuis que trustent* and their trustees having imposed on them a duty to collect, receive and apply to the uses of their *cestuis que trustent* moneys belonging to them; and between mortgagors and their mortgagees in possession.

The Appellant claimed before the Arbitrators a right to have an inquiry made as to whether or not the Government of the Province of Ontario had, by wilful default or neglect failed or delayed in collecting any money which, when received, would belong to the Common School Fund in which both Provinces have a common interest, and if it should appear that they had, then the Appellant claimed to have a right to charge against the Province of Ontario in the arbitration the amount which should be so ascertained, as if in fact this money had been received by the Government of the Province. The Arbitrators declined to enter upon any such inquiry, for the reason that, in their judgment, such an inquiry did not come within the terms of submission under which they acquired jurisdiction. From that decision this appeal is taken.

In the argument before us the Appellant by its learned counsel pressed upon us that it does not charge the Government of Ontario with having been guilty of any such wilful default or neglect, nor does it allege that any loss has accrued to the School Fund by reason of any moneys not having been collected and received by the Province of Ontario—that all that the Appellant asked is an inquiry into the matter—and, of course, consequential directions, as it should

appear, and the Appellant insisted that not to allow the appeal would be, in effect, an adjudication in the negative upon the merits of the question, whether or not Ontario has been guilty of such unlawful default and neglect.

I endeavoured to point out at the time what appeared to me to be, and what still appears to me to be, the fallacy of this contention. It needs no argument. All may be summed up in this short sentence: It is difficult to understand how the declining to enter upon an inquiry into any subject for the reason of want of jurisdiction can be construed into a determination of the subject matter upon its merits either in the affirmative or in the negative.

This, however, was the sole argument used before us.

Regarding then the question as it is, as one only of the construction of the submission to arbitration it is simply this.

Did the Government of the Province of Ontario, by the submission to arbitration in which it has concurred with the Government of the Province of Quebec, submit to the judgment of the Arbitrators the determination of the question whether or not it is liable to account as a defaulting trustee, as being guilty by wilful default and neglect, in not having collected moneys which, when collected and received by the Government of Ontario, belong to the School Fund.

The Arbitrators have, as I have said, expressed their opinion that no such question is, by the submission, remitted to them to determine.

In this opinion, and in the reasons upon which it has been founded, I concur, and I am, therefore, of opinion that the appeal should be dismissed with costs.

On appeal by the Province of Ontario to the Lords of the Judicial Committee of the Privy Council, judgment was delivered 12th November, 1902, reversing the Judgment of the Supreme Court,—and restoring the Award of the Arbitrators of 13th September, 1900.

Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of The Attorney-General for the Province of Ontario v. The Attorney-General for the Province of Quebec, from the Supreme Court of Canada; delivered the 12th November 1902.

Present at the Hearing:

THE LORD CHANCELLOR,
LORD MACNAGHTEN.
LORD DAVEY.
LORD ROBERTSON.
LORD LINDLEY.

[Delivered by Lord Robertson.]

The Judgment appealed against was pronounced by the Supreme Court of Canada in the exercise of a statutory jurisdiction, and it declares that the Arbitrators whose award was before the Court had jurisdiction to hear and adjudicate upon certain claims made by the Province of Quebec. The question before their Lordships is whether that decision is right.

The Arbitrators derive their original power from certain statutes (in identic terms) of Canada, of Ontario and of Quebec; but the instrument upon which the present question turns is an Agreement of Submission dated 10th April, 1893. The tribunal was established for the amicable settlement of any questions which might arise in the settlement of accounts between the Dominion and the Prov-

inces and between the two Provinces, and is conceived in general terms applicable to the various possible questions which might come to be submitted for decision. The Arbitrators are not to be bound to decide according to strict rules of law, but may decide on equitable principles; but when they do proceed on their view of a disputed question of law the award must set forth the same, at the instance of either party, and the award is then subject to appeal, so far as relates to such decision, to the Supreme Court and thence to the Privy Council in case their Lordships are pleased to entertain the Appeal. The award now under consideration purports to proceed upon the view of a majority of the Arbitrators on a disputed question of law, and hence the proceedings in the Supreme Court of Canada and the present Appeal.

The questions submitted to the Arbitrators by the Agreement of 10th April, 1893, with which this Appeal is concerned, relate to what is known as the Common School Fund. The origin of this fund was a statute of the Province of Canada, passed in 1850 (12 Vict. cap. 200), the object of which was to provide a perpetual fund for the support of common schools and the establishment of Township and Parish Libraries. The source of this fund was to be one million acres of public lands, which were to be set apart and appropriated by the Commissioner of Crown Lands, under the direction of the Governor in Council, in such part or parts of the Province of Canada as he might deem expedient, and were to be sold in order to the investment of the proceeds towards creating the School Fund. The purposes of this enactment were thus common to the whole Province of Canada, as it then existed; and, as the lands to be set apart were public lands, those purposes were to be accomplished at the cost of the whole province. As it happened, the lands chosen and set apart by the Commissioner under this Act were situated in the Huron Tract in what is now the Province of Ontario.

The effect of the British North America Act of 1867 was that the Province of Ontario became owner of those lands so far as unsold. Questions having, not unnaturally, arisen out of the situation thus produced, advantage was taken, in 1870, of the arbitration set up by the 142nd section of the Act of 1867 to invoke that tribunal in regard to the School Fund; and by award dated 3rd September 1870, certain things were decided and *inter alia* it was laid down (Article 9) that the moneys received by Ontario since 30th June, 1867, from the Common School Lands should be paid to the Dominion to be invested as provided in the Act of 1859 and the income was to be divided between Ontario and Quebec on the principle of that statute. By Article 10 it was laid down that Ontario should be entitled to retain out of such money six per cent. for the sale and management of such lands. (Any question which might have arisen as to the jurisdiction of the Arbitrators in making this award has been set at rest by a decision in an early stage of the present arbitration that the award of 1870 was good and is to be followed.)

The experience of 23 years having resulted in a new set of questions, the Agreement of Submission of 1893 was entered into; and in that Agreement the third article was as follows:—

“(3). It is agreed that the following matters shall be referred to the said Arbitrators for their determination and award in accordance with the said Statutes, namely:—

“(g) The rate of interest, if any, to be allowed in the accounts between the two Provinces, and also whether such interest shall be compounded, and in what manner.

“(h) The ascertainment and determination of the amount of the principal of the Common School Fund, and the method of computing such interest.”

On 6th March, 1896, an award was pronounced of which the following is the part which is relevant to the present narrative :—

“ 2. That in computing the amount of principal money of the Common School Fund, for which the Province of Ontario is liable, the following sums shall be deemed to be and shall be treated in all respects as moneys received by the Province from or on account of the Common School Lands set apart in aid of the Common Schools of the late Province of Canada, that is to say :

“(a) Any sum of money due for principal or interest from any purchaser of said Common School Lands, remitted by the Province of Ontario to the purchaser, unless it be shown by the Province that such remission was made in a fair and prudent administration of the Common School Lands and Fund ; and

“(b) Any sum of money due for principal or interest from any purchaser of said Common School Lands, at the time when letters patent for such lands were issued to him by the Province of Ontario, and not collected by the Province, unless it be shown by the Province that there was good cause for not collecting the same.

“ 3. That where in a fair and prudent administration of the Common School Lands any sale of such lands has been cancelled by the Province of Ontario, and the same resold at a price less than that first obtained, the Province shall not be liable for the loss resulting therefrom.

“ 4. That in computing the amount of interest due from the Province of Ontario to the Common School Fund on the thirty-first day of December, eighteen hundred and ninety-two, such interest shall be computed and made up at the rate of five per centum per annum, and shall be compounded half-yearly.”

On the 9th December, 1899, there was placed before the Arbitrators the statement of claim by the Province of Quebec which is the subject in dispute, and the question before their Lordships is whether that claim is within the jurisdiction of the Arbitrators. The paper is a long one, but the first seven articles are expressed as representing the claim, the remaining thirteen articles being introduced by the words, “ And in support of her present claim Quebec further says.”

The first seven articles are as follows :—

“ 1. Inasmuch as Quebec claims that by law and statutes governing the same, and particularly by Chap. 26 of the Consolidated Statutes of Canada, the British North America Act, 1867, the awards of 1870 and of this Board, and the judgment of the Supreme Court, and also on equitable principles, Quebec and her people were and are entitled to have and enjoy Quebec's share of all moneys arising or capable of being derived from the sale or disposition of the one million acres of Common School Lands mentioned in Chap. 26 of the Consolidated Statutes of Canada, as fully and beneficially in all respects as Ontario and her people were and are entitled to have and enjoy Ontario's share of the same.

“ 2. And inasmuch as Quebec claims that she and her people have not so enjoyed her share of said moneys but have been and are kept by Ontario, illegally, inequitably and unjustly out of Quebec's share and enjoyment of a large portion of said moneys, to wit, that portion represented by the uncollected balances due on said Common School Lands and mentioned in Statement No. 6 of Mr. Hyde, filed herein, which Ontario and her people, in effect, have had and have the exclusive use, benefit and enjoyment of, and which Ontario by her acts and conduct has virtually and in effect appropriated and applied to the use and benefit of herself and her people.

"3. Therefore in order that Quebec and her people may obtain the benefit they are entitled to on account of their share of the amount of said uncollected balances to the extent of *at least herein asked, and the amount of the Common School Fund be further declared and ascertained.

**Sic* (foot note).

"4. Quebec hereby gives notice of, and asks the Honourable Arbitrators to determine in due course in her favour the following claim which Quebec makes against Ontario on account of said uncollected balances mentioned in said Statement No. 6.

"5. Quebec asks—without prejudice to her right to make further proof should she see fit or this Honourable Board so order—that the long delay of upwards of a quarter of a century on the part of Ontario to collect in said balances, with other facts of record before this Honourable Board, be of themselves taken and held a presumption and proof against Ontario of her failure to carry out her obligations to collect in said balances and render Ontario at least *prima facie* liable as herein asked by Quebec.

"6. That the said uncollected balances, to wit, both of principal and interest, mentioned in said Statement No. 6, ought to be and be deemed, held and treated, in all respects as moneys received by Ontario from or on account of the Common School Lands and as part of the principal of the Common School Fund or moneys in the hands of Ontario on the 31st December, 1892, at the latest, and for which Ontario was and still is liable with interest.

"7. That in default of the Honourable Arbitrators determining that the said 31st December, 1892, is a proper date by which said balances are to be deemed as part of the principal of the said Common School Fund in the hands of Ontario, and for which she is liable, that they do fix and determine the proper date or dates at or by which Ontario ought to be considered to have received said balances; Quebec alleging that Ontario ought to have collected in the said balances long prior to 1892."

Against this claim the Province of Ontario, on 22nd May, 1900, filed an interim plea, alleging that the matters embraced in the claim are not nor is any of them cognisable by the Arbitrators and that the said matters are not nor is any of them within the terms of the submission and that the Arbitrators had no jurisdiction nor power to inquire into or make any award upon them. Quebec having filed a formal replication, asked the Arbitrators to award and adjudicate on the issues raised by Ontario's answer; and on 13th September, 1900, the Arbitrators issued the award in question, by which the majority, viz., Sir John Boyd and Mr. Justice Burbridge (Sir Louis Napoleon Casault dissenting) awarded, ordered and adjudged that the Arbitrators had no authority or jurisdiction to entertain the claim of Quebec. It was declared that this award was made without prejudice to the rights and interests of Quebec in the uncollected balances and to its right to have the same saved and excepted in any final award made in the matters submitted. An appeal having been taken by Quebec to the Supreme Court of Canada, that Court (Mr. Justice Gwynne dissenting) allowed the Appeal and declared that the Arbitrators had jurisdiction to hear and adjudicate upon the claim in question.

The controversy upon which this difference of opinion has taken place, alike among the eminent Arbitrators and in the Supreme Court, depends primarily upon what is the true import of the claim itself. The judgment delivered by the Chief Justice on behalf of the majority of the Supreme Court can hardly be supported as presenting an accurate statement of the claim; for of the four elements into which he analyses it only one is actually present, viz., a claim for uncollected balances of purchase money. It is also to be observed

that in expressly adopting the arguments stated by Sir Louis Casault, the majority of the Supreme Court have accepted arguments which led to the rejection by that learned Arbitrator of all the specific applications expressed in the claim of Quebec.

In ascertaining the true nature of the claim of Quebec, it is necessary to observe that the claim relates to the uncollected prices of lands sold by Ontario and to nothing else. The case, be it understood, is that of lands sold but no title to which has yet been granted. The gravamen is that those sales ought to have been completed and the prices ought to have been collected long ago and that those prices have not been collected. Apart from this, Quebec has no case and does not profess to have one. The Respondent endeavoured to make out that he was not necessarily committed to the very strong statements made in the claim, of wilful violation of duty. Now while it may not be of the essence of the claim to advance, as the Respondent has done, the theory that those moneys have not been collected because it is the settled purpose of Ontario to keep them in the province, the facts set out in the claim amount to a case of wilful neglect and default and to nothing else, and the remedy sought is that those moneys which are not in the hands of the defaulter shall be treated as if they were and shall be debited against him. This is the gist of the claim, a claim against a trustee who, whether from intention or from negligence, leaves moneys uncollected which he ought to have in his hands. The remedy claimed by Quebec is that Ontario shall be debited with a specific sum, to wit, \$485,801. 65 interest to run on it from a stated date. This is an appropriate remedy for a breach of trust but it can be justified on no other ground.

Now the question is whether such a claim falls within heads H. and I. of the Submission. "The Common School Fund," the principal of which is to be "ascertained and determined," according to the conception of the statutes which relate to it, consists of moneys in the hands of the Government. Now the substance of the claim of Quebec is that the Ontario Government is to be debited with what in fact is not in their hands and is alleged to be uncollected owing to the fault of that Government. Their Lordships are unable to hold that a claim of this nature is to be found within the language of articles H. and I. of the Submission when there is no recital or suggestion of it in the rest of the Submission. The question is not whether the claim is suitable for arbitration, but whether it has been submitted by this instrument. As their Lordships read the claim, it is a claim founded on wilful neglect and default and of the nature of damages, and is heterogeneous to the questions which are clearly included in the Submission. The specified matters which the Arbitrators are to take into consideration do not include the present claim and the fact that they are mentioned makes it impossible to suppose that the parties would have omitted to mention the matter now in question, if it had been within the scope of the reference.

Their Lordships will humbly advise His Majesty that the Judgment of the Supreme Court of Canada ought to be reversed and the award of the Arbitrators restored.

There will be no order as to the costs of this Appeal.

In the Court of Exchequer—

Disputed accounts between Federal and Provincial Governments—Award of Arbitrators—Interest on Award—Agreement as to date from which Interest is to be computed. 4 per cent.

Judgment—5 December, 1902.

IN THE EXCHEQUER COURT OF CANADA.

BETWEEN : —

THE DOMINION OF CANADA,

—AND—

THE PROVINCE OF ONTARIO.

RE CONTROVERSY AS TO THE DATE FROM WHICH INTEREST IS TO BE PAID BY ONTARIO TO THE DOMINION UPON THE BALANCE FOUND DUE FROM ONTARIO TO THE DOMINION BY THE AWARD OF THE ARBITRATORS DATED 1ST AUGUST, 1900. JUDGMENT DELIVERED 5TH DECEMBER, 1902.

In August, 1894, an agreement was concluded between the parties, whereby the Province of Ontario agreed to pay interest at the rate of four per centum per annum upon the balance that should, in certain proceedings by way of Arbitration mentioned in this case, be found to be due from the Province to the Dominion, and the only question in controversy and to be determined in this case is whether it was a term or condition of that agreement that such interest should be computed from the first day of July, 1894. If so, Ontario is entitled to the judgment of the Court; if not, judgment should go for the Dominion.

By the terms of the submission under which, and subject to certain statutes referred to in the case, the arbitration was being proceeded with the Arbitrators were to bring down and extend the accounts submitted to them to the 31st day of December, 1892, inclusive. That is, the balance was to be struck as of that date. The Arbitrators had power to make, and made from time to time a number of awards dealing with different matters submitted to them. The first award made and set out in this case was published on the 2nd of November, 1893. By that award it was, among other things, provided that certain trust funds belonging to the Provinces of Ontario and Quebec should be treated as intact and unimpaired and that interest thereon at the rate of five per centum per annum should be carried half-yearly into the separate accounts of Ontario and Quebec; that the Province of Canada account should be made up at simple interest at the rate of five per centum per annum; that in the separate accounts of Ontario and Quebec these Provinces should respectively be allowed simple interest on any balance from time to time existing in their favour, at the rate mentioned (except where some other rate had been expressly agreed to); and that the question as to whether or not the Dominion should be allowed simple interest at the rate mentioned on any balance that might from time to time be found to exist in its favor in the separate accounts of Ontario and Quebec should be reserved for further argument. That question was not decided until August 31st, 1894, when the award dealing therewith and set out in the present case was made. By another award, also set out in the case, published on the 1st of August, 1900, the balance due on the 31st of December, 1892, by the Province of Ontario to the Dominion of Canada, apart from the trust funds mentioned, and subject to some matters not disposed of, was determined to be \$1,815,848.59. The contention of the Dominion is that interest on this sum at the rate of four per centum per annum should be computed half-yearly from and after January 1st, 1893. The contention of Ontario on the other hand is that such interest should, as a result of the agreement come to between the parties, be computed half-yearly from and after July 1st, 1894, the difference between the two contentions being represented by a sum of \$113,176.54.

Between the dates of the two awards first mentioned, that is, between the 2nd of November, 1893, and the 31st of August, 1894, the correspondence took place, out of which arose the contract or agreement now in question. It was commenced by letters dated the 21st of December, 1893, from Mr. Courtney, the

Deputy Minister of Finance, to the Treasurers of the Provinces of Ontario and Quebec in which attention was called to the state of the accounts between the Dominion and the Provinces as affected by the award of November 2nd, 1893. It appears from the correspondence (see Sir Oliver Mowat's letter of December 28th, 1893, in answer to Mr. Courtney's) that the accounts that had from time to time been prepared and which had been submitted to the Arbitrators, showed balances in favor of the Province of Ontario apart altogether from the trust funds referred to; and I think it is a fair inference from what appears in the case that at the time this correspondence opens it had come to be known that apart from such trust funds the balance of account would be in favour of the Dominion for a large sum.

As has been observed, the Arbitrators had by their award directed that these trust funds should be treated as intact and unimpaired. It is obvious that this direction should be read in the connection in which it occurs, and that its primary object and purpose was to prescribe a rule to be followed in the computation of interest in taking accounts which by the terms of the submission were to be brought down to the 31st of December, 1892. Whether such funds, or any of them, were held by the Dominion on terms that prevented it from paying them off at any time at its will, or if not, whether the Arbitrators intended, or if they so intended, whether they had authority to attach any such condition to the terms on which such funds were held, are questions outside of the present inquiry. What is evident from the correspondence printed in this case is that in December, 1893, there was some question as to the right of the Dominion to pay the Province the amount of these funds and so get rid of the obligation to pay interest thereon at the rate of five per centum per annum.

Briefly then, the circumstances under which the correspondence opened, were these:—An arbitration was proceeding upon accounts that showed on the face of them that apart from certain trust funds the Dominion was indebted to the Provinces of Ontario and Quebec. In the course of these proceedings it had become apparent that on a proper taking of the accounts the balances would be the other way, and there seems to have been some question whether or not these trust funds could be brought into account to lessen or discharge such balances. Moreover, the question of the Dominion's right to interest on such balances had not then been determined. Under these circumstances, Mr. Courtney, writing for the Government of Canada, stated in the letters referred to that while it was contended on behalf of the Dominion that the Dominion should be awarded interest upon these balances, the right to such interest, so far as the past was concerned, was still a matter for determination, but as to the future it was deemed prudent and advisable that an understanding should be come to with regard to interest upon the balances in favour of the Dominion which would avoid any further misunderstanding or difference: and he proposed to the Treasurer of each Province that the Province should agree to pay to the Dominion from the 1st of January then next (1894) simple interest at five per cent. upon the balances in account then standing in favour of the Dominion, until such balances should be discharged by the Province, or in the event of the Province failing so to agree the subsidies to which it was entitled should be applied in reduction and payment of such balances. No conclusion was arrived at upon that proposal. Action was eventually deferred until the July subsidies were about to fall due when the question was again raised. And here it may be convenient to observe that while the Province of Quebec is not a party to this case, and is in no way bound by any conclusion that is come to, it is necessary to refer to the correspondence on this subject that took place between the Dominion and that Province and which was made the basis of the agreement come to between the Dominion and Ontario.

On the 4th of June, 1894, Mr. Courtney, in a letter to Mr. Machin, the Assistant Treasurer of Quebec, referring to previous correspondence, asked to be informed whether the Province of Quebec was willing to agree to pay the Dominion simple interest, at five per cent., upon the balances in account standing in favour of the Dominion, until such balances should be discharged by the Province, or in the event of the Province so failing to agree the subsidies should be applied in reduction and payment of such balances. Passing over some correspondence that is not material now to the question in issue it will be found that in a letter of the 26th of June, 1894, Mr. Taillon, Premier and Acting-Treasurer of Quebec, wrote to the Minister of Finance that the financial position of the Province of Quebec was such that it would absolutely require the half-yearly subsidy to enable it to meet its engagements, and rather than fail in these his Government was prepared, in the event of the Dominion insisting upon exerting its power to retain the subsidy, to agree to a rate of interest to be computed upon any balances which might, as a result of the Arbitration then in progress, be established to exist in favour of the Dominion by the Province on the general account from the 1st of July proximo; and he suggested that three and one-half per cent. per annum, being the rate of interest on the last issue of Dominion securities, should be the rate fixed upon and paid until such balances were discharged by the Province, it being fully understood that Quebec under any circumstances should not be placed in any worse position than the Province of Ontario. To that letter Mr. Courtney, on the 29th of June, 1894, answered that the arrangement could not be closed at a rate of interest less than four per cent. By a telegram of the 2nd of July, 1894, Mr. Taillon agreed to the rate of four per centum, and promised a letter confirming his telegram. On the 6th of July, 1894, Mr. Machin, in a letter to Mr. Courtney acknowledging the receipt of a cheque in payment of the half-yearly subsidy and interest on trust funds, stated that he was directed to confirm Mr. Taillon's telegram of the 2nd and added that "this determines the rate of interest to be paid by the Province on any balances that may be established by the Arbitration as existing in favour of the Dominion at the 1st of July instant at 4 per cent. per annum."

It is not necessary, I think, to go through the correspondence on the same subject between the Dominion and the Province of Ontario. Mr. Taillon's Telegram of July 2nd, 1894, and an extract from Mr. Machin's letter of the 6th of that month were communicated to Sir Oliver Mowat, and Ontario on the 18th August, 1894, by a letter from the Acting Deputy Attorney-General of that Province to the Acting Deputy Minister of Finance accepted the same conditions as Quebec in respect to the payment of the subsidy. I refer also to Sir Oliver Mowat's letter of the 26th July, 1894, to Sir John Thompson, in which he states that he understood that the subsidy due to Quebec on the first of July had been paid on the consent of the Government of that Province to pay interest at four per centum per annum on any balance found to be due to the Dominion, such interest to be reckoned from and after the 1st July, 1894, and he offered on behalf of Ontario to accept the subsidy on these terms.

Now, as has been observed, the question for determination is whether or not it was a term or condition of the agreement come to that the interest at the rate of four per centum per annum on the balances mentioned should be paid from the 1st of July, 1894; and that question of fact should, it seems to me, be answered in the affirmative. Mr. Courtney, on behalf of the Dominion, was the first to name a day from which the arrangement then proposed should take effect. When later he renewed the negotiation he did not mention any date, but Mr. Taillon in his reply, and Mr. Machin in his letter confirming Mr. Taillon's telegram did, *and no question having been raised as to that matter, the Dominion must, I think, be taken to have accepted and agreed to the date*

proposed by Mr. Taillon. Mr. Courtney's letters of December 21st, 1893, left the question of one year's interest on the balances of the accounts as they would be found to exist on the 31st of December, 1892, to be *determined in some way other than by the arrangement or agreement then proposed*. Why the proposal was made in that form does not appear. It may be that it was thought at the time that the Arbitrators could deal with all the past to which reference was made, or that any rule as to interest on such balances which they should prescribe would apply until the parties agreed to some other rule. Or it may be that the matter was left to the operation of law to be determined in any appropriate manner. The latter view of the matter would raise the question as to whether, apart from any agreement, the Dominion would be entitled to interest at the legal and current rate of interest on the balance found in its favour. That question is not raised now, and it may be that the agreement that was come to stands in the way of its being raised at any time. As to these questions, it would not be proper for me to express any opinion, and I express none. One thing, however, is clear, the proposals made in 1893 contained no provision in respect of interest prior to January 1st, 1894, on the balances mentioned. Then the agreement came to with the Province of Quebec in July, 1894, left the interest prior to the first of that month to be settled and determined (if at all) by reference to considerations other than those arising from the agreement of the parties. That agreement was, I think, operative from the 1st July, 1894, and not before that date. If so, no interest could be payable under it prior to that time, and therefore I am unable to agree with the contention set up by the Dominion that it is entitled by virtue of this agreement to interest at the rate mentioned on the balance in its favour from the 31st December, 1892, to the 1st of July, 1894. On the other hand, with respect to any claim now made for the payment of interest based on the agreement of the parties, I agree with the contention of the Province of Ontario that it is so payable from the 1st of July, 1894 only. And I understand this case to be limited to that question, and not to go beyond it; the question being briefly on the one hand whether the parties agreed to a rate of interest only; or on the other hand, not only to such rate, but also to a date from which it could be computed. That, from paragraphs five, six and eleven of the case, and from the arguments of counsel, I understand to be the only question submitted for decision. And confining my answer to that question I agree with the contention put forward on the part of the Province of Ontario, and I think that judgment should on that issue be entered for that Province.

NOTE BY MR. IRVING, K. C.

The 17th award, 1st August, 1900, Ontario Sessional Papers, 1901, No. 58, settled the debt of Ontario, as of 31st December, 1892, at \$1,815,848.59.

But the account from 31st December, 1892, to 31st December, 1902, was settled by Counsel for Ontario and Canada under the supervision of Treasurer of Ontario, Hon. G. W. Ross, and the Minister of Finance, Hon. W. S. Fielding, at \$1,807,986.49.

PROVINCE OF ONTARIO, IN ACCOUNT WITH THE DOMINION OF CANADA,
Dec. 31st, 1892, to Dec. 31st, 1902.

		DR.	CR.
1892			
Dec 31.	To balance.....	\$ 1,815,848 59	\$
1893			
Jan. 1.	By subsidy for $\frac{1}{2}$ year		598,436 40
	" interest under 47 Vic, c. 4.....		71,207 24
3.	To cash for subsidy	598,436 40	
	" cash on account	150,000 00	

		DR.	CR.
1898.			
July 1.	To Cash	\$669,643 64	
11.	" "	35,000 00	
28.	" "	60,000 00	
28.	" Transfer to Common School Fund	16,277 46	
Dec. 10.	" "	47,535 17	
31.	By interest on Trust Funds		47,746 14
	" Common School Fund		36,244 56
	To interest	38,713 22	
1899.			
Jan. 1.	By subsidy for $\frac{1}{2}$ year		598,436 40
	" Interest under 47 Vic., c. 4		71,207 24
	To cash	669,643 64	
	" "	50,000 00	
June 30.	By interest on Trust Funds		47,746 14
	" Common School Fund		36,674 26
	To interest	39,287 74	
July 1.	By subsidy for $\frac{1}{2}$ year		598,436 40
	" Interest under 47 Vic., c. 4		71,207 24
	To cash	669,643 64	
	" "	35,000 00	
Aug. 25.	" "	45,000 00	
Dec. 12.	" Transfer to Common School Fund	6,983 14	
31.	By Interest on Trust Funds		47,746 14
	" Common School Fund		36,681 30
	To interest	40,380 35	
1900			
Jan. 1.	By subsidy for $\frac{1}{2}$ year		598,436 40
	" Interest under 47 Vic., c. 4		71,207 24
	To cash	669,643 64	
	" "	50,000 00	
June 30.	By interest on Trust Funds		47,746 14
	" Common School Fund		36,741 79
	To interest	40,236 05	
July 1.	By subsidy for $\frac{1}{2}$ year		598,436 40
	" Interest under 47 Vic., c. 4		71,207 24
	To cash	669,643 64	
	" "	50,000 00	
Dec. 31.	By interest on Trust Funds		47,746 14
	" Common School Fund		36,773 51
	To interest	40,991 33	
1901			
Jan. 1.	By subsidy for $\frac{1}{2}$ year		598,436 40
	" Interest under 47 Vic., c. 4		71,207 24
	To cash	619,643 64	
June 30.	By interest on Trust Funds		47,746 14
	" Common School Fund		36,841 62
	To interest	39,486 47	
July 1.	By subsidy for $\frac{1}{2}$ year		598,436 40
	" interest under 47 Vic., 5, 4		71,207 24
	To cash	669,643 64	
Dec. 31.	By interest on Trust Funds		47,746 14
	" Common School Fund		36,883 76
	To interest	39,231 51	
1902			
Jan. 1.	By subsidy for $\frac{1}{2}$ year		598,436 40
	" interest under 47 Vic., c. 4		71,207 24
	To cash	669,643 64	
June 30.	By interest on Trust Funds		47,746 14
	" Common School Funds		35,892 18
	To interest	37,691 41	
July 1.	By subsidy for $\frac{1}{2}$ year		598,436 40
	" interest under 47 Vic., c. 4		71,207 24
	To cash	669,643 64	
Dec. 31.	By interest on Trust Fund		47,746 14
	" Common School Fund		35,897 93
	To interest	37,389 59	
	Balance		1,807,986 49
		16,881,041 10	16,881,041 10

Dec. 31st, 1903.—To Balance \$1,807,986.49.

The above account has been examined and is hereby accepted according to its purport, by Counsel for the respective Governments of Ontario and the Dominion.

Dated 30th December, 1903.

(Sgd.) W. D HOGG,
for Dominion.

ONTARIO.

COMMON SCHOOL FUND—INTEREST ACCOUNT.

One per cent. to be deducted from Ontario's share on transfers made from Ontario's Account to Common School Fund.

1898. Dec. 31.	156 days' interest on	\$16,277 46	\$69 56
	21 days' interest on	47,535 17	27 35
			96 91
1899. June 30.	6 mos. interest on	63,812 63	319 06
Dec. 31.	6 mos. interest on	63,812 63	319 06
	19 days' interest on	6,983 14	3 63
			322 69
1900. June 30.	6 mos. interest on	70,795 77	353 97
Dec. 31.	6 mos. interest on	70,795 77	353 97
1901. June 30.	6 mos. interest on	70,795 77	353 97
Dec. 31.	6 mos. interest on	70,795 77	353 97
1902. June 30.	6 mos. interest on	70,795 77	353 97
Dec. 31.	6 mos. interest on	70,795 77	353 97

(Sgd.) W. D. H.

COMMON SCHOOL FUND—INTEREST ACCOUNT.

	Total, 5 per cent.	Ontario's proportion.	Less rebate of 1 per cent. on transfers.	Balance to be credited in account.
June 30, 1893, to June 30, 1898 (inclusive), interest was \$61,442.21, half-yearly	\$675,864 31	\$396,628 10		\$396,628 10
Dec. 31, 1898	61,926 78	36,341 47	\$96 91	36,244 56
June 30, 1899	63,037 55	36,933 32	319 06	36,674 26
Dec. 31, 1899	63,055 72	37,003 99	322 69	36 681 30
June 30, 1900	63,212 10	37,095 76	353 97	36,741 79
Dec. 31, 1900	63,266 16	37,127 48	353 97	36,773 51
June 30, 1901	63,282 22	37,195 59	353 97	36,841 62
Dec. 31, 1901	62,454 02	37,237 73	353 97	36,883 76
June 30, 1902	63,624 90	36,246 15	353 97	35,892 18
Dec. 31, 1902	63,634 97	36,251 90	353 97	35,897 93
	1,244,458 73	728,121 49	2,862 48	725,259 01

(Sgd.) W. D. H.

Copy.

TORONTO, 5th October, 1901.

MY DEAR SIR,—With the view of making a proposal to simplify the accounts between the Dominion and Ontario, so that Ontario can receive every half-year the full amount of interest payable to Ontario on the one hand, and remit the Dominion on the other hand, the full amount of interest payable on the debt; I beg that you furnish me with a statement of your account with Ontario between 1st January, 1893, and 30th June last.

Our Treasury reports to me that from Ontario interest bearing Funds sufficient has been retained by the Finance Department half-yearly to meet in full or approximately any interest payable to the Dominion on the Ontario debt, including interest on advances made at Ontario's request.

But as the Dominion remittances to Ontario in the past have purported to be on account only, and have been made subject to qualifications in respect of liability the actual condition of the account is capable of being made certain only by a presentation of figures in accordance with your record of Debits and Credits progressively.

The Award of 13th September, 1900, settles the amount of debt up to the 31st of December, 1892, and it is an account of our transactions since and up to 30 June, 1901, which I am very desirous to obtain from you.

I remain,

Yours truly,
(Sgd.) GEO. W. ROSS.

The Honourable
W. S. FIELDING,
Minister of Finance,
Ottawa, Ont.

Personal.

TORONTO, 29th January, 1902.

MY DEAR FIELDING,—The Finance Department has retained \$100,000 of the interest payable to the Province of Ontario on Trust Fund Account, which has somewhat affected our revenue. We may be asked in the House why the Interest Account has dropped so suddenly; indeed, I was asked that question in an indirect form the other day and I explained it by saying that it was owing to the methods of book-keeping adopted by the Finance Department at Ottawa, your practice being to withhold occasionally a certain amount due the Province on account of interest, the same to be met by interest payable to the Dominion by the Province. The amount of \$100,000 covers a sum much larger than our liabilities to the Finance Department and am therefore all the more confident in asking a payment on Interest Account. If you refer to correspondence with yourself by my predecessor in previous years you will find that requests from the Treasury Department of a similar kind were recognized. To save you trouble I enclose a copy of a letter from Mr. Harcourt to you in July, 1897.

Would it not be a better plan for your Department to remit the interest on Trust Account half-yearly and to permit us to remit our interests to you on our indebtedness in a similar way? The accounts of the Provinces would then show more accurately from year to year a proper statement of receipts and expenditures.

Yours truly,
(Sgd.) GEO. W. ROSS.

Hon. W. S. FIELDING, M.P.,
Minister of Finance,
Ottawa.

(Copy.)

(Personal.)

OTTAWA, February 13th, 1902.

MY DEAR MR. ROSS,—I duly received your letter of the 29th ultimo respecting the interest on accounts between the Dominion and your Province and owe you an apology for a few days' unavoidable delay of reply.

You suggest that it would be a better plan for us to remit to you the interest on Trust Account half-yearly and to permit you to remit yours to us in a similar way. That is a very sensible suggestion and I would be glad if it could be carried out. But unfortunately it overlooks a fact of some importance. The amount of the fund upon which we are to pay you interest is established; there is no dispute about it. Therefore it is plain sailing to give you your interest. But on the other side, the case is not equally plain, or at all events you are pleased to think so. We have rendered you our account of what is due to us. If you are prepared to accept that account as correct and undertake to pay us interest thereon, I fancy we can make such an arrangement as you propose. But if from your point of view you are obliged to dispute our account, you will see that the whole matter is thus left open. We have, as it now appears, over-paid your Government interest for some years. Do you think it is reasonable that we should now retain the interest until a settlement can be effected? We are most anxious on our part to have the matter closed up and would gladly facilitate any reasonable arrangement for bringing the question to an end. I can imagine, however, that in the present state of your public business you may not feel able to give the matter the special attention which it requires and that it may suit your convenience to leave the question open a little while longer. If that is the case, I hope you will not find it necessary to call upon us for further payments of interest.

Yours faithfully,
(Sgd.) W. S. FIELDING.

HON. G. W. ROSS,
Toronto, Ont.

— — —
(Copy.)

DEPARTMENT OF FINANCE.

OTTAWA, 3rd January, 1903.

DEAR MR. ROSS,—I have received from Mr. W. D. Hogg, K.C., Counsel for the Dominion in the matter of the settlement of the Dominion and Ontario account, a copy of the Ontario account signed by Mr. Hogg, and by Mr. Ae. Irving the Counsel on behalf of the Ontario Government. Herewith I have great pleasure in enclosing a duplicate of the account signed by Mr. Hogg for preservation in your archives.

There are now two matters to settle before the Ontario account can be finally closed up: (1) The matter of the Yule Bridge about which I will give instructions to Mr. Hogg to get a case ready for submission to the Arbitrators, and (2) the matter of Treaty No. 3, about which I have to request that you will ask Mr. Irving to put himself in communication with Mr. Hogg in order that the item may be brought up and disposed of at as early a date as possible.

Yours very truly,
(Sgd.) W. S. FIELDING.

THE HON. G. W. ROSS,
Provincial Treasurer,
Toronto.

(Copy.)

TORONTO, Jan. 13th, 1903.

MY DEAR FIELDING,—I have the honour to acknowledge the receipt of your favor of the 3rd instant, enclosing a duplicate of the account between the Dominion and Ontario signed by Mr. Hogg, K. C., Counsel for the Dominion. I have directed Mr. Irving to put himself in communication with Mr. Hogg with regard to the Yule Bridge and Treaty No. 3.

Yours truly,
(Sgd.) G. W. Ross.

HON. W. S. FIELDING, M.P.,
Etc., Etc., Etc.,
Ottawa.

(Copy.)

(Personal.)

OTTAWA, January 13th, 1903.

DEAR MR. ROSS,—I am much pleased to find that most of the matters of account between the Dominion and Ontario have recently been adjusted, and that the field of matters in dispute between the two authorities is thus much narrowed. Two matters now remain. One of these relates to the Yule bridge in the Province of Quebec, which is a matter affecting Dominion and both Ontario and Quebec. The other is the question of Indian lands, arising out of Treaty No. 3. We have been most anxious to advance that to a settlement, and many months ago—I think more than a year—we had fixed a time for the hearing before the arbitrators. You asked that the hearing be postponed for a little while, and this we agreed to. Once or twice since the matter was in train for a hearing, but was deferred at the request of your Government. I should think that there is now no good reason why this matter might not be sent to the arbitrators and settled. It is most desirable that in the consideration of the matter we should have the benefit of the services of the Judges, counsel and officials who have been familiar with all these questions. Unless we move more rapidly, we cannot have this. Judges, lawyers and officials are all growing old, and some of them are not likely to be available for public business much longer. I am sure that what you and I both desire is that we should have the matter settled upon the terms and conditions of the law governing these disputes. For myself, I do not hesitate to say that I am not so much concerned in winning a victory for the Dominion on any given point as I am for obtaining a settlement of the dispute by the proper authorities.

I shall be much pleased if you are able to concur in my view of this matter, and instruct Mr. Irving to arrange with the Dominion Counsel for an early hearing of this question before the arbitrators.

Yours faithfully,
(Sgd.) W. S. FIELDING.

Hon. G. W. Ross,
Toronto, Ont.

(Copy.)

(Personal.)

TORONTO, 19th January, 1903.

MY DEAR FIELDING,—I gave instructions to Mr. Irving a few days ago to endeavor to arrange a settlement between the two Governments with regard to the Yule Bridge in the Province of Quebec. So far as I am advised at present, Mr. Irving holds that we have no liability on account of that Bridge. However, he has it in hand, and no doubt it can be disposed of either by reference to the Court of Exchequer or in some other way.

In regard to Treaty No. 3, the matter is more difficult. You will remember in our interview with you last winter, we objected to the reference of this matter to the arbitrators, as one of the arbitrators, as Deputy Minister of Justice, gave an opinion on the question. The other arbitrator from Quebec is becoming so feeble as to be incapable of grappling with a serious legal problem. Besides, it has already been decided that there is no appeal from the arbitrators, either to the Supreme Court or to the Judicial Committee of the Privy Council, so that our danger in going to the arbitrators is thereby doubled. In talking the matter over with Mr. Irving this morning he said he thought he could arrange with Mr. Hogg for a reference to a Board of Arbitrators, differently constituted, or to the Court of Exchequer from which there is an appeal.

I am anxious to have this matter disposed of at the earliest moment, and will be greatly relieved when every question of dispute between us is finally settled. We have made considerable progress this year, and, with the exception of these two small items, I think we are in sight of this important adjustment.

Yours truly,

(Sgd.) GEO. W. ROSS.

Hon. W. S. Fielding,
&c., &c. &c.,
Ottawa.

(Copy.)

(Personal.)

OTTAWA, January 20th, 1903.

DEAR MR. ROSS,—I have your letter of the 19th instant, respecting the accounts between the Provinces and the Dominion, and I much appreciate the spirit in which you have received my suggestion as to vigorous action in bringing about a settlement.

With regard to the proper tribunal to deal with the questions in connection with Treaty No. 3, I of course do not feel disposed to commit myself without communication with the Department of Justice and the legal gentlemen who have been connected with the case. Subject to that, I may say to you that I am not indisposed to accept your suggestion that the question be dealt with by the Exchequer Court instead of the Arbitrators. But it seems to me that it will be necessary for you to make a formal application, setting forth in detail the reasons which you are able to give for the proposed change.

At the first view, it would seem that the Board of Arbitrators is the proper tribunal for a matter of this kind. If, without the proper reasons publicly set forth, we abandon the established tribunal, and turn the business over to another

body, there would naturally be enquiries as to why such a course was pursued. I am aware that your Government have taken exception to the Jurisdiction of the Arbitrators to deal with the case, upon the ground that it arose after confederation. That, I imagine, is the strongest ground you would urge. I would suggest that that and any other reasons which you think of importance should be set forth in an official letter, upon which I would then seek the advice of the Department of Justice.

Yours faithfully,

(Sgd.) W. S. FIELDING.

Hon. G. W. Ross,
Toronto.

(Copy)

TORONTO, 2nd February, 1903.

MY DEAR MR. FIELDING,—I enclose you memorandum from Æmilius Irving, Solicitor for the Government in constitutional cases, containing objections, in which I concur, to any reference of Treaty No. 3 to the Board of Arbitrators appointed to adjust the accounts between the Provinces and the Dominion. I would have no objection, however, to a reference of this Treaty, or the questions arising under this Treaty, to the Exchequer Court, and if you concur in the view, arrangements can be made for an early hearing of the case.

Yours truly,

(Sgd.) GEO. W. ROSS.

Hon. W. S. Fielding,

&c., &c., &c.

Ottawa, Ont.

RE NORTH-WEST ANGLE TREATY, NO. 3.

Memorandum respecting the Jurisdiction of the present Board of Arbitrators to deal with this Question under the present Submission.

1. Jurisdiction is not given to the present Board by any of the provisions in the Submission of 10th April, 1893, relating to "accounts." Apart from the manifest intention to submit the accounts *then rendered* between the Dominion and the Provinces, the present claims are not matters of account at all. This is made clearly manifest by the recent decision of the Privy Council in the Common School Fund case.

2. Clause 2 (d) of the Submission does not apply, for several reasons: In the first place the present demands are not within the letter of the clause, as they take a much wider range than the clause indicates as its subject. In the second place, there were, at the time the Submission was made, rendered accounts embracing certain claims made by the Dominion on behalf of Indians and certain payments made by the Dominion to Indians, to which accounts the clause was

intended to apply. These claims have been adjudicated upon by the present Board, and the Board has therefore performed its whole function in respect of this clause. Again, even if the strict letter of the clause embraces as one of its subjects payments made to the Salteaux tribe of Indians, the claims which are made in the Dominion demand under Schedules "B" and "C" are clearly, upon this literal application of the clause, excluded. The Province, however, contends for the more reasonable view of the clause as stated above.

3. But the clause 2 (d) to which reference has been made is controlled, like the other sub-sections of clause 2, by the word "accounts" occurring in the main clause, and as pointed out in the first paragraph of the Memorandum, the matters sought to be raised are not, in any sense whatever, matters of account.

4. Further examination of clause 2 (d) strengthens the contention that the present demands of the Dominion were not intended to be included in it. The words used in the clause are "the claims made," meaning claims then in existence, and stated or formulated in some substantive shape. The present demand was not "made" at the date of the Submission within the meaning of this clause.

5. The demand in question embraces as an integral part of it the consideration of questions relating to Indian Reserves carved or to be carved out of the surrendered territory. So inseparable is this subject from the demand that the demand cannot exist as a subject of discussion if this consideration is excluded.

6. The Statute 54 Vict., Chap. 3, (assented to 4th May, 1891) followed, as it was, on the 16th of April, 1894, by the agreement between the two Governments, scheduled in the Statute, amounts to a resumption by the parties to the mandate, if any, given to the present board by the Submission in question upon the subject of such Indian Reserves.

7. The result of this had been to make it impossible for the Arbitrators to deal with the demand of the Dominion, even if, which is disputed, they originally had any jurisdiction.

8. If the parties had intended that the demands under discussion should be embraced in the Submission, it is impossible to believe that the demands would not have been described in apt and specific language. As, "claims to compensation arising out of the extinction of Indian Title by Treaty for benefit of "Ontario," or "claims arising under Judgment of Privy Council in St. Catharines Milling Co. case." The language, in fact, used, while apt to describe the claims had then been formulated and which have since been adjudicated upon, is wholly inappropriate as descriptive of the demands under discussion. See the recent Judgment of the Privy Council in the Common School Fund case.

9. A question which is not one of jurisdiction, but which is appropriately raised at the present juncture, is the construction which the majority of the Board has put upon the Statute under which they were appointed, 54 Vict. Chap. 2, Sec. 6. The Arbitrators by a majority have construed the expression "equitable principles" to authorize them to apply to questions raised before them loose and vague ideas of what they deem to be "fair" and "just", without regard to rules of law or principles of equity. The Supreme Court has held that the Arbitrators, by stating, upon the face of any award, that they make any particular decision embraced in it upon equitable principles may prevent such decision from being questioned by appeal. The parties are powerless to appeal, in such case, even from the assumption by the Arbitrators of the power to reject, in their decisions, the rules of law and the principles of equity. Questions of the importance of those raised by the Treaty No. 3 demand were, at all events, never intended to be so dealt with, and neither of the parties ought to be asked to submit itself to a jurisdiction whose decisions may be based upon such vague theories, and where, in that case, no appeal can be had.

(Copy.)

TORONTO, 24th April, 1903.

MY DEAR MR. FIELDING,—The debt of Ontario having been determined to be \$1,807,986.49 on 31st of December, 1902, in pursuance of the suit brought against Ontario in the Court of Exchequer, I propose (as has been the subject of previous conversation or communication), that Ontario will pay the Dominion direct, on 30th June, 1903, the sum of \$36,159.72, as interest upon the above sum of \$1,807,986.49; so that Ontario may expect that you will transmit the full amount of interest on Trust Funds, which will be due on the same day (30th June).

For some years past, for reasons which no longer exist, the Dominion transmitted round amounts on account of interest, a practice which may now be fairly changed to the plan I now propose.

Yours truly,

(Sgd.) GEO. W. ROSS.

THE HON. W. S. FIELDING,
&c., &c., &c.,
Ottawa.

(Copy.)

OTTAWA, April 28th, 1903.

MY DEAR MR. ROSS,—Replying to your letter of the 24th inst., we will arrange to make payment to your Government on the 1st of July, 1903, of interest at the rate of five per cent. upon the amount of the Trust Funds of Ontario held by the Dominion.

I must point out to you, however, that the Dominion is under no obligation to pay this rate of interest, and we cannot consent to pay it hereafter.

The position of the accounts between the Dominion and the Province as at present is, that there is a certain sum due by the Province to the Dominion, on which you are paying four per cent., and a certain sum, a little larger, due by the Dominion to the Province, upon which you have been claiming five per cent. Both these sums stand in the position of ordinary debts, which may be paid off at any time. Pending a mutual arrangement for such payment, I would suggest that the more convenient way to deal with the matter would be to treat these sums as cross entries. There would be a balance in your favour upon which we would be willing, temporarily, to allow you four per cent.

If this arrangement is not satisfactory, we shall be prepared to pay off the amount of our indebtedness to your Government before the 1st of January next.

Yours faithfully,

(Sgd.) W. S. FIELDING,
Minister of Finance.

HON. G. W. ROSS,
Premier of Ontario,
Toronto.

(Copy)

TORONTO, 8th May, 1903.

MY DEAR MR. FIELDING,—I have to acknowledge your letter of 28th ultimo, wherein I am apprised that on the 1st July next you will pay the Government of Ontario at the rate of 5 per cent. upon the amount of the Trust Funds of Ontario, held by the Dominion.

You point out that the Dominion will not consent to pay that rate thereafter, as the Dominion is under no obligation to pay this rate.

I now, in the most respectful manner, desire to protest against the Dominion assuming to dispute the obligation to pay at the rate of 5 per cent., semi annually, as heretofore ; and I also dispute your declaration of right, as contained in a later passage of your letter, that you can, on the 1st January next, pay off the amount of your indebtedness to Ontario, by which I understand you mean the Trust Funds, or such balance as there may be, after applying the Ontario debt in reduction.

It was a well settled contract between the Dominion and Provincial authorities, that in the division and adjustment of the Debts, Credits, Liabilities, Properties and Assets of Upper Canada and Lower Canada, the Dominion was to hold the Trust Funds at 5 per cent. interest, payable semi-annually—the amount of which Funds being included in the debt of the late Province of Canada.

I have, therefore, respectfully, to inform you that the Government of Ontario will not agree to any change by the Dominion, in reduction of the 5 per cent. payable on the Trust Funds, nor will we acknowledge the right of the Dominion at its option to pay off the said Trust Funds, or any part thereof.

I hope, on re-consideration, that you will see the force of my contention and admit the claims of the Province as previously made and as now maintained.

Yours truly,

(Sgd.) GEO. W. ROSS.

THE HON. W. S. FIELDING,
Minister of Finance,
Ottawa.

ORDER-IN-COUNCIL

RE

STURGEON FALLS PULP COMPANY, LIMITED.

(Sessional Paper No. 78.)

INDENTURE

BETWEEN

STURGEON FALLS PULP COMPANY, LIMITED,

Of the First Part,

AND

IMPERIAL PAPER MILLS OF CANADA, LIMITED,

Of the Second Part.

(Sessional Paper No. 79.)

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO.



TORONTO:

PRINTED AND PUBLISHED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.
1903.

ORDER-IN-COUNCIL.

Copy of Order-in-Council approved by His Honour the Lieutenant-Governor, the 11th day of June, A. D. 1902.

The Committee of Council have had under consideration the report of the Honourable the Commissioner of Crown Lands, dated 6th June, 1902, wherein he states that by clause three of the Agreement, dated 15th December, 1901, made between His Majesty represented by the Commissioner and the Sturgeon Falls Pulp Company, Limited, the franchise rights and privileges of the said company under said Agreement and the Agreement of 6th October, 1898, shall not be disposed of assigned or transferred to any person or persons, corporation or corporations whatever until the mills and machinery as provided in said Agreements are completed and in running order except to the Imperial Paper Mills of Canada, Limited, and any agreement, assignment or conveyance from the company to the Imperial Paper Mills of Canada, Limited, shall contain a clause prohibiting said last named company from disposing of, assigning or transferring the said franchise, rights and privileges until such completion as aforesaid. It is represented that the effect of said clause is to prevent either of said companies from pledging or mortgaging their rights for the purposes of securing advances of money, or of securing bonds or debentures or other financial obligations, and it seems reasonable and expedient that such last named privilege should be allowed. The Commissioner recommends that said clause three be amended by adding thereto the words following :

“But an assignment or pledge or mortgage of the said agreement, or of either of the said companies' rights thereunder for the purpose of securing an advance of money, or for the purpose of securing the bonds, debentures, or other financial obligations of either of the said companies or for any like purpose shall not be a violation of this agreement and nothing herein contained shall interfere with any increase of capital stock or any re-organization of the company or issue of preference stock.”

And that said clause three be read as if said words had been inserted in said agreement before the execution thereof. Such addition to clause three being subject to ratification by the Legislature.

The Committee concur in the recommendation of the Commissioner and advise that the same be approved and adopted.

Certified,

J. LONSDALE CAPREOL,

Asst. Clerk, Executive Council.

INDENTURE.

THIS INDENTURE made in duplicate the Seventh day of May, One thousand nine hundred and three, between THE STURGEON FALLS PULP COMPANY, LIMITED, a Joint Stock Company duly incorporated in England under the provisions of The Companies Acts 1862-1893, and hereinafter called the Sturgeon Falls Company, of the First Part, and IMPERIAL PAPER MILLS OF CANADA, LIMITED, a Company incorporated under the provisions of The Ontario Companies Act by Letters Patent dated Fifth February, One thousand nine hundred and three, and hereinafter called the Imperial Company, of the Second Part.

Whereas by an agreement bearing date the Sixth day of October, One thousand eight hundred and ninety-eight, and made between Her late Majesty Queen Victoria represented by the Honourable the Commissioner of Crown Lands for the Province of Ontario, in the said Agreement called "the Government," of the one part, and the said Sturgeon Falls Company, of the other part, the Government agreed to grant to the said Sturgeon Falls Company for the period in the said Agreement mentioned the right to cut and remove spruce and other woods in the places upon the terms and subject to the provisos, conditions and stipulations contained in the said Agreement, a copy of which Agreement is hereunto annexed and marked as Schedule "A" to this Indenture;

And whereas after the date of the said Agreement the Sturgeon Falls Company did assign and transfer all its rights thereunder to another Company known as Edward Lloyd, Limited:

And whereas the said Edward Lloyd, Limited, have reassigned and retransferred the said Agreement and all rights thereunder unto the said Sturgeon Falls Company;

And whereas by a further Agreement bearing date the Fifteenth day of December, One thousand nine hundred and one, and made between His Majesty represented by the Honourable the Commissioner of Crown Lands for the Province of Ontario, and therein called "the Government," of the first part, and the said Sturgeon Falls Company, of the second part, the said Agreement of the Sixth day of October, One thousand eight hundred and ninety-eight, was amended in respect of the particulars in the said Agreement of the Fifteenth day of December, One thousand nine hundred and one, mentioned, a copy of which last mentioned Agreement is hereunto annexed and marked as Schedule "B" to this Indenture;

And whereas it is in and by the said Agreement of Fifteenth day of December, One thousand nine hundred and one, provided that the franchises, rights and privileges granted under the said Agreement of Sixth October, One thousand eight hundred and ninety-eight, as amended by the said Agreement of Fifteenth December, One thousand nine hundred and one, shall not be disposed of, assigned, or transferred subject as therein provided except to the Imperial Paper Mills of Canada, Limited;

And whereas the Imperial Paper Mills of Canada, Limited, the party hereto of the second part, has been incorporated for the purpose amongst other things

of acquiring as a going concern the undertaking of the Sturgeon Falls Company, its franchises, rights and privileges including the Agreements hereinbefore referred to ;

And whereas the said Sturgeon Falls Company has agreed with the Imperial Company for the sale to the said Imperial Company of its said undertaking and businesses and has by several Conveyances of even date herewith transferred to the said Imperial Company the other property and assets of its said business and this Instrument is entered into for the purpose of assigning and transferring to the said Imperial Company the franchises, rights and privileges granted to the said Sturgeon Falls Company under the said Agreement of Sixth October, One thousand eight hundred and ninety-eight, and Fifteenth December, One thousand nine hundred and one, together with the said Agreements and all benefits and advantages to be derived thereunder and including therein the rights and interests of the Sturgeon Falls Company in and to the moneys deposited under paragraph 4 of the said Agreement of Fifteenth December, One thousand nine hundred and one ;

Now therefore this indenture witnesseth that in pursuance of the premises and for divers valuable considerations and for the further consideration of ten dollars of lawful money of Canada now paid by the Imperial Company to the Sturgeon Falls Company (the receipt whereof is hereby acknowledged) the said Sturgeon Falls Company doth hereby grant, sell, assign, transfer and set over unto the Imperial Company, its successors and assigns the said Agreements of the Sixth day of October, One thousand eight hundred and ninety-eight, and the Fifteenth day of December, One thousand nine hundred and one, and all the franchises, rights and privileges granted or intended to be granted by the said Agreements and all benefits and advantages to be derived therefrom or appertaining thereto and all the right, title and interest of the said Sturgeon Falls Company therein and thereto and to the sum of Twenty Thousand Dollars deposited by the Sturgeon Falls Company with the Government under and subject to the terms in the said Agreement of Fifteenth December, One thousand nine hundred and one, set forth, To hold unto the said Imperial Company, its successors and assigns, subject to the said Agreements and to the liabilities, obligations, contracts and engagements therein entered into by the said Sturgeon Falls Company, and subject also to two certain mortgages securing the payment of certain debentures, the first of which mortgages is dated the First day of May, One thousand eight hundred and ninety-nine, made by the Sturgeon Falls Company to and in favor of The Toronto General Trusts Corporation, and the second whereof is dated the Thirty-first day of January, One thousand nine hundred and three, and is made by the Sturgeon Falls Company to and in favor of Thomas Carrit and David Sinclair.

And the Imperial Company doth hereby accept the said Agreements and properties subject as aforesaid, and doth hereby assume all the liabilities and engagements entered into by and on the part of the Sturgeon Falls Company as in and by the said Agreements is fully set forth, and the Imperial Company for itself, its successors and assigns doth hereby covenant with the Sturgeon Falls Company its successors and assigns that the Imperial Company its successors and assigns will expend the monies yet unexpended and construct, equip, operate and carry on the works provided for and undertaken by the said Agreements or either of them to the extent and within the times therein mentioned and generally carry out all the engagements, undertakings, obligations, liabilities, covenants and Agreements assumed or entered into by the Sturgeon Falls Company in the said Agreements or either of them and conform to and observe all the terms thereof and indemnify and keep indemnified the

said Sturgeon Falls Company of, from and against the same and all actions, costs, damages, claims and demands whatsoever in respect thereof.

And the Imperial Company doth hereby covenant, promise and agree to and with the Sturgeon Falls Company, its successors and assigns that the Imperial Company will not dispose of, assign or transfer to any person or persons, corporation or corporations, whatever the franchises, rights and privileges and the said Agreements of the Sixth day of October, One thousand eight hundred and ninety-eight, and the Fifteenth day of December, One thousand nine hundred and one, or either of them or any part thereof until the mills and machinery as provided in the said two Agreements are completed and in running order provided, however, that the assignment and transfer of the said Agreements and franchises restricted by this clause and by clause 3 of the Agreement of Fifteenth December, One thousand nine hundred and one, shall not affect any existing bond issue or bonded debt, and notwithstanding this paragraph the Imperial Company shall be at liberty to pledge the said Agreements, franchises, rights and privileges to secure any and every issue of bonds hereafter to be created by the said Imperial Company.

In witness whereof the parties hereto have hereunto set their respective Corporate Seals under the hands of their proper officers respectively.

The Common Seal of the above-named
The Sturgeon Falls Pulp Company,
Limited, was affixed hereto in the
presence of

H. GILMOUR CAMPION, }
ROBERT J. GRAY. } Directors.

F. GRAHAM LLOYD, Secretary. [SEAL.]

GEORGE M. SCHMIDT, }
T. L. HENRY. } Witnesses.

LEIGHTON MCCARTHY,
President. [SEAL.]

GEORGE E. LOVEYS,
Secretary.

Witness as to execution by Imperial Paper
Mills of Canada, Limited.

J. M. EWING.

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